



**IN THE FIRST-TIER TRIBUNAL  
GENERAL REGULATORY CHAMBER  
(Local Government Standards in England)**

**CASE NO:** LGS/2010/0493

**ON APPLICATION FROM:**

Ethical Standards Officer (ESO) of Standards for England

Application reference No: SBE-07972-B1H6A

Dated: 19 February 2010

**APPLICANT:** Jennifer Rogers, Ethical Standards Officer,  
Standards for England

**RESPONDENT:** Councillor Peter Farrell of Doncaster  
Metropolitan Borough Council

**DATE OF HEARING:** 21 May 2010

**VENUE:** Doncaster Magistrates Court

**DATE OF DECISION:** 24 May 2010

**BEFORE**

**Judge: David Laverick  
Member: Ian Prosser  
Member: Alison Lowton**

Attendances:

For the Applicant (ESO):

Ms Samantha Broadfoot

For the Respondent:

Mr Nick Hayles

**Subject matter:**

**Reference about possible failure to follow the  
Code of Conduct**

**Cases**

**APE 0455 Woolley**

## **DECISION OF THE FIRST-TIER TRIBUNAL**

The Respondent has been found to have failed to follow the provisions of the Code of Conduct and has been suspended for three months

### **REASONS FOR DECISION**

#### **1 Introduction**

- 1.1 The Tribunal has determined a reference from an Ethical Standards Officer ("ESO") in relation to an allegation that the Respondent had breached Doncaster Metropolitan Borough Council's Code of Conduct when he used his council issued laptop and email facility to send a joke based upon religion, contrary to the requirements of the Council's Electronic Email Usage Policy. The Respondent agreed that his actions did constitute a breach of Paragraphs 6(b) and 5 of the Council's Code of Conduct.
- 1.2 The Respondent gave oral evidence about his reasons for sending the four emails. His representative, and Counsel for the ESO made submissions about what action should be taken following the finding that the Respondent had failed to follow the provisions of the Council's Code of Conduct. The Tribunal also took account of a written statement from the Respondent and letters of support for him from the Clerk and Chairman of the Parish Council on which he served and from others.

#### **2 Findings**

The Tribunal noted that the following material facts were agreed:

##### The Respondent's official details

- 2.1 The Respondent was most recently re-elected to office on 10 May 2007 for a term of four years. In 2009/2010 the Respondent was the Deputy Civic Mayor and served on the Standards Committee, the Audit Committee and the Schools, Children & Young People's Overview and Scrutiny Panel.
- 2.2 The Respondent is also a member of Armthorpe Parish Council.
- 2.3 The Respondent had given a written undertaking to observe the Council's Code of Conduct.
- 2.4 On 21 May 2007 the Respondent attended a member seminar entitled 'New Code of Conduct'. On 29 September 2008 the Respondent attended further training provided by the Council, incorporating elements on the Council's Code of Conduct.

##### Relevant legislation and protocols

2.5 The Council has adopted a Code of Conduct in which the following paragraphs are included.

2.6 Paragraph 2 states:

*“(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—*

*(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or*

*(b) act, claim to act or give the impression you are acting as a representative of your authority,*

*and references to your official capacity are construed accordingly.*

*(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.*

*(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.*

*(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).*

*(5) Where you act as a representative of your authority—*

*(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or*

*(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.”*

2.7 Paragraph 5 states: *“You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.”*

2.8 Paragraph 6(b)(i) states: *“You –*

*(b) must when using ...the..resources of your authority:*

*(i) act in accordance with your authority's reasonable requirements.*

2.9 On 6 March 2009 the Council most recently updated its Electronic Mail Usage Policy (the email policy). Paragraph 1 of this policy, under the heading 'Introduction and Scope', states:

*"The Council provides an electronic mail system (email) for use by members, its staff and other authorised third parties to communicate efficiently and effectively both internally and with outside parties.*

*The Council has a duty to inform all email users:*

- Of the rules to be applied when using the email system*
- Of their responsibilities*
- What is defined as acceptable use of the system*
- What would constitute misuse of the system*
- Of the consequence of abuse of the system*

*This policy provides guidelines for the use of the Council's email system.*

*This policy applied to all staff and members of the Council and their use of email facilities, internally or externally."*

- 2.10 Paragraph 6 of the email policy, under the heading 'Prohibited Use of E-Mail', states:

*"Abuse of email is a disciplinary offence and may constitute Gross Misconduct in accordance with the Council's disciplinary rules.*

*Employees must not use email to transmit content that is harassing, discriminatory, menacing, threatening, obscene, defamatory or in any way objectionable or offensive".*

*Employees are prohibited from using email:*

- For excessive personal use whilst clocked in for work*
- To send, receive, solicit print, copy or reply to:*
  - Text that ridicule others based on their race, religion, colour, sex, sexual orientation, national origin, veteran status, disability, ancestry or age*
  - Jokes (text or images) based on sex, sexual orientation, race, age, religion, national origin, veteran status, ancestry or disability*
  - Messages that are disparaging or defamatory*
  - Sexual orientated messages or images*
  - Messages or images that contain foul, obscene or adult orientated language*
  - Messages or images that are intended to alarm others, embarrass the Council, negatively impact employee productivity or harm employee morale.*

- 2.11 Paragraph 8 of the email policy, under the heading 'Privacy of E-Mail', states:

*"Whilst personal use of email is permitted during lunch and work breaks, staff and members must be aware that e-mail facilities are provided by the Council - anything that staff and members would not want to be investigated, should not be conducted on the Council provided email service. Employees and members should mark any personal e-mails as 'Personal' using the sensitivity option and/or by beginning the subject with 'PERSONAL', ensuring that it is spelt correctly as any subsequent retrieval may exclude personal information using an exact match."*

### Summary of facts

- 2.12 On 11 July 2007 the Respondent, as a member of the Council's Standards Committee, considered and approved a report on information security, including a review of the Council's email policy.
- 2.13 As part of this consideration, the Respondent was also provided with copies of the newly produced 'rough guides', including one specifically covering acceptable use of the Council's email system.
- 2.14 On 28 July 2009 a Mr Frost sent an email at 14.16 to the Respondent's council email address. The email was headed 'Types of Bra Sizes!' and was

accompanied by three photographs; one of them showing a woman with her naked breasts protruding through a steel structure. The email was forwarded at 22.03 on 28 July by the Respondent to 18 people without any accompanying text or explanation.

- 2.15 On 6 August 2009 at 14:02 Mr Frost sent an email entitled 'Did you know...' to the Respondent's council email address. The email contained derogatory statements about illegal immigrants.
- 2.16 At 23:35 that evening the Respondent, using his council issued laptop, forwarded Mr Frost's email to 15 people without any accompanying text or explanation from his council email address.
- 2.17 On 18 September 2009 at 17:01 Mr Frost sent an email entitled 'I've a big favour to ask' to the Respondent's council email address. The favour was to allow a friend to camp in his garden. The friends were said to be travelling in a couple of old Mercedes. An accompanying picture showed two massively overladen lorries on which were some non-caucasian people.
- 2.18 At 20:12 that evening the Respondent, using his council issued laptop, emailed a response to Mr Frost from his council email address.
- 2.19 At 20:24 that evening the Respondent, using his council issued laptop, forwarded Mr Frost's email from his council email address, to 33 people, again without any accompanying text or explanation.
- 2.20 At 22:43 that evening Mr Frost replied to the Respondent's earlier response.
- 2.21 On 29 September 2009 Mr Frost sent an email entitled 'Emergency telephone number' to the Respondent's council email address. The email asked that an emergency number should be passed "to all your Asian Friends." An attachment to the email stated that it was "Advice for new Muslim immigrants to all Commonwealth Countries", the advice was:
- "If you are trapped in a burning house or have been seriously injured and are bleeding to death, the new emergency number is"*
- There followed a number which took up 45 lines of text.
- 2.22 At 22:46 that evening the Respondent, using his council issued laptop, forwarded the attachment from Mr Frost's email from his council email address to 21 people without any accompanying text or explanation.
- 2.23 On 30 September 2009 at 19:03 someone within the Ministry of Defence who had been forwarded a copy of the Respondent's email, emailed the Respondent to complain about the contents of his email and the fact that it had been sent from an official council email address. This email was also copied to the elected Mayor.
- 2.24 On 8 October 2009 both the Doncaster Free Post and the South Yorkshire Star carried articles covering the Respondent's email and its contents.
- 2.25 On that same day the President of the local Pakistan Cultural Centre & Mosque wrote to Mr Hart expressing concern and distress at the contents of the email entitled 'Emergency telephone number' forwarded by the Respondent, from his council email address.

### **3 Whether the material facts disclose a failure to comply with the Code of Conduct.**

#### 3.1 The Respondent's submissions:

- 3.1.1 The Respondent is not disputing his actions constituted a breach of paragraphs 5 and 6(b) of the Code of Conduct.
- 3.1.2 It is accepted that his use of the Council's IT system and in particular the Doncaster.gov.uk address was in breach of both the spirit and letter of the Code of Conduct and also allowed recipients of the emails to infer that he was conducting the business of the office to which he was elected.
- 3.1.3 The Respondent had been involved in obtaining funding and was going to set up a dedicated phone line service through which the Polish community could access an interpreter. Some adverse comments had been reported to the Respondent. He had asked all his neighbourhood watch contacts and some other of his contacts to get in touch with him if they heard or knew of any more adverse comments, he regarded the emails of 6 August and 29 September as responses to that invitation.

#### 3.2 The ESO's submissions:

- 3.2.1 Before it can be considered what, if any, paragraphs of the Council's Code of Conduct the Respondent has failed to comply with, it needs to be established in what capacity he was acting at the time the conduct relevant to the investigation took place. The ESO considers the relevant conduct in this case to be the Respondent's conduct in forwarding four emails that had been sent to him by Mr Frost.
- 3.2.2 Paragraph 2(1) of the Council's Code of Conduct states that that the Code of Conduct (subject to an exception not relevant in this case) applies to a member only when he 'conducts the business of his authority' or 'acts', claims to act or gives the impression that he is acting as a representative of his authority'.
- 3.2.3 None of the relevant emails forwarded by the Respondent, contained any indication or marking that identified them in anyway as being personal or which served to distinguish them from any emails sent by the Respondent when he was conducting the business of his authority. The ESO considers the onus to be on all authorised email users, both officers and members, to ensure that they clearly identify any personal emails they send and any emails sent from council email addresses not so identified run the considerable risk of being seen to give the impression that they were sent while the user was acting as a representative of the Council.
- 3.2.4 By failing to take any steps or measures to identify his emails as being private or personal, the Respondent did nothing to counter the impression that his emails, sent from his council email address, were connected to his position as a member of the authority and were sent while he was giving the impression he was acting as a representative of the authority. The ESO is strengthened in this view by the fact that the member of the public who complained to the Council about the Respondent forwarding the 'Emergency telephone number' email made

specific reference to the Respondent's misuse of his council email address and that this misuse, in their view, reflected on the Council as a whole.

- 3.2.5 The ESO considers, therefore, that at all times relevant to his investigation the Respondent was acting in his official capacity, in that he gave the impression that he was acting as a representative of his authority and therefore was subject to the requirements of the Council's Code of Conduct.
- 3.2.6 Paragraph 5 of the Council's Code of Conduct requires that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. This is an objective test; the Tribunal has to consider whether a notional reasonable member of the public, in full possession of the facts, would conclude that the Respondent's conduct brought discredit to the office of councillor or caused the office of councillor to be held in lower esteem. A member's conduct will bring that member's authority into disrepute if it could reasonably be regarded as reducing public confidence in the authority being able to fulfil its functions and duties.
- 3.2.7 The ESO has attached particular evidential weight to the terms and conditions as contained in the Council's email policy, together with the contents of each of the individual emails in question. While the ESO is satisfied that the contents of each individual email breach the terms of the Council's email policy, some are of far more seriousness in nature than others.
- 3.2.8 In respect of the two emails he forwarded entitled 'Various types of bra' and 'I've a big favour to ask', it is not in dispute that the Respondent received these two email 'jokes' from Mr Frost and in each case forwarded them to a number of people, who he thought would find the 'jokes' amusing or humorous. It is equally indisputable that the individual content of each of these emails place them clearly into a number of the categories of types of emails that are expressly prohibited under the terms of the Council's email policy. These include the prohibitions on 'jokes (text or images) based on sex, sexual orientation, race, religion, national origin, veteran status, ancestry or disability' and 'sexual orientated messages or images'. The ESO considers, therefore, that in relation to the sending of each of these emails the Respondent breached the terms of the Council's email policy.
- 3.2.9 The Tribunal must consider whether this conduct brought the Respondent's office or authority into disrepute. There may be occasions where a member's conduct would cause a reasonable member of the public to think less of them as an individual but would not necessarily bring either their office or authority into disrepute. The ESO does not, however, believe this to be the case here. A reasonable member of the public would expect an experienced councillor such as the Respondent to have ensured that any emails he sent from his council email address accorded with all the Council's relevant policies.
- 3.2.10 While the ESO accepts that these two email 'jokes' are perhaps at the lower end of the scale in terms of their seriousness they would be judged by many as both objectionable and offensive, a fact

acknowledged by the Respondent. A reasonable member of the public would consider the Respondent's failure to abide by the terms of the Council's email policy to be indicative of judgment so poor on his part as to reduce their confidence in the Respondent's ability to fulfil his role as a member in an ethical manner. By his conduct in this respect the Respondent brought discredit to the office of councillor and caused it to be held in lower esteem. She does not consider, however, that his essentially personal failing in this regard was such that it brought his authority into disrepute.

- 3.2.11 So far as concerns the Respondent's conduct in relation to the two emails entitled 'Emergency telephone number' and 'Did you know...', it is again not in dispute that the Respondent received these two emails from Mr Frost and subsequently forwarded them to a number of people from his council email address. It is also not in dispute that the Respondent took no steps to distinguish his actions in respect of these two emails from those he took in respect of the other emails he received from Mr Frost. None of the emails forwarded by the Respondent contained any accompanying text or explanatory statement as to the reasons why the recipients were receiving this email or what, if any, action or response was expected of them.
- 3.2.12 The ESO is aware that the Respondent has claimed that these two emails are not just further examples of 'jokes' sent to him by Mr Frost, which he then forwarded on to whoever he thought might find them humorous, as was the case with the other emails. The ESO does not consider his explanations persuasive or plausible in this respect. Even if these emails were provided to him in the manner and for the purposes he has claimed, she cannot conceive that he would forward such content without any accompanying text or explanation. For him not to have done so constitutes at best, in the ESO's opinion, an inexcusable lapse in judgment on the Respondent's part.
- 3.2.13 Having considered the contents of these two emails the ESO is satisfied that they each breach a number of the terms and conditions contained within the Council's email policy. The ESO is satisfied that a reasonable member of the public would find their content to be objectionable and offensive and they would be shocked that such emails were circulated from a council email address. There cannot be any justification for the Respondent forwarding these emails in the manner in which he did. A reasonable member of the public would view the Respondent's conduct as being, at best, a further example of extremely poor judgment on his part and, at worst, a misuse of the Council's email system that has brought shame and discredit upon himself and the Council as a whole.
- 3.2.14 Taking all these facts into account, the ESO is satisfied that a reasonable member of the public would expect an experienced councillor such as the Respondent to have ensured that any emails he sent from his council email address accorded with all the Council's relevant policies. Especially if, as in this case, that councillor was the deputy civic mayor and a member of the authority's Standards Committee and, as such, should be expected to set and maintain the highest standards of ethical conduct.
- 3.2.15 A reasonable member of the public would, if they were to become aware of this conduct, have less confidence in the Respondent's ability to carry



out his functions, including hosting citizenship ceremonies in his capacity as deputy civic mayor, in an ethical and appropriate manner. The Respondent's failings in this regard brought discredit to the office of councillor and to have lowered the reputation of the authority by diminishing public confidence in the Council.

3.2.16 The ESO considers, therefore, that the Respondent failed to comply with paragraph 5 of the Council's Code of Conduct in that he brought both his office and authority into disrepute.

3.2.17 The Respondent must be taken to be aware of the Council's policies on the acceptable use of its IT facilities. The Respondent, in forwarding the emails was in breach of that policy:

- The "bra joke" was sexist and contained sexually orientated images.
- The "favour" joke was based on race or national origin, was disparaging and/or sought to ridicule others on the basis of their race and/or national origin.
- The "telephone number" email was based on religion and/or race and/or national origin, was disparaging and/or sought to ridicule others on the basis of their religion and/or race and/or national origin.
- The "did you know" email was all of the above, highly offensive and also contained foul, obscene and adult orientated language.

### 3.3 **Tribunal decision**

3.3.1 The Respondent did fail to comply with the Code of Conduct in that he misused Council resources (a laptop and emailing facilities), he has not sought to contest that his actions were inconsistent with the Council's IT policy and he accepts that he transmitted material which were unpleasant and inappropriate. This was contrary to paragraph 6(b) of the Council's Code of Conduct. His actions also brought the reputation of his office of councillor and of the Council into disrepute contrary to paragraph 5 of the Code of Conduct.

## 4 **Submissions as to action to be taken**

4.1 The Tribunal heard evidence from the Respondent primarily in support of his contention that his actions in forwarding two of the emails were in the context of distributing material illustrating adverse comments to the proposed emergency helpline that he had been helping to set up.

4.2 Submissions from and on behalf of ESO:

4.2.1 The ESO's view is that the Respondent's failure to abide by the requirements of the Council's Code of conduct is a serious matter. The ESO considers that those who accept public office must accept that there are minimum standards of behaviour expected of elected officials and that the Respondent's behaviour has fallen well below the minimum standard expected.

- 4.2.2 The ESO considers the misconduct identified within her report to be a matter of considerable concern and evidence of the Respondent's inability to correctly judge the appropriateness of his conduct and the potential damage his conduct may cause to the reputation of the authority.
- 4.2.3 The ESO rejects the Respondent's explanations for forwarding two of the emails. There is no evidence in any of the minutes of the neighbourhood watch committee to corroborate his submission that he had asked for adverse comments to be sent to him, there is no evidence of discussion of such comments. If the material was really relevant to the functioning of the neighbourhoods watch committee it is odd that there is no reference in the minutes to it. The only evidence is that it was forwarded to a group of people that the Respondent thought would find it amusing.
- 4.2.4 The ESO is not submitting that the Respondent is a racist, the fact that he thinks something with racist overtones is funny does not of itself make him a racist.
- 4.2.5 There are mitigating factors:
- The Respondent has accepted that he is breach of the Code of Conduct.
  - He accepts his actions were ill-advised.
  - He has apologised.
- 4.2.6 Aggravating factors are:
- There was not just one offensive email sent but four over a period of three months.
  - It was done at the very least thoughtlessly and at worst because he thought it was amusing.
  - A feature of sending emails is that the action can have a very long reach. Anyone looking at the list of recipients would see that it had been through Doncaster Council.
- 4.2.7 Had an officer acted in the same way he or she would have been dismissed for gross misconduct.
- 4.2.8 In *Woolley* (APE 455) a councillor who had allowed inappropriate material to be downloaded onto a Council provided computer had been disqualified for two years. There was no finding that the councillor himself had downloaded the material whereas here there is no doubt at all that the Respondent sent the email. In *Woolley* the downloaded material would not have been visible to anyone else. Here material which is frankly disgraceful was sent out through the Doncaster Council system for the world to see.
- 4.2.9 The disrepute caused was at the more serious end of the scale.

4.3 Submissions from and on behalf of the Respondent:

- 4.3.1 The Respondent has apologised unreservedly to everyone concerned regarding the incident. That is very significant. He acknowledges that it was a foolish thing to do and that he could have done it better.
- 4.3.2 He now has his own laptop and would not use the Council's one for any contact with the range of people he used in connection with his neighbourhood watch work and his support team.
- 4.3.3 The Respondent accepts that all the emails were unpleasant and inappropriate and should not have been forwarded on without a level of judgement being applied. A man not terribly experienced with email immediately forwarded them rather than, with the benefit of hindsight including some explanatory text
- 4.3.4 The Tribunal should draw a distinction between misjudgement and being a racist. The latter was the original submission made in complaint. This was an issue of misjudgement not racism. His misjudgement has caused offence. He accepts that. It is a matter of sadness to him that it caused the letter from Sikh Temple to be written.
- 4.3.5 At the time this matter came up the Respondent was going to be the Civic Mayor as from the day of the Tribunal's hearing. He has relinquished this position. He is 75 years old. The opportunity for him to serve in that office is never going to come round again.
- 4.3.6 His misjudgement needs to be balanced against the clear work he has done as a member of the community and then as a councillor. His work is at a very local level, using the skills he has to advantage his community. He is not politically aligned and has concentrated on providing a useful and well respected service to members of his community. Testimony to this is provided in the letters that have been submitted particularly from the Parish Council. Other references are consistent and show a man well liked, well respected and who works hard for his community.
- 4.3.7 The explanations for his actions have been consistent from the beginning. He has tried to put his cards on the table. While the ESO has found his responses to the two kinds of email difficult to understand the Respondent has not deviated from that explanation. The Tribunal should accept this was what was in his mind at the time. He did not turn his mind to what would happen to the emails down the line.
- 4.3.8 It was only because of his own position and because the complaint was made by the Chief Executive that this matter was not investigated locally.
- 4.3.9 He has been humiliated by being the subject of the complaint, by being splashed over the newspapers, by the investigation process, by not taking the Mayor's chain of office and by attending the Tribunal.
- 4.3.10 Looking at the Tribunal's guidance on what sanction to apply, the only factor in the list of those which might result in disqualification is the misuse of Council resources, not so much the use of the laptop but the use of the Council email address. There has recently been a case of someone in the foreign office sending an email with material in relation to the proposed visit of the Pope to the UK. The person responsible has

been invited to take up other work within the Foreign Office. The Tribunal has been invited to accept that if a council employee had sent out these emails then there would be an enquiry into his or her conduct and he or she would potentially lose the employment. But this would not be a foregone conclusion. Alternatives should be sought which are fair to the circumstances and the individual. Disqualification would not be an appropriate sanction.

4.3.11 The Respondent would ask the Tribunal not to suspend him or if it was minded to do so, to make the suspension as short a period as is justified in the circumstances. The seriousness of what he did has been brought home to him over the last six months. He has taken steps to avoid any repetition of inappropriate use of his Council email address. It will not happen again.

4.3.12 Censure would be appropriate, he has learnt from these proceedings which have brought home to him that what he did caused offence. He is willing to apologise in any terms required by the Tribunal.

4.3.13 The Tribunal should recognise the effect this has had on him and what he has had to give up. The Tribunal should recognise his motive in wanting to continue to serve his community. There is no evidence that his constituents are protesting about him.

#### 4.4 Tribunal decision

4.4.1 The Tribunal does not accept the Respondent's explanation for forwarding two of the emails. That explanation is unsupported by any documentary evidence and stretches the Tribunal's credulity too far. This casts some doubt on the sincerity of his acceptance of his inappropriate behaviour.

4.4.2 Nevertheless the Tribunal does recognise the force of the submissions made on behalf of the Respondent and particularly his action in standing aside from becoming the Civic Mayor of Doncaster. That leads the Tribunal to a lesser sanction than would otherwise have been the case but the Tribunal is not persuaded that censure would of itself be appropriate to bring home the message that his behaviour was inappropriate.

4.4.3 Taking into account his apology, his action in standing down from the Civic Mayoralty and the letters written in his support which testify to his public service the Tribunal feel that the appropriate sanction would be a suspension for a period of three months.

4.4.4 That suspension will begin from Monday 24 May 2010.

4.4.5 In reaching that view the Tribunal took account of Miss Broadfoot's submissions and reference to an earlier case considered by a Case Tribunal of the Adjudication Panel. Such decisions are inevitably fact-sensitive. The facts of the present case are clearly very different and the present Tribunal does not find the reference particularly helpful. That case certainly did not establish a precedent that disqualification was appropriate for all cases where offensive material appears on council computer systems.

4.4.6 The decision of the Tribunal was unanimous.

- 5** Any request for the decision to be reviewed or for permission to appeal needs usually to be made to the First-tier Tribunal within 28 days of receipt of the Tribunal's reasoned decision. Such applications need to be in writing.

David Laverick

**Judge**

24 May 2010