

AUDIT AND GOVERNANCE HEARINGS SUB-COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON 18 SEPTEMBER 2014**

PRESENT: Councillor Mark Dowd (in the Chair)
Councillors Lappin and Weavers.

ALSO PRESENT: Mr. John Fraser, Independent Person and Councillor
Papworth.

1. APPOINTMENT OF CHAIR

RESOLVED:

That Councillor Mark Dowd be appointed Chair for this meeting of the Sub-Committee.

2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

3. DECLARATIONS OF INTEREST

No declarations of interest were received.

4. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That it be noted that this meeting is being held in closed session and is not subject to the notice or publicity requirements of Part 5 of the Local Government Act 1972.

**5. CODE OF CONDUCT - DETERMINATION OF A COMPLAINT
AGAINST COUNCILLOR PETER PAPWORTH**

The Sub-Committee considered a report of the Head of Corporate Legal Services and Monitoring Officer on an investigation into the alleged conduct of Councillor Peter Papworth, a Member of Sefton Metropolitan Borough Council.

The Chair, Councillor Mark Dowd, introduced the Members of the Sub-Committee, Mr. John Fraser, Independent Person; Mr. Peter Cowley, Investigating Officer; Ms. Andrea Watts, Deputy Monitoring Officer; the subject Member, Councillor Peter Papworth; and Paul Fraser, Senior Democratic Services Officer.

Mr. Cowley, Investigating Officer outlined the complaint (made by Mr. Graham Bayliss, Director of Corporate Services) as detailed in (1) to (3)

AUDIT AND GOVERNANCE HEARINGS SUB-COMMITTEE- THURSDAY
18TH SEPTEMBER, 2014

below and referred to documentary evidence contained in the report before the Sub-Committee. Mr. Cowley did not call any witnesses.

- (1) In my capacity as Director of Corporate Services I was informed that on Friday, 28 March 2014 Councillor Peter Papworth handed in his Council laptop to arvato (the Council's contracted IT partner) and informed them that it was running very slow and asked if they could fix it.
- (2) As part of the analysis, a technician from arvato looked at the internet browser history and noticed a number of websites had been accessed which appeared inappropriate. The technician informed a senior manager and he downloaded the browser history. The document produced runs to 769 pages showing approximately 5 websites on each page. It is clear from reading the document that many sites are of a pornographic nature and had been accessed on the Council owned laptop.
- (3) I believe this shows that Councillor Papworth has contravened Sefton's Code of Conduct for Members and therefore, it is appropriate for the matter to be considered by the Council's Audit and Governance Committee.

Councillor Papworth presented his case and did not call any witnesses.

Mr. Cowley then summed up the complaint and Councillor Papworth summed up his case.

Mr. J. Fraser, Independent Person, had been consulted prior to the meeting and his views could be summarised as follows:-

- (1) I have read all the documentation relating to the complaint and I can confirm that any points I had in mind in relation to the complaint have been covered and cleared in such documentation, to my satisfaction. In consequence, I do not wish to submit any comments in respect of this matter.
- (2) I will be attending the Hearing at Bootle Town Hall at 3pm on Thursday, 18 September 2014.

Mr. J. Fraser confirmed that in his opinion, on the facts presented, that Councillor Papworth had breached the Code of Conduct and policies of the Council.

The Sub-Committee then adjourned the hearing and deliberated in private on whether or not it considered, on the facts presented, there had been a breach by Councillor Papworth of the Code of Conduct/policies of the Council; and if so, what sanctions should be imposed.

The Sub-Committee then re-convened and Mr. P. Cowley, Councillor Papworth and Mr. J. Fraser were invited back into the room. Councillor

AUDIT AND GOVERNANCE HEARINGS SUB-COMMITTEE- THURSDAY
18TH SEPTEMBER, 2014

Mark Dowd, Chair, announced that the Sub-Committee had reached the following decisions:

- (1) The Members Code of Conduct at paragraph 9 exhorts Members:
- Do treat others with respect
 - Do not conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct of Members.

Sub-Committee's decision – That Councillor Papworth has breached Paragraph 9 of the Members Code of Conduct.

- (2) The Members Code of Conduct at paragraph 10 exhorts Members, when using or authorising the use by others of the resources of the Authority:
- Do act in accordance with the Authority's reasonable requirements, including the requirements of the Authority's ICT policy and the policies (attached to or included in the Authority's Constitution), copies of which have been provided to you and which you are deemed to have read.

Sub-Committee's decision - That Councillor Papworth has breached Paragraph 10 of the Members Code of Conduct.

- (3) The Protocol on the Use of ICT by Members provides:

Para 34 – The computer is provided to the Councillor specifically to facilitate the discharge of the Councillor's functions as a Councillor. The Councillor must therefore not use the computer in any manner which will prevent or interfere with its use for that purpose.

Para 44 – Where the computer is not required for Council business the Councillor may use it for private and personal purposes and may permit members of his / her immediate family to use the computer for private or personal purposes, but is then responsible for their use of the computer. In order to remain within guidance from the Revenues and Customs Service any such use should be kept to a minimal level.

Para 49 – The Councillor shall not use the computer or permit its use, in any manner which may bring the Council or Councillor into disrepute.

Para 50 – All Councillors have a responsibility to maintain and enhance the Council's public image and to use the Council's e-mail and access to the Internet in accordance with the Council's e-mail and internet policies.

AUDIT AND GOVERNANCE HEARINGS SUB-COMMITTEE- THURSDAY
18TH SEPTEMBER, 2014

Sub-Committee's decision - That Councillor Papworth has breached Paragraphs 34, 44, 49 and 50 of the Protocol on the Use of ICT by Members.

- (4) The Council's Internet and Social Media Policy provides at paragraph 11 that a Councillor must **not** use the Internet account to:
- Create, download, upload, display or access knowingly, sites that contain pornography or other 'unsuitable' material that might be deemed illegal, obscene or offensive
 - "Unsuitable" material would include data or images the transmission of which is illegal under British Law and, material that is against the rules, essence and spirit of this and other Council policies.
 - Subscribe to, enter or use peer-to-peer networks or install software that allows sharing of music, video or image files.

Sub-Committee's decision - That Councillor Papworth has breached Paragraph 11 of the Council's Internet and Social Media Policy.

- (5) The Council's Internet Guidelines provide that the Council's internet facility is provided primarily as a work resource for staff and Elected Members. All internet access is passed through a URL filter that blocks access to 'unsuitable' sites which includes pornographic sites. It further provides that :
- If any sites in the above categories are not blocked they are still not acceptable and the blocking request form should be completed and submitted to the helpdesk.

The Guidelines go on at paragraph 4 to further confirm that the internet access must not be used to create, download, upload, display or access knowingly sites that contain pornography or other 'unsuitable' material that might be deemed illegal, obscene or offensive.

Sub-Committee's decision - That Councillor Papworth has breached the Council's Internet Guidelines.

- (6) The Sub-Committee is concerned at the disregard shown by Councillor Papworth since his previous warning and that he be advised that such behaviour will not be tolerated in the future.

RESOLVED:

That the breaches of the Council's Code of Conduct, the Protocol on the Use of ICT by Members, the Council's Internet and Social Media Policy

AUDIT AND GOVERNANCE HEARINGS SUB-COMMITTEE- THURSDAY
18TH SEPTEMBER, 2014

and the Council's Internet Guidelines warrants that the following sanctions be applied:-

- (1) Councillor Jones, Conservative Group Leader, be recommended to remove Councillor Papworth from all Committees, Sub-Committees and outside bodies to which he has been appointed;
- (2) All Council-owned IT facilities, including Group office IT equipment, be withdrawn from Councillor Papworth until May 2015; and
- (3) Councillor Papworth be requested to consider making a financial contribution towards the costs incurred in the production of the Sapphire forensic examination of his laptop's hard disk drive.

Councillor Mark Dowd, Chair, advised Councillor Papworth that there was no appeal against the Sub-Committee's decision.