

## HEARINGS SUB-COMMITTEE DECISION NOTICE

Complaint about Councillor Peter Papworth  
Lodged by Graham Bayliss, Director of Corporate Services

On 18 September 2014, the Hearings Sub-Committee considered a report of an investigation into the alleged conduct of Councillor Peter Papworth, a Member of Sefton Metropolitan Borough Council. A general summary of the complaint by Mr. Bayliss is set out below.

### **Complaint summary**

- (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

### **Consultation with Independent Person**

The Independent Person's views can be summarised as follows:-

- (1) I have had 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.

### **Findings**

After considering the submissions of the parties to the hearing and the views of the Independent Person, the Sub-Committee 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.

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 provides that the Council's internet facility is provided primarily as 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.

### **Sanctions applied**

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 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.

### **Appeal**

There is no right of appeal against the Sub-Committee's decision.

### **Notification of decision**

This decision notice is sent to the:

- Councillor Peter Papworth
- Graham Bayliss, Director of Corporate Services (the complainant)
- Jill Coule, Monitoring Officer

### **Additional help**

If you need additional support in relation to this decision notice or future contact with the Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language.

**Signed:** *Mark Dowd*

**Date:** 23 September 2014

**Print name:** Mark Dowd

Chair of the Hearings Sub-Committee  
Sefton M.B.C  
Town Hall  
Trinity Road  
Bootle  
L20 7AE