

**STANDARDS DECISION NOTICE**

Report of the Monitoring Officer

**COMPLAINTS AGAINST CLLR RICHARD BINGLEY****1. Background:**

In April 2022 the Monitoring Officer received a number of complaints against Cllr Bingley from co-councillors. The complaints related to comments in a telephone call which had been recorded, without Cllr Bingley's knowledge or consent. The recording had been shared to some people in full and excerpts had been published on Twitter (since removed). In the conversation comments were made concerning Plymouth City Council councillors, Officers and Council business. Some comments were made by Cllr Bingley and some were made by the other caller but Cllr Bingley replied to them with agreement and without defence or challenge.

It should be noted that, as the call took place in February 2022, the relevant code of Conduct was the previous version and not the current version adopted by the Council in March 2022.

The complainants are set out below with a summary of the breaches of the Council's Code of Conduct each alleged:

<b>Complainant</b>	<b>Alleged breach of the Council's Code of Conduct</b>
Cllr Terri Beer	Failed to treat others with respect Disclosed Information which was given in confidence and which he was not permitted to disclose Brought the Council in to disrepute Failed to lead by example and act in a way that secures public confidence in the role of the Councillor.
Cllr Nick Kelly	The Nolan Principles were breached
Cllr Chaz Singh	The Nolan Principles were breached
Cllr Maddi Bridgeman	Paragraph 6 of the Code of Conduct - courtesy and equality Paragraph 7 – Intimidation Paragraph 9 – Information (sharing of) Paragraph 10 – Cabinet (failure to declare interests) Paragraph 11.1 – Disrepute (the Council and role of councillor) his comments in the call were intimidating and humiliating Paragraph 14 – Publicity (taking to account Council guidance on publicity)
Former Cllr Dave Downie	Nolan Principles Paragraph 2.7 (Honesty) Paragraph 6.1 (Courtesy & Equality) Paragraph 11.1 (Dispute).

**2. Documents and evidence considered:**

- The Council's Code of Conduct (pre March 2022)

- The recording of the conversation
- Excerpts published on Twitter (since removed)
- Press coverage from 1<sup>st</sup>, 4<sup>th</sup> and 5<sup>th</sup> April 2022
- The letters of complaint
- The summary of the interview of each of the complainants and Cllr Bingley
- Local Government Association's guidance on standards
- Investigator's report
- Views of the Standards Advisory Group

### 3. Decisions and Reasons

#### **Was the Code engaged – was Cllr Bingley acting in his capacity as a Councillor?:**

The call was a private conversation recorded without Cllr Bingley's knowledge or consent. Despite the fact the call was understood by Cllr Bingley to be private it is considered that Cllr Bingley was, during elements of the call, acting in his capacity as a Councillor on the basis he discussed Council business, Council officers and also co-councillors in the context of them also being a co-councillor (as opposed to a political colleague in a group context). It is the content of the comments, not the medium via which they were made, which is relevant and, on that basis, the Code was engaged.

#### **Did Cllr Bingley breach the Code of Conduct:**

Cllr Bingley was found to have breached the Code of Conduct as a result of:

- Comments concerning Cllr Kelly
- Comments concerning the former Cllr Downie
- Comments and the assenting to comments made concerning Council officers
- Comments and the assenting to comments made concerning business of the Council

Cllr Bingley was not found to have breached the Code of Conduct in relation to other allegations made against him in the complaints, as follows:

- Comments concerning Cllr Bridgeman  
These were not considered to be misogynistic in nature. Though the Monitoring Officer does not doubt they caused upset the guidance in case law and of the LGA is that the bar at which comments would be considered to be offensive is set significantly higher for politicians than an ordinary individual would be expected to tolerate. Comments that she was a 'cheerleader' were, when taking the dictionary definition, not considered to be sexist or offensive. Comments likening Cllr Bridgeman to Izzat Ibrahim al-Douri were, when considered in context, found to be an analogy for unwavering support of Cllr Kelly rather than being intended as an insult by choice of the comparator. Whilst the Monitoring Officer does not condone the comments they are not considered to have breached the Code of Conduct.
- Comments concerning Cllr Chaz Singh  
As above, the comments were not considered offensive given the higher bar of tolerance applicable to councillors and offence being caused. There were allegations that Cllr Bingley's

comments concerning Cllr Singh were racist in nature. On the evidence there was nothing to support this allegation beyond the fact they were made about Cllr Singh.

- Sharing of information

The complaints related to information known by Cllr Bingley due to his membership of the Conservative Group. Cllr Bingley would not be acting in his capacity as a councillor in relation to any information shared with him in confidence within the group. As such the Code did not apply to this.

The outcome of each complaint received is as follows:

Cllr Terri Beer	<p><b>Disrepute – Upheld.</b> This finding relates to the complaint concerning comments Cllr Bingley made in the call about Cllr Kelly, Cllr Downie, council officers and the Council more generally.</p> <p><b>Respect – Upheld.</b> This finding relates to the Cllr Bingley made in the call about Cllr Kelly, council officers and the Council more generally.</p>
Cllr Nick Kelly	<p><b>Nolan Principles - Complaint not upheld</b> - No finding of breach. The complaint referred solely to the Nolan Principles being breached. The view of the Monitoring Officer, when considering the Investigators summary on the point of the Nolan Principles and the LGA Guidance is that the Nolan Principles are not rules capable of breach. They are overarching principles and the foundations on which the rules are developed. As such this complaint cannot be upheld.</p>
Cllr Chaz Singh	<p><b>Nolan Principles - Complaint not upheld</b> - No finding of breach. (see Cllr Kelly, above)</p>
Cllr Maddi Bridgeman	<p><b>Courtesy and equality – Upheld.</b> This finding relates to the Cllr Bingley made in the call about Cllr Kelly, Cllr Downie, council officers and the Council more generally.</p> <p><b>Intimidation – Not upheld.</b> There was no evidence of Cllr Bingley acted in a manner to intimidate, or try to intimidate, anyone.</p> <p><b>Information (sharing of) – Not upheld.</b> This was not information Cllr Bingley held as a result of his position as a councillor but due to his political group membership.</p> <p><b>Cabinet (failure to declare interests) – Not upheld.</b> There was no evidence or information provided to suggest Cllr Bingley had failed to make a required declaration on Cabinet business.</p> <p><b>Disrepute (the Council and role of councillor) - Upheld.</b> This finding relates to the comments Cllr Bingley made or agreed with in the call about Cllr Kelly, Cllr Downie, council officers and the Council more generally.</p> <p><b>Publicity (taking to account Council guidance on publicity) - Not upheld.</b> There was no evidence or information provided to suggest a breach of this rule.</p>
Former Cllr Dave Downie	<p><b>Nolan Principles - Complaint not upheld</b> - No finding of breach (see Cllr Kelly above)</p> <p><b>Honesty – Not upheld.</b> There was no evidence provided or detailed allegation as to how Cllr Bingley may have breached this.</p>

	<p><b>Courtesy &amp; Equality - Upheld.</b> This finding relates to the complaint concerning comments Cllr Bingley made in the call about Cllr Kelly, Cllr Downie, council officers and the Council more generally.</p> <p><b>Disrepute - Upheld.</b> This finding relates to the complaint concerning comments Cllr Bingley made in the call about Cllr Kelly, Cllr Downie, council officers and the Council more generally.</p>
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### **What sanctions should be applied:**

There are limited sanctions available to the Monitoring Officer in the event of a breach of the Code of Conduct. The sanctions range from no further action to censure by full Council (the most serious sanction). As in the Council's arrangements, use must be proportionate.

Though undoubtedly causing significant upset to those discussed during the call, the nature of the breach is not of a level where censure by full Council would be appropriate. This must be reserved for the most serious of breaches given the limitations in the standards regime.

The Monitoring Officer has consulted the Standards Advisory Group on possible sanctions to be applied. The group approached the topic fairly, openly and without political allegiance. The Monitoring Officer considered the comments and recommendation fully prior to reaching a final decision.

The following are considered to be mitigating factors, relevant of consideration in applying sanctions:

- The background to the complaint is that there was, at the time, political division within the Conservative group of Plymouth City Council.
- The comments were made within a private telephone conversation and Cllr Bingley would have been fair to have held a reasonable expectation that it was to remain private.
- Cllr Bingley has already offered a number of written apologies
- The impact of the releasing of the recording itself must also be kept in mind, not only on the complainants, but also on Cllr Bingley, especially in the manner in which excerpts were made public.
- Some of the comments Cllr Bingley assented to, were made by the other party and not by Cllr Bingley himself. Though there was no disagreement with them, they were not his words.

It is considered that the appropriate sanction is a formal letter of reprimand from the Monitoring Officer to Cllr Bingley. The fact there has been a finding of breach will be noted on Cllr Bingley's profile on the Council's website.

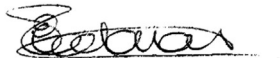
### **Formal reporting**

The legal principle is that there is a strong public interest in the disclosure of the final outcome of a complaint about the conduct of an elected Councillor when performing public duties where breach is found. Transparency is essential to the maintenance of proper standards in public life. This however is also balanced with the need to protect the personal data of third parties and ensure that release of information is proportionate and only includes information that furthers the public interest. On this basis this Decision will be issued publically in line with the requirements of the Council's

Arrangements. It is not considered appropriate or possible to release any further information relating to the matter.

**Right of Appeal:**

There is no right of an appeal against the decision taken by the Monitoring Officer.



Dated: 11 November 2022

Emma Jackman

Head of Legal Services & Monitoring Officer