

Standards Committee – 3rd October 2016

Recent case – false address offence

Report:

The purpose of this report is to inform Members of a recent case of a Councillor from Derby City Council who been jailed for two months after providing a false address to an elections officer.

Attached at Appendix 1 to this report is an extract from a newspaper article that describes the history of the offence for Members information.

Recommendation:

That, subject to any comments Members may wish to make, the report be noted.

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Councillor Richard Smalley jailed for false address offence



Former councillor Richard Smalley CREDIT: PA

By Lexi Finnigan

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A former city councillor has been jailed for two months after pleading guilty to providing a false address to an elections officer.

Richard Smalley was elected to Derby City Council in May for the Allestree ward and became deputy leader of the Conservative group on the Labour-run authority.

The 49-year-old resigned his seat only 10 days after the election - triggering a by-election expected to cost between £15,000 and £30,000 - after becoming aware of rumours on Facebook he had been "rumbled".

He appeared at Derby Magistrates' Court on Tuesday accused of filling in an electoral registration form claiming he lived in Allestree - which would make him eligible to stand for Derby City Council - when his real address was in Borrowash, outside the Derby city boundary.

Jailing him, District Judge Jonathan Taaffe said: "This is an attack on the fundamental principles of democracy and a gross breach of trust."

He added Smalley was guilty of a "calculated and deliberate decision" to provide a false address to allow him to stand in the safe Tory seat in Allestree.

Prosecuting, Fiona Morrison told the court Smalley knew Allestree was a safe Conservative seat and he claimed to live at the address of someone he knew so that he could stand at the election.

“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”

Mr Oldroyd

She added that Smalley knew "if anyone stood for the Conservatives in Allestree that they would be elected there" and he admitted voting "in elections he was not able to stand in".

Smalley was elected with 2,820 votes, or 60.7% of those who turned out, more than 2,000 votes ahead of Labour's Oleg Sotnicenko, who came second.

The court heard he would have earned £10,073 in allowances per year in his role, topped up by £3,000 for taking the position of deputy leader in the Conservative group.

In mitigation, Andrew Oldroyd admitted his client felt "uneasy at the situation" on election night as the gravity of his crime became apparent.

Smalley had previously served on the council between 2002 and 2008 in a different ward and got involved in politics again ahead of the general election in 2015. On the back of this, he was offered the chance to stand for election to Derby City Council, an offer which "seduced and flattered" Smalley, Mr Oldroyd said.

The court heard Smalley, a company director for a scrap metal company for 20 years, was dealing with personal issues when he made the false statement in January.

Mr Oldroyd said: "Politics was a useful diversion from the stresses and strains.

"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."



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