

NORTH TYNESIDE COUNCIL STANDARDS SUB-COMMITTEE

PRE-HEARING PROCESS SUMMARY

Member subject of allegation:	Former Councillor D Ord
Complainants:	Councillors T Mulvenna, G Bell, F Lott and B Burdis
Case Reference Numbers:	NT10/11/17/19 & 20/2014
Chair for meeting:	Councillor C Johnson
Independent Persons:	Mr G Clark and Mrs S Gardner
Monitoring Officer Representative:	Mr S Ballantyne
Investigating Officer:	Mr P Keith-Lucas, Bevan Brittan LLP
Democratic Services Officer:	Ms Y Harrison
Time, Date and Place of Hearing:	To be confirmed
Time, Date and Place of Pre-Hearing Process Summary Meeting:	10.00am, Monday, 29 February 2016, Quadrant East, the Silverlink North, Cobalt Business Park

Summary of allegation

There are a number of complainants in relation to allegations of breach of the Code of Conduct of Members against former Councillor D Ord:

Allegation 1: Complaint NT10/2014

The complainant, Councillor T Mulvenna, alleges that former Councillor D Ord:

- a) Failed to show respect to Mr John Anderson, Chair of the Independent Remuneration Panel, and conducted himself in a manner which could reasonably be regarded as bringing the authority and his office into disrepute in that, during questions to the Mr Anderson, [former] Councillor David Ord had been argumentative and less than professional, at one point saying that the Panel's report was "mindless crap";
- b) Failed to show respect to Councillor Frank Lott and conducted himself in a manner which could reasonably be regarded as bringing the authority and his office into disrepute in that he "gave the finger" to Councillor Frank Lott.
- c) Failed to show respect to the Mayor and to the Chair of Council and conducted himself in a manner which could reasonably be regarded as bringing the authority and his office into disrepute in, having been warned about his behaviour, he disrupted the Mayor's comments in an unacceptable manner.

- d) Failed to show respect to the Chair of Council and conducted himself in a manner which could reasonably be regarded as bringing the Authority and his office into disrepute in that, after the Chair had asked him to leave the meeting, he initially failed to do so, and then made a "Fascist salute" to the Chair's dais and left the meeting.

Allegation 2: Complaint NT11/2014

The complainant, Councillor G Bell, alleges that former Councillor D Ord:

Failed to show respect to the Chair and conducted himself in a manner which could reasonably be regarded as bringing the Authority and his office into disrepute in that he "made a Nazi salute" after being asked to leave the Council meeting, which gesture was witnessed by Full Council and the Public Gallery. Councillor Bell stated in his allegation as follows:

"The conduct by [former] Councillor Ord offended me.

After serving my country in the Armed forces and those veterans who fought against the Nazis, behaviour from an elected member in this way is a disgrace.

In the same building we have a Holocaust memorial and he clicks his heels together and raises his arm in a Nazi salute is beyond contempt.

I hope the strongest sanction will be endorsed, no words of an apology from him or his leader.

A shameful night for us all!"

Allegation 3: Complaint NT17/2014

The complainant, Councillor F Lott, alleges that former Councillor D Ord:

- a) Failed to show respect to the Chair of the Independent Remuneration Panel and conducted himself in a manner which could reasonably be regarded as bringing the authority and his office, in that he referred to either the report of the Panel or to the Chair's definition of "the mean average" as "mindless"; and
- b) Failed to show respect to Councillor Frank Lott and conducted himself in a manner which could reasonably be regarded as bringing the Authority and his office into disrepute, in that, when Councillor Frank Lott told the Chair of Council that he considered [former] Councillor David Ord's conduct to be unacceptable, [former] Councillor Ord "raised his left arm towards me with the middle finger uppermost".

Councillor Frank Lott stated in his complaint that he considered both the statement and the gesture to be unacceptable.

Allegation 4: Complaint NT20/2014

The complainant, Councillor B Burdis, alleges that former Councillor Ord:

Failed to show respect to the Chair of the Independent Remuneration Panel, to Councillor Frank Lott and to the Chair of Council and conducted himself in a manner which could reasonably be regarded as bringing the authority and his office in to disrepute, in that he –

- (a) "was obnoxious and insulting to the Independent Chair of the Remuneration Panel";
- (b) "made a one-fingered gesture to Councillor Frank Lott";
- (c) Behaved in a "disgusting and depraved" manner in response to the Chair of Council "whereby [former] Councillor Ord stood up in full view of the Chamber and raised his arm in a Nazi salute then left the Chamber."

Councillor Brian Burdis states in his complaint that –

"[Former] Councillor Ord's behaviour was an insult to all who died at the hands of the Nazis in World War 2. This outrageous act clearly brought the Council into disrepute.

The later excuse that the salute was a Bellamy salute, a salute to the American flag in pledge of allegiance, however there were no Stars and Stripes within the Chamber, I do not believe [former] Councillor Ord is a USA citizen and this practice stopped after fascist groups such as the Nazis adopted the gesture. I personally believe that when [former] Councillor Ord realised the gravity of his action he has made a futile attempt to cover it up with the lame Bellamy salute story."

Allegation 5: NT19/2014

The Complainant, Councillor B Burdis, alleges that former Councillor Ord:

The context for this complaint is that [former] Councillor David Ord made an allegation (NT/15/2014) against Councillor Brian Burdis in the following terms: –

"Despite the fact that there was nothing similar to a Nazi salute made in the Chamber, Brian Burdis, in a shameless attempt to deflect attention for the just passed 25% increase in Councillors' Basic Allowances, invented this and then, for his own benefit, decided to claim that something that hadn't happened was somehow an insult to the millions murdered by the Nazis during the 1940s. Not only did this disgusting little man not bother to give the whole total of the millions murdered he went to the press with it.

This cannot be seen as anything other than calling North Tyneside Council into disrepute and this scum should be expelled from the Council."

This allegation was copied to Councillor Brian Burdis for comment and, having consulted the Independent Persons, the Monitoring Officer exercised delegated powers and determined that this allegation should not be referred for investigation.

Councillor Brian Burdis then made an allegation that [former] Councillor David Ord –

- (d) failed to treat him with respect in making his complaint in respect of Councillor Brian Burdis.
- (e) attempted to intimidate or improperly influence, him as a person who is involved in any complaint about any alleged breach of this code of conduct

Specifically, Councillor Brian Burdis stated as follows –

"The complaint is in reference to [former] Cllr Ord's complaint.

The language in the complaint is inappropriate and offensive and without justification.

To use the words "disgusting little man" and scum" in his submission I believe is against the Council's Code of Conduct which says that "you must treat others with respect, including Council Officers and Elected Members."

The wording could also be perceived by the public as a form of bullying and intimidation.

[Former] Councillor Ord has used language against another member of the Council to the detriment of that member that is clearly a breach of the Code of Conduct."

Relevant Paragraph(s) of the Code of Conduct

The relevant paragraphs of the Code in relation to the above complaints are:

Paragraph 1: You must treat others with respect, including Council Officers and other elected members.

Paragraph 4: You must not conduct yourself in a manner which could reasonable be regarded as bringing the Council, or your office as a member of the Council, into disrepute.

Findings of fact in the Investigating Officer's report that are disagreed

Former Councillor Ord has not indicated that he disagrees with any specific finding of fact in the Investigating Officers report. Former Councillor Ord has stated that:

"Basically given the rubbish in the report there is no practical purpose in replying to any part of it.

I will be there for the showtrial when you get the Starchamber together, there is no need to bring supporting witnesses as the result is so obviously pre-decided and I can't really see the point in wasting anyone other than the cabal's time."

Attendance at the hearing (including representatives)

Former Councillor Ord will be present at the hearing. No representative has been appointed.

Mr Peter Keith-Lucas will be present at the hearing. He will be presenting his report.

Witnesses Attending

Former Councillor Ord has not requested the attendance of any witnesses.

The Investigating Officer has requested the attendance of the following witness:

Councillor T Mulvenna


Hearing Procedure

The full procedure for the Hearing as agreed by the Chair is attached.

In summary, the Hearing will progress through the following stages and will include the consideration of any comments made by the Authority's appointed Independent Persons, as appropriate:-

- 1.) Introductions and preliminary procedural issues including consideration of any requests for the hearing to be held in full or in part in private.
- 2.) Pre-Hearing Process Summary.
- 3.) Presentation of Investigating Officers Report including witnesses.
- 4.) The Members response including witnesses.
- 5.) Withdrawal of Committee to determine Findings of Fact, whether a breach has occurred and any sanction to be imposed.

Date Pre-Hearing Summary Completed: Monday, 29 February 2016

Signed 

Chair of Standards Sub-Committee

