

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

STANDARDS AND ETHICS COMMITTEE

RECORD OF THE DECISION OF THE STANDARDS AND ETHICS SUB-COMMITTEE MEETING HELD ON 6th SEPTEMBER 2019

SUBJECT MEMBER	Councillor J Turner [Rotherham MBC] [in attendance] supported by Cllr A Cowles [Rotherham MBC councillor]
COMPLAINANT	Not in attendance

THE COMPLAINTS SUB-COMMITTEE

Councillor Clark (Rotherham MBC) (in the Chair)
Councillor D Cutts (Rotherham MBC)
Councillor Bates (Thrybergh Parish Council)
Mr P Edler (Independent Co-opted Member)
Ms K Penney (Independent Co-opted Member)

INDEPENDENT PERSON

Mr Phil Beavers

ROTHERHAM MBC OFFICERS

Bal Nahal (Monitoring Officer)
Stuart Fletcher (Investigating Officer)
Dawn Mitchell (Senior Democratic Services Officer)

The Complaint

At a meeting of the Rotherham Standards and Ethics Sub-Committee held on 6th September, 2019, consideration was given to a complaint against Councillor John Turner (Subject Member).

The complaint related to:-

- The Subject Member had asked a question at a meeting of the full Council on 23rd January, 2019, to the Cabinet Member for Cleaner Greener Communities as to why Christmas Carols were no longer played in the Town Centre in the run up to Christmas. The Cabinet Member had provided a response.

In his supplementary question, the Subject Member stated that he had spoken to a member of the public who had said that this “was because the Council did not want to offend our British Immigration Department”.

On 19th February, 2019, a complaint was received stating that the supplementary question was racist and caused offence. The complainant did not want to be identified within the complaints process.

The Panel comprised Councillor Clark (in the Chair); Councillor Dave Cutts, Mr. Peter Edler, Ms. Katy Penny and Parish Councillor Dennis Bates. Mr. Philip Beavers also attended the hearing in his role as Independent Person.

Stuart Fletcher, Investigating Officer, was invited to present the report of the investigation into whether there had been a breach of the Members' Code of Conduct and which fell within the remit of Rotherham Borough Council's Standards and Ethics Committee.

The Investigating Officer took the Sub-Committee through the complaint form and the written response from the Subject Member. The Subject Member had stated that he stood by his comments and did not wish to apologise for his comments as they were views which were stated to him and were views of some members of the public.

The Investigating Officer referred the Sub-Committee to the following paragraphs of the Council's Code of Conduct that would be relevant in this case:-

Scope

2(1) Except when you are acting as a representative of the Council when sub-paragraph (2) applies, you must comply with this Code whenever you –

- (a)*
- (b) Act, claim to act, or give the impression you are acting as a representative of the Council.*

General Obligations

- (3) (1) You must treat others with respect*
 - (2) You must not –*
 - (a) do anything which may cause the Council to breach any of the equality duties;*
- (5) You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.*

Evidence of the Complainant

A copy of the complaint was set out at Page 9 of the agenda pack.

The complainant did not wish to be identified and was not in attendance.

The complaint stated *“Cllr Turner asked a question about carols not being broadcast in the town centre at the Council meeting on 23rd January 2019. Following an explanation given by Cllr Allen, he asked a supplementary question repeating what he had heard that the Council had stopped the broadcast so as not to offend the British immigration department, which can only refer to immigrants, and that the original British people felt that they were second class citizens.”* The complaint went to state that the Subject Member’s comments were racist and offensive.

Evidence of the Subject Member

The Investigating Officer referred to the response provided by the Subject Member appended to his report and invited the Subject Member to present his case.

The Subject Member explained the comments that, in his opinion, he had not done anything wrong in relation to the question he had asked at Full Council or the supplementary question put to the Cabinet Member.

The comment made which the complainant had taken objection to regarding the Immigration Department, was the Subject Member repeating what he had heard from a member of the public in a shop in the Town Centre. The Subject Member stated that this was reported speech and not him expressing his opinion on the issue.

The Subject Member further stated that the other people in the queue in the shop had appeared generally sympathetic to the view expressed. The conversation then became that the feeling was that the original British people in Rotherham were now second class citizens.

He felt that there needed to be more debate around this type of issue and, as far as he was concerned, he was merely repeating what he had heard from a member of the public and the general way people felt.

The Subject Member stated that at that time he had not been expressing his personal views on the issue.

In response to questions from the Sub-Committee the Subject Member gave the following responses:-

- Two ladies in the shopping queue had brought up the issue of Christmas carols not being played in the Town Centre
- He sympathised with the views expressed by the lady with regard to her statement of “the Council not wanting to offend our British Immigration Department”

- He had many friends of different race who he held in high regard
- It was reported speech and not a personal opinion
- He had tried in the past to express his views in a different way other than the Council Meeting but had not been successful

Summary

The Investigating Officer referred back to the complaint as set out in the documentation.

The Investigating Officer and the Subject Member left the room to allow the Panel, the Independent Person and the Monitoring Officer to consider the matters before them.

The Findings of the Sub-Committee

The Panel were asked to consider whether from the evidence from both parties and the documents appended to the Investigating Officers' report.

The Sub-Committee considered, in consultation with the Independent Person, whether the Code of Conduct applied to the Subject Member's conduct at the meeting of the Full Council on 23rd January, 2019. The Sub-Committee considered that the Code of Conduct did apply in those circumstances.

The Sub-Committee then considered, in consultation with the Independent Person, whether by making the comments the Subject Member had failed to treat others with respect.

The Sub-Committee found on balance that the Subject Member had breached the Code of Conduct in making those comments in that he had failed to treat others with respect.

The Sub-Committee then considered, in consultation with the Independent Person, whether by making the comments the Subject Member had conducted himself in a manner which could reasonably be regarded as bringing his office of Borough Councillor or the Council into disrepute. They found on balance that by making the inappropriate comments the Subject Member had done so, both in respect of his office as Borough Councillor and the Council.

Given their findings that the Subject Member had breached the Code of Conduct the Sub-Committee considered what sanctions, if any, to impose upon him.

The Investigating Officer and the Subject Member were asked to return and were advised of the decision. The Complainant would be informed in writing of the decision.

Resolved:- That, in the light of their findings, the complaint be upheld and

the following sanctions should be applied to the Subject Member:

- (1) The Member shall be censured.
- (2) The formal decision notice setting out the findings of the Sub-Committee shall be published on agenda of the next meeting of the Standards and Ethics Committee.
- (3) That the Council be advised of the outcome and findings of the Sub-Committee.

Signed:

[Chair of Sub-Committee]

Dated: