

1. 總論

本報告之目的在於探討...

研究之動機與目的...

研究之範圍與對象...

研究之方法與步驟...

研究之預期貢獻...

本報告之結論與建議...

North Tyneside Council

Investigation of alleged breach of the Council's Code of Conduct by Cllr John O'Shea

Investigation Report- Appendices



North Tyneside Council

Code of Conduct for Members and Co-opted Members of North Tyneside Borough Council

COMPLAINT FORM

This form can be either completed by hand and posted or faxed to the Monitoring Officer, or completed on a computer. If it is completed on a computer it can either be e-mailed to the Monitoring Officer, or printed and then posted or faxed. Address details are found at the end of the form.

What this form is for

This form is for registering a complaint that an Elected Member or Co-opted Member of North Tyneside Council has breached the Code of Conduct as adopted by the Authority with effect from 1 July 2012. This form can be found on the Standards Committee page of the North Tyneside Council website (www.northtyneside.gov.uk).

The points listed below will help you decide whether this is the correct form to use when making your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the Council, or after they have resigned or otherwise ceased to be a member, cannot be considered.
- The Code of Conduct came into effect on 1 July 2012. If your complaint concerns matters that occurred before this date you should contact the office of the Monitoring Officer before making your complaint.
- Your complaint must be about one or more named members of North Tyneside Council.
- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct.
- Complaints about dissatisfaction with a decision or action of the Authority or one of its committees, a service provided by the Authority or the Authority's procedures do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the Authority also do not fall within the jurisdiction of the Standards Committee.

If your complaint does not meet these criteria you should make use of the Council's Corporate Complaints Procedure by contacting:

Customer and Member Liaison Office
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY
Tel: 0191 643 2280
customerliaisonoffice@northtyneside.gov.uk

Explanation of the Complaints Process

Complaints against Members of the Council are the responsibility of the Authority's Standards Committee. Complaints must be made in writing to the Monitoring Officer.

The first stage of the process is that normally within 28 days of receipt the Authority's Monitoring Officer will consider your complaint. It is not the task of the Monitoring Officer to consider whether or not the Member concerned has broken the Code of Conduct. Rather, he/she will decide whether the matter warrants referral for investigation or other action. Only if the matter is referred for investigation will the substance of the complaint be considered and a decision made about whether or not the Code has been breached.

The Monitoring Officer will decide:

1. whether the allegation, if proven, would constitute a failure to observe the Code of Conduct;
2. if it would constitute such a failure, whether the allegation is to be investigated. This decision will be guided by the Council's Assessment Criteria. The Assessment Criteria are available from the Monitoring Officer;
3. where the decision is not to investigate the allegation, whether to direct the Monitoring Officer to pursue an alternative course of action such as training for the Member concerned or conciliation between the complainant and the Member.

The Monitoring Officer will produce a summary of his decision, and to send it to the complainant and to the Member concerned unless to do so would in his/her opinion prejudice a subsequent investigation.

If an allegation is considered to require investigation, the matter will be referred by the Monitoring Officer for the investigation of the allegation.

Following the completion of an investigation into an allegation, unless the complaint can be resolved informally, the Council's Standards Committee will meet to consider the allegation and the findings of the investigation.

If the allegation is upheld and a breach of the code of conduct is found the Standards Committee have a range of sanctions available to them.

Any queries regarding the Complaints process should be directed to the Monitoring Officer at the address at the end of this form.

Making Your Complaint

1. Please provide us with your name and contact details

Title:	CLERK. MRS.
First name:	JUDITH
Last name:	WALLACE
Address:	91, VILLAGE COURT WHITLEY BAY NE26 3QB
Daytime telephone:	0191. 2537169
Evening telephone:	"
Mobile telephone:	07804 184 154
Email address:	judith.wallace@northtyreside.gov.uk

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Member(s) you are complaining about
- the Council's Independent Person(s) with whom the Monitoring Officer must consult before deciding whether the matter warrants referral for investigation or other action.
- the Standards Committee

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Member of an authority
- Member of Parliament

- Monitoring Officer
- Other council officer or authority employee
- Other ()

3. Please provide us with the name(s) of the Member(s) of North Tyneside Council whom you believe has breached the Code of Conduct:

Title	First name	Last name
CLL	JOHN	OISHEA
CLL	BRIAN	BURDIS

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is very important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Please see separate sheet.

Only complete Section 5 if you are requesting that your identity be kept confidential.

5. In the interests of fairness and natural justice, we believe Members who are complained about should be informed of who has made the complaint and be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint other than in exceptional circumstances.

The Monitoring Officer will consider the request for confidentiality as a preliminary matter before the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

6

Additional Help

6. Complaints must be submitted in writing. Fax and electronic submissions are permissible. However, in line with the requirements of equalities legislation, we can make reasonable adjustments to assist you if you have an impairment that prevents you from making your complaint in writing.

We can provide information in other languages and in different formats, such as large print. An interpreter/translator service is also available if English is not your first language. If you have any problems in reading or writing, or need any support in completing this form, let us know. We can also help you find independent advice if needed.

If this applies to you please contact the office of the Monitoring Officer at the address given below.

The completed form should be sent to:

The Monitoring Officer
North Tyneside Council
Quadrant
The Silverlink North
Cobalt Business Park
North Tyneside
NE27 0BY

Email: standardscommittee@northtyneside.gov.uk

Faxes should be marked 'For the attention of the Monitoring Officer' and sent to 0191 643 2451.

Code of Conduct complaint – section 4

1. Cllr O'Shea and Cllr B Burdis have breached the Code of Conduct by producing and distributing a leaflet entitled "Whitley Bay News" (attached) in March 2015 which is factually inaccurate. Cllr O'Shea is the editor of the leaflet and Cllr B Burdis is the promoter. They have failed to treat other members (in this case, the members of the Conservative Group) with respect and have brought the Council into disrepute by stating in the headline " TORIES PLAN 14% COUNCIL TAX RISE" which is untrue: no such plan ever existed. There is no evidence, written or verbal, to support the statement in this leaflet. Indeed, the evidence contradicts it (see below). The false statement is repeated in the "comparison" in the box.

Both Cllr O'Shea and Cllr B Burdis know that no rise in Council Tax is planned by the Conservative party. The Report of the Conservative Group to Council as part of the budget process dated 19 February 2015 (attached), circulated to all elected members, makes no reference to a rise in Council Tax and states, in the 4th paragraph, that the Conservative Group "welcome the continued use of the council tax Freeze Grant". This statement necessarily means that council Tax does not rise, that being a condition of accepting the Grant. Both Cllr O'Shea and Cllr B Burdis must know this, both being long-standing councillors, and in the case of the former, a member of the Finance Sub-Committee. There is clearly no Conservative plan to raise Council Tax yet both councillors have made this inaccurate statement in their leaflet.

2. Cllr O'Shea and Cllr B Burdis have failed to treat with respect the Conservative parliamentary candidate by making inaccurate statements in the "Whitley Bay News" about his "record", on the second page. For example, the leaflet states that "he called a referendum in his own ward – presumably at further cost to the taxpayer", when the candidate in fact paid for the referendum himself, from his own money. Cllr O'Shea and Cllr B Burdis made no effort to ascertain who met the costs; the presumption made is a slur on the candidate, completely unsubstantiated. Such an inaccurate statement, with no attempt at validation, also brings the Council into disrepute.

Whitley Bay News

News for Whitley Bay

This issue

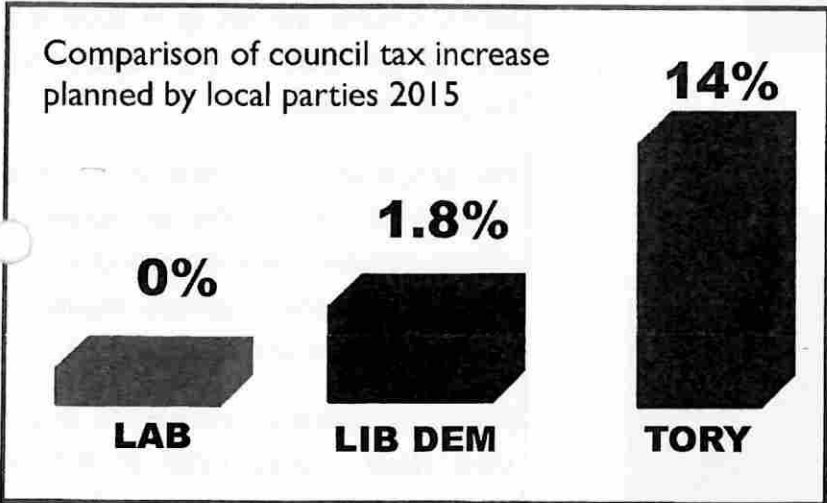
Update from your local Labour Team

Spring 2015

Edited by John O'Shea

TORIES PLAN 14% COUNCIL TAX RISE

The local Tories failed the "competence" test when they failed to set a budget for the Council for next year. They refused to make the necessary savings preferring instead just to oppose Labour's plans. That would either mean 100 more jobs would have to go or council tax would have to go up by a staggering 14%.



Despite Tory cuts of £14 million for the coming year we will make sure:

There'll be No library or leisure centre closures

Children's early years services will be protected

Grass cutting will be maintained

We'll increase investment in roads and pavements

Weekly bin, fortnightly recycling and free garden waste collection will continue.

We will build 300 council homes.

First the Tories refuse to criticise their Tory Government which has hit our area hard while helping Tory areas in the South.

The only long term economic plan the Tories have is to make you pay more council tax.

It makes the Tories - councillors and candidates - unfit for office.

Regeneration update from Labour

Councillor John O'Shea



Labour's John O'Shea has welcomed the start of work to demolish eyesores along the coast.

John O'Shea said "Local residents told us how important it was that work started along the seafront. I'm delighted that the

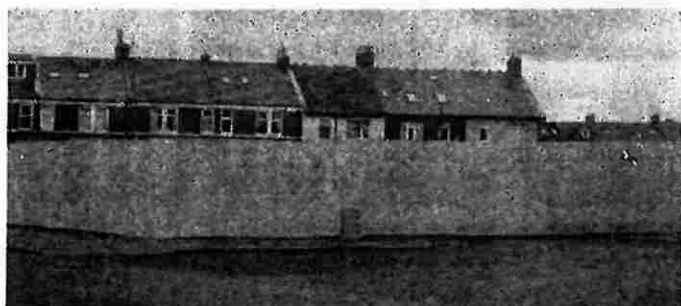
High Point has now been demolished and that work is underway to demolish the former Avenue."

GOING.....



Former Avenue Pub

GONE!



Former High Point Hotel

If you'd like to get involved with Labour's local campaign contact
Tynemouth Labour Freepost
NEA4534, NE12 9BA or email
tynemouthlabour@gmail.com

Tory record on regeneration: judge for yourself.....

The Tory parliamentary candidate has offered to lend a hand on regeneration. Before you decide let's have a look at his record on regeneration.



He lives in Tunbridge Wells where he's a councillor.

When the Tunbridge Wells Regeneration Company was set up in 2008 at a cost of £330,000 to the taxpayer he became the Chair.

He proposed the demolition of the Town Hall but a leaflet produced to inform residents was described as "an outrageous piece of opinion manipulation" by a communications expert.

When he called a referendum in his own ward - presumably at further cost to the taxpayer - he lost the vote and resigned as Chair.

Critics said at the time that the Regeneration Company "Hadn't regenerated anything or produced anything except bills'.

So thanks. But no thanks.

Working for all the people of Whitley Bay Ward

**North Tyneside Council
Report to Council
Date: 19 February 2015**

<p>Title: 2015-2018 Financial Planning and Budget Process: Conservative Group Notice of Objection</p>
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Report of: The Conservative Group

Wards affected: ALL

Conservative Group Notice of Objection for the 2015/16 General Fund Revenue Budget, the proposed Council Tax Level for 2015/16, the Investment Plan for 2015-2019 and the Treasury Management Statement and Annual Investment Strategy for 2015/19

Conservative Objection to Mayor's Budget 2015/16

1.0 Introduction

The Budget proposed by the Labour Mayor and Cabinet is set in the context of the Coalition Government's long term economic plan. This plan is ensuring the UK's economic recovery, tackling the massive national debt, (created by the Labour Government over 13 years, but now completely forgotten by Ed Miliband). The Government's economic plan has prevented the UK enduring a lengthy recession and collapsing financially as countries such as Greece have done.

The Government's economic plan has proved successful: trade is increasing and there are hundreds of thousands of new jobs: unemployment has fallen dramatically. The last Labour Government left nearly half a million people unemployed, yet now, after Conservative measures, there are more than 1.75 million more people in work. Ed Miliband claimed that the Government's economic plan would "lead to the disappearance of a million jobs" – he could not have been more wrong. The economy is growing at the fastest rate in Europe. Prosperity is returning across the UK generally, and in the north east total employment has risen by 39,000, some 27,000 new businesses have begun trading and over 143,000 apprenticeships have started – all under this Government.

Welfare reform is ensuring that work now pays and the number of benefit claimants has dropped. Moreover, 24 million people pay less tax – the state allows us all to keep more of what we earn. The pupil premium has provided huge sums for our local schools -over £22 million has already been received, with a further £9million expected in 2015/16. This is additional funding. The Troubled Families Programme has enabled many families to dramatically improve their life styles and provide a

(Appendix 2)

much better start for their children, giving much higher prospects for achievement as they grow. So successful has this Programme been in North Tyneside that even more families will benefit from the extension to the work, funded by central taxation, with long term benefits for the families and society as a whole.

Investment in the North East is also increasing in a clearly focussed way, showing a confidence in the north and a real desire for tangible improvements which was sadly lacking under the last Government - witness the huge road improvement programme in North Tyneside now being financed by central Government, in addition to the dualling of the A1. All this will further encourage business growth and employment. This is very welcome. And we welcome the continued use of council tax Freeze Grant, against which Labour used to rail – this has been of enormous benefit to residents. Under the Labour Government, council tax doubled.

We have serious concerns about the Budget proposals of the Labour Mayor and Cabinet.

1. We are alarmed at the £120,000 cuts in environmental standards, by "changing maintenance regimes" when residents are already concerned at pavements and gutters full of weeds and uncut grassed areas; the appearance of the Borough will deteriorate further, disappointing residents and deterring visitors.
2. The proposal to "design differently" grass verges sounds ominously like neglect of these areas.
3. We are opposed to the changes in public swimming time at Tynemouth Pool – this clearly discriminates against swimmers in the coastal area.
4. The rise in swimming charges proposed to be imposed at Waves only is again unfair and discriminatory. This policy militates against joint efforts with the NHS to encourage swimming as part of a healthy lifestyle.
5. The huge inflation-busting rise in bereavement costs is unjustifiable.
6. The cut of £165,000 to the Town Centres budget will result in a 66% reduction in events which attract people to our shopping areas. These events, established by the Conservative administration, have successfully attracted people to the town centres and thus we have a lower vacancy rate here than in other parts of the north east. To reduce events so savagely is a backward step.
7. We are concerned that parking charges are to be raised massively, by £230,000 to yield a parking revenue profit of over £1m. Parking charges are levied in commercially active areas – in our town centres and along the coast – and their increase will deter shoppers visiting our town centres and visitors to our coastline. The previous Administration increased the amount of parking space available, providing a greater parking facility both in our town centres and along the coast. In 2015/16, the proposal is simply to increase parking charges, which will fill the Council's coffers but at the cost of residents and the Borough's traders alike.

(Appendix 2)

8. The staggering increase in parking permit costs is unfair to residents who already experience difficulty in parking near their homes; the change from two year to one year permits will increase administration costs for the Council.
9. Street Lighting -We note that the Cabinet is now a convert to street lighting economy and pursues the street lighting policy established by the previous Administration. In particular the adoption of greater efficiency lamps, the Mayflower control system, the reduction of street lighting levels and the move to the use of LED lighting, once technical verification, pricing and public acceptability issues have been resolved. We are, however, concerned that only modest progress has been made on the Coast Road where a high proportion of the Borough's lighting energy is consumed. We urge the Cabinet to raise the pace of this work.
10. Warm Zone - We note that the ECO regime began in 2012 (just before the new Labour Administration) with an enlarged range of energy saving opportunities. It is disappointing therefore to note that Warm Zone energy savings since then are running at less than a quarter those achieved during the previous Administration. Moreover, residents' additional energy benefits are only one third achieved previously. We think the Cabinet should give greater attention to these energy saving, cost saving and health enhancing objectives.
11. Carbon Reduction Policy – we are concerned that the carbon and energy saving policy of this Administration is woefully inadequate. The three main National Political Party Leaders have declared that they are united in pursuing the national and international agreements by which to reduce carbon emissions and to take carbon reduction out of party politics. We are concerned that the carbon saving reduction agreed in 2010, for the Council's own operations, will increasingly fail to be met by the Council. The target is not being achieved by this Labour administration and the investment standstill proposed by the Cabinet Member in this year's Budget fails further to meet the target imperative. We urge the Administration to re-examine its carbon/energy saving policy.
12. We have concerns about the feasibility of saving £210,000 from the Electronic Data Management System, and note that the risk is rated "red". We note that in the current year, the review of outsourcing contracts, similarly rated, failed to achieve the predicted savings.
13. We are concerned that, yet again, a massive increase in debt is proposed by the Labour Mayor and Cabinet, an extra £10.2 million borrowing.
14. We are astonished and appalled that the Labour Mayor and councillors are prepared to increase councillors' allowances, at the expense of residents and tax payers, whilst making all these cuts in services and rises in charges. 350 employees may lose their jobs. We remind members that the motto of this Council is "We Serve".

(Appendix 2)

We would not take the steps which the Mayor proposes; we urge the Elected Mayor and Cabinet to reconsider their plans, not to reduce services but strategically to review all assets in an open manner to ensure better provision, and to have a better, more beneficial sense of priorities when using public money."

This is therefore an objection submitted by the Conservative Group to the Cabinet's proposals.

Stephen Ballantyne

From: John OShea [johnoshea47@yahoo.co.uk]
Sent: 11 April 2015 19:12
To: Stephen Ballantyne
Cc: Brian Burdis (Cllr)
Subject: Complaint no NT05/2015 [Scanned]

Follow Up Flag: Follow up
Flag Status: Completed

Mr Ballantyne, this is a joint initial statement from myself and Cllr Brian Burdis in relation to the above complaint.

John O'Shea

Our initial response to the complaint is,

1) The issue about the 14% Council Tax raise arose from a debate in the Budget setting Council meeting where a member equated the stance adopted in the Conservative critique of the proposed budget was the equivalent of a 14% Council Tax increase - this statement was not challenged by any member of the Conservative Group at that Council meeting.

2) The word "presumably" was used in the context of its definition as described in the Oxford dictionary definition which is shown as follows,

Used to convey that what is asserted is very likely though not known for certain
 This email and any attachment are intended solely for the addressee. It may contain information or opinion which is strictly confidential or is legally privileged. If you are not the intended recipient you should not use, disclose, copy, print, distribute or otherwise rely upon the contents of this email. If you have received this email in error please notify the sender immediately by email and then permanently delete this email. This email has been scanned for viruses and inappropriate content by Mimecast Unified Email Management Services. North Tyneside Council does not guarantee this email to be free of any viruses. It is the responsibility of the recipient to ensure that this message and any attachments are virus free. This e-mail may be automatically logged, monitored and/or recorded for legal purposes.