



Sunderland Conservatives
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The Rt. Hon. Michael Gove MP
Secretary of State
Department for Levelling Up, Housing and Communities
2 Marsham Street
Westminster
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Dear Secretary of State,

Localism Act (2011) and the Standards Process

I am writing to you as the Secretary of State with responsibility for Local Government to request a review of the powers that local authorities in England have in relation to Standards Committee investigations and outcomes.

As you will be aware, the Localism Act (2011) sought to prevent councillors from being subjected to trivial or petty complaints – something which the previous system made too easy.

Yet, there remains serious issues with the Standards process as it currently stands – namely, that local authorities have no power to take meaningful action against councillors who commit serious wrongdoing and justice can easily be evaded.

Further, there exists a loophole whereby councillors can argue they were ‘not acting in their capacity as a councillor’ when committing an offence.

I wish to bring some examples of how the Standards process within Sunderland City Council has failed complainants:

- A member of the Liberal Democrat group used the Council’s postage system to send literature which was judged by the Standards Committee to be political in nature. This was franked and posted at the taxpayers’ expense. The Committee found the member to have broken the rules and requested the Lib Dem group pay back at least some of the cost of their postage. The Lib Dem group refused to do so, but the authority has no means of taking action to compel them to do so.
- A member of the Labour group falsely and repeatedly branded a resident of the city a ‘paedo’ and refused to apologise. The resident took legal action against the councillor in question and, represented by Simon Myerson QC, was successful in suing him for libel. The Labour councillor was ordered to pay £20,000 plus legal fees – and to apologise. The same case was dealt with by the Council’s Standards Committee after the legal case had concluded and after it had been subjected to widespread



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coverage in the local media. The Council declined to proceed with an investigation on the basis the Labour member 'was not acting in his capacity as a councillor' at the time he made the accusation. This was despite the fact the comments were made in a community Facebook group named after the Ward the Labour member represents on the Council.

- A member of the Liberal Democrat group falsely accused a Conservative councillor who, at the time, was receiving treatment for cancer, of accepting two Special Responsibility Allowances. He further alleged that the Conservative councillor in question was accepting this money in return for keeping quiet about failures within the authority's children's services department (which, as you know, was judged Inadequate by Ofsted following the deaths of children in the authority's care). This allegation was made on Twitter and, despite being informed by the then Conservative Group Leader that it was untrue, the Lib Dem councillor refused to withdraw the allegation; on the contrary, he threatened to sue the Conservative Party for challenging him. A complaint was made by the Conservative Party in 2018 and, at the time of writing in January 2022, it has still not concluded, despite the Lib Dem not contesting the facts of the case or offering a defence of himself. This is in part because the Lib Dem councillor under investigation refused to co-operate and deliberately prolonged the investigation.

These are examples of incredibly serious offences and misconduct which have occurred within Sunderland City Council, but which have gone unpunished because of the toothless nature of the Standards process.

In writing to you, I ask that you consider reforming the Standards process so that councillors who are guilty of serious breaches of the local authority's Code of Conduct can be appropriately punished in a way that is meaningful. This, in my view, must include removing the provision by which members can argue their transgressions were not carried out whilst acting in their capacity as a councillor.

In Sunderland, trust in the local authority has been eroded by the public misdemeanours of councillors who face no action even when it is beyond doubt that they have done wrong.

I spent a career in the police force, latterly as an Assistant Chief Constable. The behaviour I have outlined here falls far short of that which would be acceptable within the police or, indeed, many other professions. It should not be acceptable for those who have the honour of being elected in local government to behave in this way either.

Yours sincerely,

Cllr Michael Hartnack
Conservative Group Chief Whip
Sunderland City Council