

Section 4.

I am lodging this complaint against Cllr Brian Silvester whom I believe has contravened the Members Code of Conduct for Cheshire East Council.

The reasons for this complaint are outlined below.

On the 16th December Cllr Silvester participated in a radio interview with Alan Beswick on BBC Radio Manchester.

During that interview Cllr Silvester made comments about Council Officer, Caroline Simpson, and made the following statement in respect of her work on the Local Plan:

“we’re talking about somebody who has failed, failed and failed again in her post.....Caroline Simpson should be sacked, she shouldn’t be promoted”.

Furthermore, Cllr Silvester included similar comments in promotional UKIP press releases:

“the officer in charge is set to be promoted and given a performance bonus !! Far from being promoted she should be sacked”.

Following the making of these statements the Chief Executive, Mike Suarez issued a letter to Councillor Silvester via solicitors acting on behalf of the Council, dated 19th December (attached). In that letter Councillor Silvester was warned that his comments regarding Mrs Simpson contravened good governance and the duty upon employers to protect employees from unfair criticism particularly when they are personally named.

It is unfortunate that Cllr Silvester chose not to desist from making further comments or statements regarding this matter as requested and indeed chose to publish the correspondence sent by solicitors acting on behalf of the Council on this matter. As a consequence Cllr Silvester has chosen to perpetuate the action and defamation against the individual officer.

Acting as Head of the Paid Service in the absence of the Chief Executive during this holiday period I feel that Cllr Silvester has contravened the Code of Conduct for Members. The relevant extracts of the Code are repeated below.

Section 7 of the Member Code of Conduct for Cheshire East Council states:

- (a) You must treat others with courtesy. You should engage with colleagues and staff in a manner that underpins mutual respect and courtesy, essential to good local government.

And

- (d) You must not bully any person, including other councillors, officers of the authority or members of the public. (see footnote extract)

Footnote extract

“Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour and includes “cyber bullying”. It may happen once or be part of a pattern of

behaviour. It can be contrasted with the legitimate challenges as a member may make in challenging policy or scrutinising performance. You may challenge others as to why they hold their views but must take care to raise issues in the appropriate forum. Ideas and policies may be robustly criticised but individuals should not be subject to unreasonable or excessive personal attack.

Additionally, I do have some concerns that Cllr Silvester's comments may have a further malicious intent relating to previous action taken by the Council against him regarding his role as a landlord in the Borough. The legal action resulted in a conviction which is now spent. However, it is important to note that Mrs Simpson was the officer who signed the notice on behalf of the Council for his prosecution

Lorraine Butcher

Executive Director, Strategic Commissioning