

# DECISION NOTICE

## COMPLAINT SUBMITTED BY COUNCILLOR PHIL KELLY AGAINST COUNCILLOR TERRY STACY

**Reference : 2/2008**

### COMPLAINT

On the 25<sup>th</sup> July 2008 the Initial Assessment Sub-Committee of this authority considered a complaint from Councillor Phil Kelly concerning the alleged conduct of Councillor Terry Stacy.

The complaint alleged that Councillor Stacy had breached the Members' Code of Conduct in connection with an article posted by him on the Islington Liberal Democrat website about a Labour Councillor, Councillor Lisa Spall.

In summary, Councillor Stacy's article criticised Councillor Spall for having added her name to a website in support of Miranda Grell, a Waltham Forest Councillor who had been prosecuted and convicted under the representation of the People Act 1983 for electoral malpractice, in that she had accused a rival, Liberal Democrat candidate who was gay of being a paedophile. Councillor Stacy also criticised the Leader of the Labour Group, Councillor Catherine West, for not condemning Councillor Spall's actions in this regard.

The essence of Councillor Kelly's complaint was two-fold: firstly that he had written to Councillor Stacy after Councillor Spall removed her name from the website, inviting Councillor Stacy to remove the article. However, although the article was altered to reflect the fact that Councillor Spall's name had been removed, it continued to appear on the website. The second aspect of the complaint was that by referring to Labour Councillors in the plural and specifically by implication, Councillor West, Councillor Stacy was spreading the tenor of his allegations more widely than was appropriate.

### DECISION

In accordance with Section 57A(2)(a) of the Local Government Act 2000 and Regulation 13(3)(c) of the Standards Committee(England) Regulations 2008, the Initial Assessment Sub-Committee decided not to refer the matter for investigation by the Monitoring Officer but to ask her that the following alternative action be taken:

- (1) Both Chief Whips be asked to check and monitor the accuracy and acceptability of the information published on their Party Groups' websites; and
- (2) Councillor Stacy be asked to consider whether it is still appropriate to have the complete article posted on the website and to consider its removal.

## REASONS FOR THE DECISION

The sub-committee considered there was information available to suggest a possible breach of the Code of Conduct; it considered that both the apparent failure fully to correct the website following Councillor Spall having withdrawn her support for Miranda Grell and the implication of a wider group of Labour Councillors in the allegation could be a breach of the requirement contained in paragraph 3(1) of the Code of Conduct for members, namely the obligation to treat others with respect.

The Sub-committee was doubtful, however, whether that conduct would if proven amount to a breach of paragraph 5 which requires a member to refrain from conduct which could reasonably be regarded as bringing his office of the authority into disrepute.

The sub committee did consider that it had information to investigate the matter further.

However, it was also mindful of the fact that the behaviour complained of was in the context of a party political website and that there may be a degree of latitude allowed in relation to such publications which would be less acceptable in a different forum. The Sub Committee concluded that it would not generally be expecting to adjudicate on this kind of political point scoring.

It also felt that even if the infringement of the Code were eventually found to be proved, they would have considered it to be relatively trivial and concluded that it would be a better use of time and resources to deal with the complaint through the alternative actions set out above.

Signed Godfrey Stedden  
Chair of the Initial Assessment Sub-Committee

Dated 31 July 2008