

MEETING:	Standards Board Panel
DATE:	Thursday, 29 August 2019
TIME:	10.00 am
VENUE:	Meeting Room 3 - Barnsley Town Hall

Present Councillors Makinson (Chair), T. Cave and Hand-Davis

1 APPOINTMENT OF CHAIR

RESOLVED that Councillor Makinson be appointed Chair of this Panel.

2 DECLARATION OF PECUNIARY OR NON-PECUNIARY INTERESTS

There were no declarations of pecuniary or non-pecuniary interest from Members in respect of the item on the agenda.

3 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that the public and press be excluded from this meeting because of the likely disclosure of exempt information as defined by Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1982 (as amended).

4 COMPLAINT AGAINST A COUNCILLOR

The Panel received a report of the Executive Director Core Services requesting Members to consider whether or not action should be taken in response to a complaint made against Councillor Greenhough in accordance with the Council's arrangements for dealing with ethical standards complaints.

The report, in providing details of the complaint and the investigation undertaken, also outlined the options available to the Panel in determining the outcome of that investigation.

The complaint, which had been referred to the Executive Director Core Services in his capacity as Monitoring Officer, related to an alleged breach of the Council's Code of Conduct by Councillor Greenhough during a debate at the Council meeting held on the 25th July, 2019 when offensive and derogatory comments had been made to Councillor P Birkinshaw.

The primary complainant was Councillor P Birkinshaw but related complaints had been received from other Members and also from outside the Council and copies of these were appended to the report together with a copy of the Members Code of Conduct. Members of the Panel also viewed the relevant extract from the webcast of the Council Meeting held on the 25th July.

In accordance with the relevant procedures for investigating ethical standards complaints, the Executive Director had consulted Mr D Waxman one of the designated Independent Persons appointed in accordance with the Localism Act 2011 who had expressed the view that the complaint was one which he viewed to be relatively serious and a likely breach of the Code of Conduct.

The Head of Internal Audit and Corporate Anti-Fraud had, therefore, been appointed to undertake a formal investigation and as part of that investigation had interviewed

Councillors Greenhough and P Birkinshaw, other complainants and relevant witnesses. A copy of his report was provided. The Head of Internal Audit and Corporate Anti-Fraud was in attendance to present his report and to answer Members questions.

In summarising the outcome of his investigation the Head of Internal Audit commented that:

- There was no dispute as to the basic facts around the comment made by Councillor Greenhough at the Council meeting held on the 25th July, 2019
- Whilst there were differing views as to the term used, there was no doubt that in the context it was said it was a derogatory remark and one recognised by Councillor Greenhough himself as being inappropriate
- Whilst the term was ill chosen it was not used in a homophobic context
- Councillor Greenhough had acknowledged that he had breached the Member Code of Conduct in terms of failing to 'promote and maintain high standards of conduct of Members', treating others with respect and treating others with dignity
- Councillor Greenhough had stated his intention to make a full public apology to Councillor P Birkinshaw at the next Council meeting
- The incident had generated complaints from beyond the Council Chamber which did not reflect well on Councillor Greenhough but also the Council as a whole and general public confidence in elected Members
- The use of Twitter by other Councillors subsequent to the incident further exposed the matter and the Council to a far wider audience
- There was an opportunity to ensure that all Members reflected on their use of language inside and beyond the Council Chamber, undertake any appropriate training and, therefore, aim to restore high standards of respect and dignity and, importantly, the respect and confidence of the public.

It was noted that at the Council meeting Councillor Greenhough had offered an immediate apology to Councillor P Birkinshaw and, at the request of the Mayor, to all Members of the Council.

It was also noted that the incident had been brought to the attention of the Police who had recorded it as a hate incident and not a crime. It had also been confirmed that they did not intend to take any action or investigate the issue themselves, particularly given to context of the matter, and that the matter had been closed. In addition, Councillor Greenhough had been disciplined by the appropriate Group Leader.

After considering all the information presented and the appropriate action to take it was:

RESOLVED:

- (i) That the Panel deem that there has been a clear Breach of the Member Code of Conduct;

- (ii) That the language used by Councillor Greenhough was totally inappropriate. It was noted with some concern that the words that had been used within the Council Chamber were viewed by the Police as amounting to and had been recorded as a hate incident albeit in view of the Police an offence had not been committed;
- (iii) In view of the seriousness of the breach of the Member Code of Conduct, the Panel call on Councillor Greenhough to issue an appropriate formal apology at the next meeting of the Council to be held on the 26th September, 2019 when the minutes of this Panel are received by the Council
- (iv) That whilst there is at present no power to suspend an elected Member for a breach of the Code of Conduct, the Panel is aware and supports the recent recommendation from the Committee on Standards in Public Life that a power of suspension should be available where appropriate to deal with breaches of the Code. Had such powers been available, the Panel would have made such a recommendation to the Council to suspend Councillor Greenhough;
- (v) That Councillor Greenhough be asked to agree to undertake appropriate additional training in respect of the Code of Conduct and equalities, the precise scope and format to be determined by the Monitoring Officer;
- (vi) That all Members of the Council reflect on the complaint and remind themselves of the importance that Councillors conduct themselves with dignity and decorum and with due respect for each other. That challenge and debate should reflect the issue under consideration and not the person;
- (vii) That all Members be respectful of and support the role of the Mayor to assist in ensuring that the business of the Council is carried out in a proper fashion; and
- (viii) That the Panel note the potential complications that can arise in the event of a conduct issue arising where wider comment has been made on social media and that such issues be more suitably addressed through the Council's formal procedures for dealing with ethical standards complaints.

.....
Chair