

APPENDIX 2: Standards Case – (from Local Government Lawyer – August 2016)

Former councillor jailed for supplying false information ahead of election

An ex-councillor has been jailed for two months after pleading guilty to supplying false information to an electoral registration officer.

Richard Smalley was elected to represent Allestree on Derby City Council, a safe Conservative ward. According to a report on the BBC website, he had claimed on a form submitted to the electoral registration officer that he lived at an address in Allestree, when he actually lived in Borrowash, which is outside the city boundaries of Derby. He resigned ten days after he was elected.

Smalley subsequently pleaded guilty to a charge of 'Supplying False Information to the Electoral Registration officer' under s13D Representation of the People Act. Responding to Smalley's sentencing, Janie Berry, Derby's Returning Officer and Electoral Registration Officer, said: "Derby City Council acknowledges the outcome of the matter before the Magistrate Court today with regard to Mr Richard Smalley. "The council continues to proactively and robustly investigate all complaints relating to elections. Our excellent working relationship with Derbyshire Constabulary has resulted in this matter being put before the Court that clearly demonstrates our continued commitment to complete transparency in all matters related to elections in the city. The council continues to work diligently to ensure that the people of Derby are reassured about the integrity of all of our election processes."

Berry added: "With regard to the matter of the compensation application, the resignation of Mr Smalley shortly after the local elections in May 2016 will result in a by-election in the ward of Allestree.

"The administration and proper delivery of that by-election comes at a cost to the council and local tax-payers. The sum of £30,000 is one that the council believes adequately covers those costs and that it was reasonable to ask that the sum, or a contribution to the costs, be recovered from Mr Smalley in this instance.

"The council acknowledges the Court's decision in respect of compensation and I will be reviewing the council's decision in due course."

Tom Hawthorn, Head of Policy at the Electoral Commission, said: "The Electoral Commission works with the police and local authorities across the UK before each set of elections to support them putting robust procedures in place to tackle electoral fraud. This case demonstrates that allegations of electoral fraud are taken extremely seriously. Derby City Council and Derby Constabulary have shown that the police and local authorities can and will work together to act on evidence of wrongdoing."

According to the BBC report, Andrew Oldroyd, Smalley's barrister, said in mitigation that his client was dealing with personal issues when he made the false statement in January this year. "Politics was a useful diversion from the stresses and strains," Oldroyd said. "It was that stress which explains why a man of 49-years-old and previous good character finds himself in the situation he is in."