



Northern Ireland

Local Government

Commissioner for **Standards**

Annual Report

2018 | 2019

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ANNUAL REPORT
of the
Northern Ireland
Local Government Commissioner for Standards
2018-19

**Presented to the Assembly pursuant to Part 9
of the Local Government Act (Northern Ireland) 2014.**

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Introduction

The Local Government Act (Northern Ireland) 2014 (the Act) gives the Northern Ireland Local Government Commissioner for Standards (the Commissioner) the authority to investigate and to adjudicate on complaints that councillors have, or may have, failed to comply with the Northern Ireland Local Government Code of Conduct for Councillors (the Code).

The Commissioner for the 2018-19 reporting period was Marie Anderson.

The Commissioner has delegated the authority to investigate alleged breaches of the Code to the Deputy Commissioner and the Local Government Ethical Standards (LGES) Directorate. The LGES Directorate's role is to receive, assess and investigate complaints; the Commissioner undertakes the adjudication function.

The LGES Directorate assess the nature and circumstances of any complaint to decide whether it is one that can, and should, be investigated. If an investigation is undertaken, it takes account of all the facts and evidence, including what the complainant and the councillor complained about have to say.

If, having completed the investigation, the LGES Directorate decides that the available facts and evidence indicate that the councillor may have breached the Code, it will ask the Commissioner to adjudicate on the complaint.

The Commissioner will adjudicate, following a public hearing, by deciding whether or not there has been a breach of the Code and, if there has been a breach, what sanction, if any, should be imposed on the councillor.

Section One Deputy Commissioner's report 2018-19

Caseload

In 2018-19 the Investigations team received **62** complaints that councillors had breached the Code. These 62 complaints compare to **44** complaints received in 2017-18.

The complaints related to 42 councillors. When several complaints about the same councillor and the same or closely related issues are received, we investigate them as a single case. However, we continue to report the number of complaints when reporting our caseload.

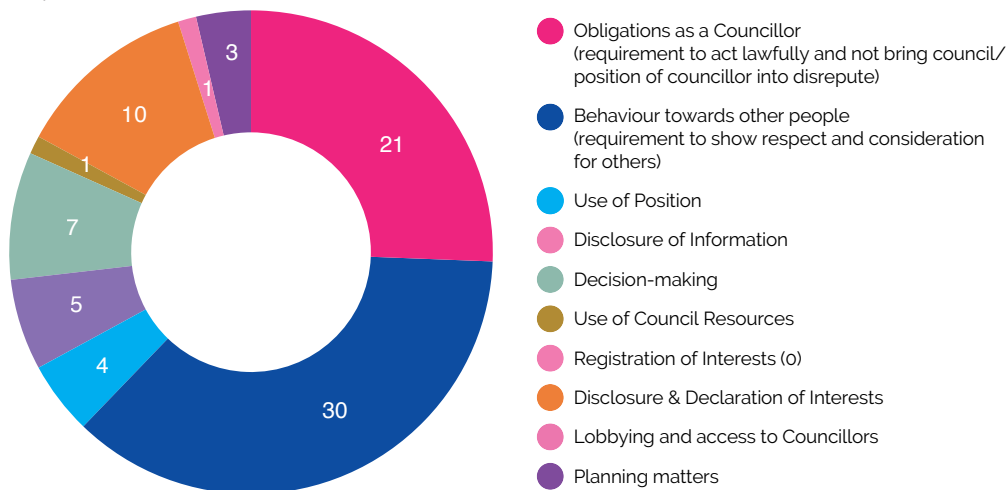
There were already **32** complaints ongoing from the previous year, meaning that the Investigations team assessed or investigated a total of **94** complaints during the year. This compares to a total of **64** for 2017-18.

A total of **30** complaints were about councillors' behaviour towards other people. These related to Section 4.13 of the Code, which states that councillors must:

- (a) Show respect and consideration for others;
- (b) Not use bullying behaviour or harass any person; and
- (c) Not do anything which compromises, or which is likely to compromise the impartiality of those who work for, or behalf of, the council

The second largest area (**21** complaints) related to the section on obligations as a councillor. This section requires councillors to act lawfully, in accordance with the Code, and not to act in a manner which could bring their position as a councillor, or their council, into disrepute.

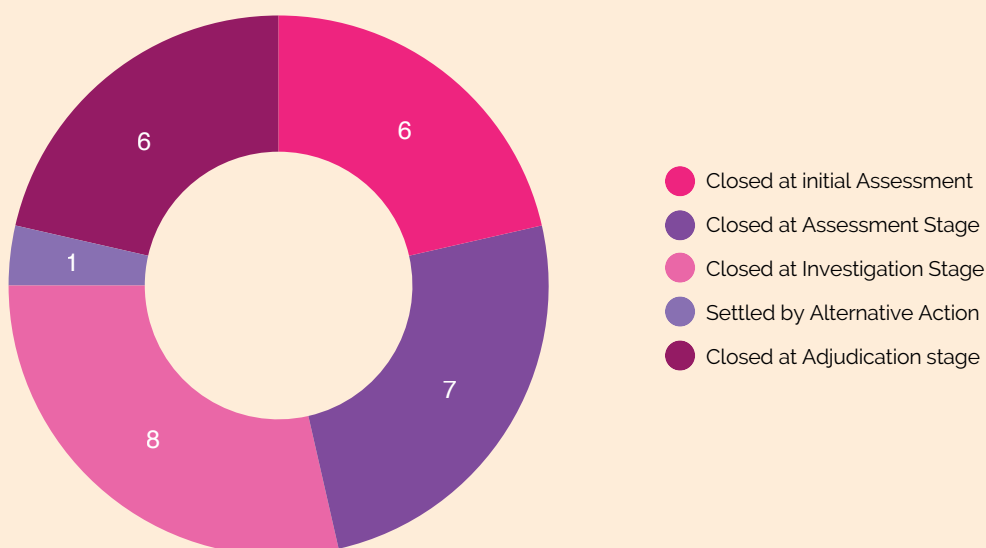
The third largest area related to disclosure and declaration of interests. There were **10** complaints that councillors had breached this section of the Code.



Case closures

The investigations team closed **28** cases during 2018-19. Of these;

- **6** were closed at the Initial Assessment Stage, which looks at whether the complaint relates to conduct covered by the Code.
- **7** were closed at Assessment Stage, which looks at whether there is evidence of conduct which, if proven, indicates a breach of the Code.
- **8** were closed at the Investigation Stage, where it was decided that there was no evidence of any failure to comply with the Code
- **1** was settled by Alternative Action, a policy which seeks to resolve complaints without the cost and resource implications of further investigation and/or an Adjudication
- **6** cases were closed at the Adjudication stage



Performance against targets

Complaints that a councillor has or may have failed to comply with the Code must be made in writing. Anonymous complaints are not normally investigated.

Each complaint is assessed, with the aim of determining if an investigation is warranted. A key determining factor in deciding whether to investigate is whether the complainant has provided supporting evidence. This requirement helps to reduce the likelihood of vexatious, malicious or frivolous complaints being made and accepted for investigation.

For those cases which are progressed to an investigation, the Directorate aims to complete its work within 40 weeks of the date of receipt of the complaint. This is a revised target introduced in April 2018. In previous years the target was 48 weeks.

These performance targets are set out in Key Performance Indicators (KPIs). The Directorate's KPIs, together with the recorded performance for 2018-19 are as follows:

Indicator	Target	Achievement
KPI 4 – we will notify the complainant and the complained-against councillor(s) within 4 weeks of receipt of a valid complaint of the decision whether to investigate	85%	100%
KPI 5 – we will complete an investigation within 40 weeks of the date of receipt of the complaint	60%	74%

Transparency

The Local Government Ethical Standards Directorate aims to strike the appropriate balance between providing the public with sufficient information about its work whilst also upholding the requirement for investigations to be conducted in private.

Generally speaking, information about complaints or investigations will not be released proactively. However, questions are often asked by the media about our casework. The Directorate has a responsibility to ensure any information which may enter the public domain is accurate. Openness and transparency can also help to improve public confidence in the overall complaints process.

To that end we will generally confirm if asked by the media if a complaint has been made in a specific council. We do not confirm the name of the councillor involved, nor reveal the identity of the complainant

When cases are referred to the Commissioner for adjudication, the details of the Hearings are made public via the Commissioner's website. The details will include the councillor's name and the sections of the Code which are alleged to have been breached. The Hearings themselves are held in public. The Commissioner's final written decisions are placed on the website.

Paul McFadden,
Deputy Commissioner

Section Two Assessments, Investigations and Adjudications

Assessment Stage

At the Assessment stage, complaints are looked at to see if firstly whether we **can** investigate, and secondly whether we **should** investigate. In determining these issues, the Directorate looks at whether the complaint relates to the conduct covered by the Code, whether there is evidence of conduct which, if proven, indicates a breach of the Code, and whether an investigation would be in the public interest.

Cases not thought suitable for investigation are closed at the Assessment stage. In 2018-19 **7** cases, including the case summarised below, were closed at Assessment.

CASE STUDY

Councillor's comments attracted 'enhanced protection' under Article 10

A complainant alleged that a councillor failed to show courtesy and respect in comments he made in a council meeting about Brexit.

At the meeting, the councillor stated:

'[Sinn Féin] is the party which targeted business owners, farming families and ethnically tried to cleanse Protestants out of our country for years, for this last thirty years, and they now want to keep them.'

The complainant said he believed that the comment was directed at the eight Sinn Féin councillors on the Council. He said that none of those councillors had taken part in any of the accusations made.

The Investigations Directorate assessed the complaint against the Code, which says that *"councillors should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, councillors and councils. You should therefore show respect and consideration for others at all times."*

The statement, and the context in which it was made, was considered by the Director of Investigations to be a political comment. It therefore attracted 'enhanced protection' under Article 10 of the European Convention on Human Rights.

It was the Director of Investigations' view that it was not proportionate or necessary to interfere with the councillor's freedom of expression, and that his comments did not represent a failure to comply with the Code.

She also decided that his comments were not likely to bring the office of Councillor or his Council into disrepute.

She decided that the complaint should not be investigated by the Office.

Investigation Stage

If a complaint is referred for investigation, the investigation will be carried out in private. This confidentiality is necessary to protect the reputation of those complained of and the integrity of the investigation process.

The Investigations team will ensure that the investigation process is fair and transparent. This requires that councillors are made aware of the allegations against them at the outset. Fair process also requires that councillors or their representatives are able, at each stage of the process, to make representations to the Office and to provide evidence to the investigation.

The Directorate makes every effort to ensure that investigations are completed within a reasonable time, and within Key Performance Indicator targets. Timely completion of the investigation is dependent on a number of factors, including the complexity of the complaint, the availability and timely submission of relevant evidence, and the extent to which the councillor and other relevant witnesses co-operate with the investigation.

After completing the investigation, the Directorate may decide that there is not sufficient evidence for the case to be referred to the Commissioner and should be closed at the investigations stage. In 2018-19 **8** cases were decided in this way.

These included the following two cases.

CASE STUDY

Councillor accused of inappropriate behaviour

The Investigations Directorate carried out an investigation into allegations by a councillor that two other councillors had sworn at her and physically attacked her at an official function.

Investigators met with the complainant to take a full statement. They also looked at CCTV footage from the function, but this was found to be of limited value.

Evidence was gathered from a number of other people present at the function. However nobody reported hearing or seeing the alleged profanities, abusive language or physical assault.

Both councillors complained of were interviewed separately. They disputed the complainant's account of what happened, and raised their own counter allegations.

Because of the conflicting accounts of what happened, the Director of Investigations decided that there was not sufficient evidence of a breach of the Code. The investigation was closed without further action.

CASE STUDY

Councillor not responsible for Facebook post by 'third party'

A member of the public complained that a councillor who made a Facebook post should be made accountable for an abusive comment which appeared underneath it.

The councillor's post referred to a serious attack on a dog and asked for help in identifying the owner of the two dogs responsible.

When the councillor was made aware of this complaint by investigators he said he would be "removing the offending remark and placing a statement instructing those using the site to refrain from abusive or threatening language."

The Director of Investigations decided that in this instance the councillor was not responsible for comments subsequently published on his posting by a third party. There was therefore no evidence that he had failed to comply with the Code of Conduct. The investigation was closed without further action.

Alternative Action

The purpose of an Alternative Action is to seek a satisfactory resolution of a complaint without the cost and resource implications of an investigation and/or an adjudication. The Directorate aims to resolve complaints where possible via this method as it can be a way of dealing with potential breaches of the Code in a proportionate and appropriate manner.

In 2018-19, **1** complaint was resolved through this method:

Councillor apologises for campaign leaflet article

The complaint related to an article published by Councillor Nuala McAllister (Belfast City Council) in an Alliance campaign leaflet in February 2016. Following an investigation by the Deputy Commissioner, Councillor McAllister agreed to make a statement which was published on the Commissioner's website. The Councillor also apologised in writing to each of the councillors who complained about the article in question.

The statement read:

'I would like to make an apology in respect of a complaint made against me to the Local Government Commissioner for Standards in which it was alleged that I had breached the Code of Conduct for Councillors in Northern Ireland. The complaint concerned an article I published in a campaign leaflet (the 'North Belfast Clarion') issued in 2016, which showed the image of a glass jar full of money under the heading 'What have they got to hide?' The content of the article made specific reference to the Belfast City Council Planning Committee and planning decisions.

My intention in publishing the article was, as will always be my intention, to promote greater openness and transparency in the carrying out of council business. It did not occur to me that the text and photograph taken together could be interpreted by individuals as alleging or implying corruption by councillors in the discharge of their council duties.

I, however, now accept that the presentation of the article alongside the photographic image was open to alternative interpretation and that this did cause concern amongst members of the planning committee. I therefore wish to set the record straight and apologise specifically to the members of the planning committee and those councillors who complained about the article for any concern caused. I hope that, as a result of my apology, we as councillors can draw a line under this issue and continue to work together for the betterment of all our constituents.'

Adjudication Hearings

Where the LGES Directorate decides that there is sufficient evidence of a breach of the Code, it will compile an investigation report. The draft report will be sent to the relevant councillor, who will be asked to make comments on it. Those comments will be considered by the Directorate before the report is finalised.

Once the investigation is complete, the case will be referred to the Commissioner. The Commissioner is the only person who is able to decide whether there has been a breach of the Code.

If it appears that the prima facie evidence is such that either; a councillor has failed to comply with the Code; that the nature of the failure is likely to lead to disqualification; or that it is in the public interest to suspend or partially suspend that person immediately, the Deputy Commissioner may recommend that an Interim Adjudication be held.

This power was used for the first time in 2018-19 (see pages 15 and 16).

At the Hearing the Deputy Commissioner or his representative will be invited to make submissions as to why, on the facts found, the Commissioner should decide that the Respondent has failed to comply with the Code. The Respondent or their representative will be given the opportunity to respond to those submissions.

At the conclusion of an Adjudication Hearing the Commissioner will decide that either;

- no action should be taken
- the Respondent should be censured, which may involve the Commissioner issuing a warning as to the Respondent's future conduct
- the Respondent should be suspended, or partially suspended for a period not exceeding one year
- the Respondent should be disqualified from being councillor for a period not exceeding five years.

Interim Adjudication Hearings:

The Interim Adjudication Hearings held in 2018-19 were as follows:

Councillor	Council	Alleged Breach	Hearing Date	Decision on sanction
Jolene Bunting	Belfast City Council	4.1 (b), 4.2, 4.11, 4.12, 4.13 (a), 4.16 (a) and (c), 4.18 (a), (b), (c), (d) and (e)	4 September 2018	Suspension for 4 months
Ian Stevenson	Causeway Coast and Glens Borough Council	4.2	14 March 2019	Suspension until the remainder of term of office (6 May 2019)

Councillor suspended following interim hearing

At an Interim Hearing held on 14 March 2019, Acting Commissioner Ian Gordon found that there was 'prima facie evidence' that Councillor Stevenson had breached the Local Government Code of Conduct as a result of his conviction for sexually assaulting a female work colleague in November 2018.

Evidence from the Deputy Commissioner's investigation into a complaint against Councillor Stevenson was presented to the Hearing, including a statement from the Chief Executive of Causeway Coast and Glens Borough Council.

It stated that the Chief Executive believed that the councillor's conduct had brought both his position as a councillor and the council into disrepute.

The Director of Investigations, representing the Deputy Commissioner, stated that it was her belief that there would be a further loss of confidence if the councillor remained in office.

Councillor Stevenson was unwilling to make any submissions as to the potential breaches of the Code and possible sanction, expressing a belief that the proceedings should not continue as he expected his conviction to be overturned at an Appeal.

The Acting Commissioner stated that the potential outcome of any Appeal is not material to a decision on Interim measures, which must be taken in accordance with the law.

After considering the submissions, the Investigation Report, and the Commissioner's Guidance to the Code, he was satisfied that there was prima facie evidence of a breach of the Code.

He also found that the councillor's actions were likely to have caused reputational damage to the Council.

In considering a sanction, he accepted the Deputy Commissioner's belief that a conviction for sexual assault is likely to lead to loss of confidence if the councillor were to continue in public office. An interim suspension was therefore necessary to preserve public confidence.

His decision, was to suspend the councillor for the remainder of his term of office, until 6 May 2019.

Suspension following Interim Hearing

The Acting Northern Ireland Local Government Commissioner for Standards suspended Independent Councillor Jolene Bunting (Belfast City Council) for four months at an Interim Adjudication Hearing held in Belfast on 4 September 2018.

Mr Ian Gordon found that there was prima facie evidence that Councillor Bunting had failed to comply with the Local Government Code of Conduct. He determined that a member of the public, knowing all of the relevant facts, would reasonably consider that her conduct had brought her position as a Councillor and that of the Council into disrepute. The Acting Commissioner found it likely that there has been continuing reputational damage to the City Council and that repeated failures by the Respondent to comply with the Code and subsequent publicity is likely to have had a negative impact on public confidence.

He highlighted that the aim of the Code is to improve the standard of conduct expected of councillors and to foster public confidence in the ethical standards regime.

The Acting Commissioner requested that the Interim Hearing be held after receiving an Interim Report on the complaints made against Councillor Bunting. Given the frequent, ongoing, repetitive and escalating nature of the alleged breaches of the Code, the Deputy Commissioner believed that suspension of the Councillor was necessary while his full investigation into the complaints continued.

The complaints arose from public statements made by the Councillor in relation to the Islamic religion, her association with the far-right group Britain First, and the publication of a meme on social media.

The Hearing was told that from 15 December 2017 to 14 August 2018, 14 complaints were made against Councillor Bunting. One complaint was signed by 87 complainants, while another was signed by a total of 79 members of the public.

The complaints related to a number of incidents, including:

- A video published online of Councillor Bunting and Ms Jayda Fransen, Deputy Leader of Britain First, speaking outside the Belfast Islamic Centre on 13 December 2017
- A visit to Belfast City Hall Council Chamber by Councillor Bunting and Ms Fransen in January 2018
- A full meeting of Belfast City Council on 3 January 2018
- A social media posting of a cartoon meme on 3 May 2018

The Acting Commissioner's role at the Interim Hearing stage was to determine whether or not there was 'prima facie evidence' of a failure by the Respondent

to comply with the Code. Based on the Deputy Commissioner's Interim report and the submissions made at the Hearing, he found there had been a failure to comply.

He was not convinced by the Councillor's assertion that her association with Britain First was to encourage it to become more moderate and to improve its structure. He found that the events took place over a period of time, and appeared to be planned and their content premeditated.

The visit to the Council Chamber, where Ms Fransen was allowed to wear the ceremonial robes and make comments on her forthcoming trial relating to the incitement of hatred of Muslims, were actions which raised questions about the Respondent's conduct as a councillor.

The Acting Commissioner viewed the webcast of the Council meeting of 3 January 2018 where Councillor Bunting can be seen and heard to make specific reference to Islam and the Quran, apparently in the context of 'problematic sections' of society.

He did not accept the submissions made on her behalf that 'at no time ... did she mention Islam at any stage during that exchange', and found that her contribution to the debate showed there was prima facie evidence that she had failed to comply with the Code.

In relation to the social media meme, he found that there was prima facie evidence that the content was sectarian and racist in nature.

The Acting Commissioner took into account submissions about the significant impact which suspension would have on the Councillor, both as a councillor and in her personal life. He was satisfied that, in this case, the 'maintenance of public confidence' outweighed the personal and financial impact on the Respondent.

The decision of the Acting Commissioner was to suspend the Councillor for a period of four months.

In making his decision he carefully considered Article 10 of the European Convention on Human Rights which provides the right to freedom of expression. He noted that Councillors operate in a political environment and must be free to make political points and discuss matters of public concern without undue interference.

In all the circumstances of this case though, he was satisfied that an interim suspension was necessary, proportionate, and in pursuit of a legitimate aim.

The Acting Commissioner's decision was appealed by the councillor. At a High Court sitting in March 2019 Mr Justice Maguire dismissed the appeal, finding that a suspension on an interim basis was merited, and that the period of suspension 'should be seen as reflecting the seriousness of the matter at issue and the need to provide a level of deterrence pending the outcome of the full investigation.'

Adjudication Hearings

Councillor	Council	Alleged Breach	Hearing Date	Decision on sanction
Patrick Brown	Newry, Mourne and Down District Council	4.1 (a) and 4.2	17 April 2018	Suspension for 6 months
Jim Rodgers	Belfast City Council	5.2 (i) (ee) (subject to paras 5.4 and 5.6) and Paragraph 6.4	5 December 2018	Partial suspension for 3 months
George Duddy	Causeway Coast and Glens Borough Council	6.3, 6.4, 4.5 and 4.6	13 December 2018	Suspension for 3 months
Thomas Hogg	Antrim and Newtownabbey Borough Council	4.2	28 January 2019	Suspension for 5 months
Ruth Patterson	Belfast City Council	4.2, 4.13 (a), 8.1 (a), (c) and (f)	4 March 2019	Suspension for 6 months

Councillor suspended for six months following conviction for drink-drive offence

Councillor Patrick Brown, from Newry, Mourne and Down District Council was suspended for six months at a hearing of the Northern Ireland Local Government Commissioner for Standards, held in Belfast on 26 April 2018.

Councillor Patrick Brown was found to have brought both his position as councillor and his council into disrepute following a conviction in July 2017 for driving a motor vehicle with excess alcohol in his blood.

In reaching her decision, the Commissioner for Standards considered evidence submitted by the Deputy Commissioner, as well as submissions by Councillor Brown, who accepted that his conduct failed to comply with the Local Government Code of Conduct.

The councillor referred himself to the Commissioner for an investigation into his conduct during the early hours of 5 March 2017 when he was stopped and breathalysed by police while riding a motorcycle with a pillion passenger. He was convicted of drink-driving, and sentenced to a twelve month driving ban and a £250 fine.

In his submissions the councillor set out a number of mitigating factors for the Commissioner to consider, including that he had apologised for his actions and had subsequently contacted a number of drink driving charities to express an interest in supporting them in an attempt to correct his wrongdoing.

The Commissioner ruled that as Councillor Brown's conduct had resulted in a criminal conviction it had brought both his position and his council into disrepute. She was satisfied that his actions were likely to have diminished the trust and confidence of the public, and that any reasonable person, knowing all of the facts, would have come to the same conclusion.

Explaining the reasons for her sanction, the Commissioner stated that the councillor's actions were sufficiently serious for her to rule out the less punitive options of no action or censure. However, as she had not been presented with any evidence that the incident had brought the council into serious disrepute, a disqualification was also considered inappropriate.

In order to preserve public confidence in the ethical standards framework and the wider public interest, and taking into account the mitigating factors, she determined that Councillor Brown's conduct merited a six month suspension commencing 14 May 2018.

Following an appeal by Councillor Brown, Justice Keegan upheld the decision and the length of the suspension. At the High Court in July 2018 she stated that 'on the basis of the current framework it is clear that this was a case where suspension was the appropriate outcome. The Commissioner has not fallen into any error in this regard. This case should make clear that anyone convicted of a similar offence will face immediate suspension.'

Commissioner rules on first local government conflict of interest case

Alderman Jim Rodgers (Belfast City Council) received a 3 month partial suspension following an Adjudication Hearing held in Belfast on 5 December 2018.

Alderman Rodgers was suspended from membership of the East Belfast Area Working Group and the Strategic Policy and Resources Committee of Belfast City Council. The suspension did not affect his wider responsibilities as a councillor.

The Commissioner held at a previous Hearing on 21 November that Alderman Rodgers had breached the Local Government Code of Conduct (the Code) by:

- Failing to register his interests in Belmont Bowling Club and Ashfield Girls' High School
- Failing to declare a significant non-pecuniary interest in Belmont Bowling Club at five meetings of the East Belfast Area Working Group (EBAWG)

- Failing to leave two meetings of the EBAWG after having declared an interest in Belmont Bowling Club.
- Failing to declare an interest in Ashfield Girls' High School at two meetings of the EBAWG
- Voting on a matter affecting the finances and property of Ashfield Girls' High School, having declared a significant non-pecuniary interest in the school.

The Deputy Commissioner explained at the Hearing that during his investigation into a complaint made against Alderman Rodgers, he had established that money had been made available by Belfast City Council under its Local Investment Fund (LIF). This was to be allocated to various local projects. Belmont Bowling Club applied to the East Belfast Area Working Group of the LIF for £200,000, and Ashfield Girls' School applied for £130,000.

The Deputy Commissioner stated that Alderman Rodgers was a longstanding Board of Governor for Ashfield Girls' High School and an honorary member of Belmont Bowling Club.

As both were registerable interests, he stated that the Alderman's failure to register them with the council breached the requirements of paragraphs 5.2 (ee) and 5.3.

The Deputy Commissioner also argued that in the light of the available evidence, he believed there had been a breach of paragraph 6.4 which concerned the need for councillors to withdraw from any meeting when matters relating to their interests are being discussed.

The Commissioner heard evidence in mitigation from a legal representative of Alderman Rodgers, stating that he was no longer a Board of Governor of Ashfield Girls' School, and that he did not have a participative or an active role in Belmont Bowling club.

Announcing her decision, the Commissioner found that Alderman Rodgers had significant, non-pecuniary interests in both organisations, and that they ought to have been registered by him. She was satisfied that in failing to do so he had breached paragraphs 5.2 and 5.3.

She also found that the failures to declare his interests at a number of meetings, as well as a failure to leave the room when the interests were being discussed, amounted to 'substantial breaches'.

Councillor suspended over conflict of interest breaches

The Commissioner imposed a 3 month suspension on Councillor George Duddy (Causeway Coast and Glens Borough Council) following an Adjudication Hearing held on 13 December 2018.

The decision came after an investigation by Deputy Commissioner Paul McFadden into allegations that Councillor Duddy had breached the rules of the Local Government Code of Conduct relating to general conduct and the disclosure and declaration of interests.

At the Hearing, the Commissioner was informed that the councillor had a significant non-financial interest in Terrace Row Presbyterian Church, Coleraine. She was told that Causeway Coast and Glens Borough Council was considering a proposal to rationalise car-parking in the town, and that the Council had been renting a car park from Terrace Row Church for a number of years. Part of the rationalisation programme involved considering the termination of this lease.

At a committee meeting which took place on 6 September 2016 Councillor Duddy declared his interest in respect of the item relating to the church. He then left the room, in compliance with the Code. However, immediately prior to the meeting and at the pre-group party meeting he had asked another councillor to raise issues and ask questions relating to the car park lease.

The Commissioner found the action of asking another councillor to ask questions 'on his behalf' was a deliberate attempt to circumvent the rules on disclosure and declaration of interest and represented a serious breach of the Code.

At a full council meeting on 27 September, Councillor Duddy did not declare an interest in the church, yet commented on the council's plans and voted in favour of a proposal to try and extend the car park's lease. This was in breach of paragraphs 6.3 and 6.4 of the Code. Although the motion was defeated, the Commissioner noted that there would have been a significant financial benefit to the church if it had been agreed.

Having refused to attend a second interview with investigators, and not co-operated fully with the investigations into his actions, the Commissioner also found there had been a breach of rule 4.6 of the Code.

The Commissioner noted the previous good conduct of Councillor Duddy and exemplary public service record, as well as his willingness to learn from the events. However, she stated that these were outweighed by the deliberate nature of the breaches. Given the requirement to uphold public confidence in the conduct of local councillors, and the importance of discouraging similar conduct by others, she believed that a 3 month suspension was a proportionate sanction.

Councillor suspended for 5 months following drink-drive offence

The Commissioner imposed a 5 month suspension on Councillor Thomas Hogg (Antrim and Newtownabbey Borough Council) following an Adjudication Hearing held in Belfast on 28 January 2019.

The Commissioner found that Councillor Hogg had breached Paragraph 4.2 of the Local Government Code of Conduct (the Code) for his conduct leading to a drink driving conviction in May 2018.

Paragraph 4.2 states that councillors must not bring their position as a councillor, or their council, into disrepute.

In deciding on a sanction, the Commissioner noted a number of mitigating factors in the councillor's favour, including his previous good service and compliance with the Code.

She also highlighted Councillor Hogg's co-operation with the investigation from an early stage and his request for an expedited adjudication hearing. This co-operation led to a significant reduction in the amount of time needed for the adjudication proceedings, resulting in a saving to the public purse.

However, the Commissioner also accepted that there were aggravating factors in this case.

She noted that Councillor Hogg made a deliberate decision to drive with excess alcohol in his blood. She stressed the seriousness of drink-driving, and the potential consequences of such an offence.

In considering the level of sanction to apply, the Commissioner stated it was important to uphold public confidence in local representatives and the standards regime.

She referenced the similarities with a case from 2018 involving a councillor from Newry, Mourne and Down District Council. This resulted in a suspension for the councillor of 6 months, a decision which was upheld by the High Court on appeal.

Given the mitigating factors involved in this case, in particular the level of co-operation shown by Councillor Hogg in both the investigation and adjudication proceedings, the Commissioner decided to impose a suspension period of 5 months.

Alderman suspended for 6 months following breach of Code

At an Adjudication Hearing held on 4 March 2019 the Commissioner imposed a 6 month suspension on Alderman Ruth Patterson (Belfast City Council).

The decision followed a previous hearing at which the Commissioner found that Alderman Patterson had breached the Local Government Code of Conduct. Alderman Patterson was found to have brought her position as a councillor, and the council into disrepute following comments she made at a meeting of Belfast City Council on 3 July 2017. The Commissioner also concluded that in making the comments, Alderman Patterson had not shown respect and consideration for others, and had not acted fairly, objectively or in the public interest.

In deciding on a sanction, the Commissioner noted a number of mitigating factors in the Alderman's favour, including her long service on Belfast City Council with no previous history of misconduct. Alderman Patterson also co-operated with the Deputy Commissioner's investigation into the complaint made against her.

However, the Commissioner also accepted that there were aggravating factors in this case.

Alderman Patterson's actions were deliberate and pre-meditated. Although she stated at interview that she was not the author of the speech, she had time to reflect beforehand and had to take responsibility for delivering it.

During the speech she was reminded by the Lord Mayor of the need to choose her words carefully, yet she continued. She also did not take an opportunity to correct her position in the media at a later date. As such the Commissioner decided that her comments, which led to Crumlin Star Football Club reviewing its security measures, were an intentional failure to comply with the Code.

In considering the level of sanction to apply, the Commissioner stated it was important to uphold public confidence in local democracy and the standards regime, and to discourage similar conduct by other councillors. However, any restriction of a councillor's task to serve the public must be proportionate.

In this case the Commissioner was satisfied that what was said went beyond the acceptable bounds of proper political debate. Taking into account the sanctions guidelines and having regard to the facts and relevant case law, she therefore decided that an appropriate sanction was a suspension of six months.

Section Three Statistical Analysis

Caseload	2018-19	2017-18	2016-17	2015-16	2014-15
Enquiries	130	44	11	8	4
Complaints ongoing from previous year	32	20	9	9	N/A
Written Complaints received in year	62	44	34	33	14
Total Complaints under assessment/investigation in year	94	64	43	42	14

Closed Cases

Total Cases in year (A+B)	94	64	43	42	14
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Written Complaints Received – by Basis of Complaint	2018-19	2017-18	2016-17	2015-16	2014-15
Obligations as a Councillor <i>(requirement to act lawfully and not bring council/position of councillor into disrepute)</i>	21	24	19	23	13
Behaviour towards other people <i>(requirement to show respect and consideration for others)</i>	30	25	15	18	10
Use of Position	4	1	2	2	1
Disclosure of Information	5	1	7	1	3
Decision-making	7	1	1	0	3
Use of Council Resources	1	0	0	5	0
Registration of Interests	0	4	3	0	0
Disclosure & Declaration of Interests	10	9	6	0	0
Lobbying and access to Councillors	1	1	3	0	0
Planning matters	3	2	2	0	0
Total	82	68	58	49	30

Section Three: Statistical Analysis

greater than the number of complaints as some complaints allege more than one breach

Written Complaints Received - by Council	2018-19	2017-18	2016-17	2015-16	2014-15	Total since 27/5/14
Antrim and Newtownabbey	9	3	6	2	2	31
Mid and East Antrim	3	1	2	2	3	13
Armagh, Banbridge and Craigavon	5	4	0	1	4	16
Belfast	22	20	11	4	1	61
Causeway Coast and Glens	4	1	3	6	0	20
Derry and Strabane	4	0	1	6	2	15
Fermanagh and Omagh	2	4	2	2	0	11
Mid Ulster	0	2	0	3	0	7
Newry, Mourne and Down	3	2	3	4	2	16
North Down and Ards	5	3	4	2	0	14
Lisburn and Castlereagh	5	4	2	1	0	15
Total	62	44	34	33	14	219

Appendix A LGES Funding and Expenditure

The functions of the Northern Ireland Local Government Commissioner for Standards include the conduct of investigations of alleged breaches of the Local Government Code of Conduct for Councillors, followed where appropriate by adjudications and High Court Appeals. Also included is the development and review of related guidance and procedures and the delivery of training and awareness sessions with Local Councils and the Councillor community. These functions are collectively termed Local Government Ethical Standards (LGES). LGES is funded from a separately identified portion of the overall annual budget for the Northern Ireland Public Services Ombudsman (NIPSO).

The LGES budget is proactively managed over the course of each financial year to ensure that any emerging funding pressures are identified and addressed. Similarly, where reduced requirements arise, under established arrangements with the Department for Communities (DfC), any such amounts are released back to the Department of Finance by NIPSO in accordance with normal in-year financial monitoring procedures. Where applicable a final end of year adjustment is also returned directly to DfC. In either case the amounts returned are made available for redeployment by DfC, thus ensuring that any unspent amounts are utilised elsewhere across Local Government.

The following summarises the audited expenditure on LGES during 2018-19, compared to the previous year, as reported in NIPSO's Annual report and Accounts:

Local Government Ethical Standards (LGES)

(All £k)	2018-19	2017-18
Staff Costs	282	217
Other Administration Costs	155	70
Total Expenditure	437	287



Northern Ireland

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Commissioner for Standards

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