

Standards Consideration and Hearings Sub-Committee held on 21 May 2010 at 10am in the Council Chamber, District Council Offices, St Peter's Street, St Albans, Hertfordshire AL1 3JE

FULL DECISION:

Reference: JSL 2411-2009-1-17

Date of Full Decision Notice:

Authority	St Albans City & District Council
Subject member:	Former Councillor Judy Shardlow
Complainant:	Mr J Stuart Lewis
Standards Committee member who chaired the hearing:	Mr R Hershbein
Standards Committee members who took part in the hearing:	Mr R Hershbein, Mr J Chatrath, Dr S De Silva, Councillor Ellis
Monitoring Officer:	Charles Turner, Principal Solicitor
Local Investigator who investigated the matter:	Mr Richard Owen, Conduct Investigations Ltd
Clerk of the hearing:	Ms Jill Durham, Democratic Services Manager
Date of hearing:	21 May 2010
Date of Investigator's report:	17 March 2010
Summary of the Complaint:	
<p>That former Councillor Judy Shardlow, a former member of St Albans City and District Council:</p> <p>(a) Made an incorrect accusation against Mr Lewis, briefed the press and sought inappropriate action from the Council and the Police. This was as a result of former Councillor Shardlow making public statements that Mr Lewis's company had contravened planning and wild life regulations in relation to clearance of a site off Cory Wright Way, Wheathampstead during the week commencing 12 October 2009; and</p> <p>(b) Continued to publish the statements after it had been confirmed that they were false.</p>	

Relevant section or sections of the Code of Conduct:

On 20 June 2007, the Council adopted a Code of Conduct in which the following paragraphs are included.

Paragraph 2 states;

“(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

a. on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

b. on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.”

Paragraph 3 states

“(1) You must treat others with respect.

(2) You must not—

(d) *do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.*”

Paragraph 5 states;

“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”

Paragraph 6 states;

“You—

must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.”

Summary of evidence considered and representations made:

The evidence considered was set out at Section 4 of Mr Owen’s report which was attached in full to the committee’s agenda. The representations made are set out in the minutes of the Standards Consideration and Hearing Sub-Committee on 12 May 2010 as published on the Council’s website at [St Albans District Council - Browse meetings - Standards Consideration and Hearing Sub-Committee, 2010](#)

The findings of fact, including the reasons for them:

Findings of fact:

As set out at Section 4 of Mr Owen’s report which was attached in full to the committee’s agenda.

Reasons for findings of fact:

The sub-committee was satisfied that the evidence of Mr Owen was not disputed and was fully supported by documentary evidence and interviews.

The finding as to whether the member failed to follow the Code, including the reasons for that finding:

Findings as to whether the member failed to follow the Code:

Paragraph 3 (2) (d) of the Code (compromising the impartiality of those who work for, or on behalf of, the authority):

The Committee found that Mrs Shardlow did not breach paragraph 3 (2) (d) of the Code.

Reasons for that finding:

The Committee accepted the reasoning set out at paragraph 5.12 of the investigator’s report and found no evidence of a failure to comply.

Findings as to whether the member failed to follow the Code:

Paragraph 5 of the Code (bringing an office or authority into disrepute):

The Committee found that Mrs Shardlow did not breach paragraph 5 of the Code.

Reasons for that finding:

The Committee accepted the reasoning set out at paragraphs 5.61 to 5.71 of the investigator's report and found no evidence of a failure to comply.

Findings as to whether the member failed to follow the Code:

Paragraph 6 (a) of the Code (using your position as a member improperly to confer or secure an advantage or disadvantage):

The Committee found that Mrs Shardlow did not breach paragraph 6 (a) of the Code.

Reasons for that finding:

The Committee accepted the reasoning set out at paragraphs 5.20 and 5.21 of the investigator's report and found no evidence of a failure to comply.

Findings as to whether the member failed to follow the Code:

Paragraph 3 (1) of the Code (failing to treat others with respect):

The Committee found that in naming Mr Lewis and in the language she used in her press release on 30 October 2009, in publishing her press release and subsequently posting the text on her website and in retaining the text of her press release on her website unchanged from when she posted it on 5 November 2009, thereby giving the impression that she believed there to be grounds for planning enforcement action, when by that stage she knew this not to be the case, Mrs Shardlow failed to treat Mr Lewis with respect and thereby failed to comply with paragraph 3 (1) of the Code.

Reasons for that finding:

The Committee accepted the reasoning in paragraphs 5.23 to 5.49 of the investigator's report. The Committee also took into account that Mrs Shardlow did not make a proper distinction between personal ownership of the land by Mr Lewis and him being a Director of a company, namely Wheathampstead Land Company Ltd, which owned the land.

The sanctions imposed, if any, including the reasons for any sanctions:

Sanction imposed:

To censure Mrs Shardlow.

Reasons:

The Committee took into account Mrs Shardlow's representations at the hearing and the written comments in support of Mrs Shardlow by three local residents.

Whilst recognising the hard work and commitment of Mrs Shardlow in her former role as a councillor, the Committee took into account the adverse impact of her conduct on the complainant and the absence of any demonstrable recognition that the conduct was inappropriate.

The Chairman indicated that had it been within the powers of the Committee to require Mrs Shardlow to make an apology to Mr Lewis, they would have done so.

The right to appeal:

A member subject to a standards committee finding may apply in writing to the Principal Judge of the First-tier Tribunal (Local Government Standards in England) for permission to appeal against that finding.

The Principal Judge must receive the member's written application within 21 days of the member receiving notice of the standards committee's decision. In this application, the member (appellant) must outline the reasons for the proposed appeal and apply for any sanction imposed to be suspended, if appropriate. They must also indicate whether they want the appeal carried out in writing or in person.

When deciding whether to grant permission to appeal, the Principal Judge will consider if there is a reasonable chance of the appeal being successful, either in whole or in part. The Principal Judge will give the appellant concerned their written decision within 21 days of receiving the application. The Principal Judge will also give their written decision to:

- the Standards for England
- the standards Committee of any authority concerned
- any parish or town councils concerned
- the complainant.

If the Principal Judge refuses to give permission, they will explain the reasons for that decision.

Contact details for the Principal Judge of the First-tier Tribunal (Local Government Standards in England) are on their website at the following link [First-tier Tribunal \(Local Government Standards in England\)](#)

The address is as follows:

First-tier Tribunal (Local Government Standards in England)
Tribunal Service
York House
31-36 York Place
Leeds
West Yorkshire LS1 2ED

Tel 0113 389 6086

