

# AUDIT AND STANDARDS COMMITTEE- HEARING PANEL

Tuesday, 23rd July, 2019  
6.00 pm





# AUDIT AND STANDARDS COMMITTEE - HEARING PANEL

## BURNLEY TOWN HALL

Tuesday, 23rd July, 2019 at 6.00 pm

### AGENDA

**1) Apologies**

To receive any apologies for absence.

**2) Minutes**

5 - 8

To approve as a correct record the minutes of the previous hearing panel meeting held on 27<sup>th</sup> September 2018.

**3) Additional Items of Business**

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered as a matter of urgency.

**4) Declarations of Interest**

To receive any declarations of interest from Members relating to any item on the agenda, in accordance with the provisions of the Code of Conduct.

**5) Exclusion of the Public**

To determine during which items, if any, the public are to be excluded from the meeting.

**6) Arrangements for dealing with complaints under the Code of Conduct for Members**

9 - 20

To consider the Arrangements for dealing with complaints under the Code of Conduct for Members (Appendix to Part 5.1 Of the constitution)

**7) Investigation report**

21 - 28

To consider the Investigation Report regarding a Member relating to the Code of Conduct for Members.

**a) Appendix 1**

29 - 30

**b) Appendix 2**

31 - 34

**c) Appendix 3**

35 - 36

**d) Appendix 4**

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**e) Appendix 5**

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f) <i>Appendix 6</i>	41 - 42
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m) <i>Appendix 13</i>	55 - 56

## **MEMBERSHIP OF HEARING PANEL**

### **Councillors**

Councillor Paul Campbell  
Councillor Tom Commis  
Councillor Arif Khan

Councillor Andrew Newhouse  
Councillor Mark Payne

### **Co-opted Member**

Louise Gaskell, East Lancashire  
Chamber of Commerce

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**AUDIT AND STANDARDS SUB  
COMMITTEE  
HEARING PANEL  
BURNLEY TOWN HALL**

**Thursday, 27th September, 2018 at 6.00 pm**

**PRESENT**

**MEMBERS**

Councillor Anne Kelly, In the Chair.

Councillors P Campbell, B Brindle, D Ferrier and A Royle

**OFFICERS**

Lukman Patel	– Chief Operating Officer
Catherine Waudby	– Head of Legal and Democratic Services
Chris Gay	– Governance Manager
Imelda Grady	– Democracy Officer

**INDEPENDENT MEMBER**

Paul Prior

**INDEPENDENT PERSON**

Pat Higginbottom

**1. Arrangements for dealing with complaints about the Code of Conduct for members**

The Chair explained the procedure that would be followed for the hearing and introductions were made.

**2. Investigation Report**

The Hearing Panel conducted a hearing into allegations that Councillor Alan Hosker had breached the Council's Code of Conduct for Members by sharing a video clip on his Borough and County Councillor facebook page which contained chanting of a highly insulting, inflammatory and anti-islamic nature.

The hearing was conducted in accordance with the Council's arrangements for investigating and taking decisions on allegation of breaches of the Code of Conduct and the procedures agreed by the Panel.

The Investigating Officer who had carried out an investigation into the allegations presented his report and made submissions to the Panel, he did not call any witnesses. At the consent of the Panel the Investigating Officer screened one minute of the video footage.

Councillor Tom Commis on behalf of Councillor Hosker made submissions to the Committee; he did not call any witnesses. In his submission he expressed dissatisfaction at the length of time it had taken to investigate the matter and referred to the limited sanctions that were available to the Panel.

The Panel carefully considered the investigation report and Councillor Hosker was asked a number of questions.

The Panel retired to consider its findings and have regard to the views of the Independent Person.

The Panel reconvened and gave its decision and reasons;

## **Decision**

The Hearing Panel found that Councillor Alan Hosker had breached the Council's Code of Conduct for Members in relation to Leadership. Members should promote and support General Principles of the Code of Conduct by leadership, and by example, and should act in a way that secures or preserves public confidence and Councillor Hosker had behaved in a manner which could reasonably be regarded as bringing the office of Councillor or this Council into disrepute.

The decision was unanimous.

## **Reasons**

- The posting and existence of the video footage on the Councillor Hosker County and Borough Councillor Facebook page could reasonably be regarded as bringing the office into disrepute given the explicit and offensive anti-islamic content which was likely to offend fair minded people
- By causing or permitting a third party to post footage on his Councillor Hosker County and Borough Councillor Facebook page and failing to check the posts/pages regularly was a failure to take full responsibility for matters within his control and showed a disregard for the local resolution that had previously been imposed in November 2017 (this being that he would purchase audio equipment to for his PC to manage the situation and personally manage his Councillor Facebook page rather than allowing third parties access to it)
- The posting of such footage onto the Councillor Hosker County and Borough Councillor Facebook page appeared to give endorsement to the content contained in the video footage

- The posting and existence of such footage on the Councillor Hosker County and Borough Councillor Facebook page was not conduct that is to be reasonably expected of a serving local Councillor

The Chair asked Councillor Hosker if he had any representations to make in relation to the action that the Panel might take.

Councillor Hosker responded that he had personally apologised on live screen at County Hall, that anyone with any common sense would not have posted the video had they listened to its content and that he had apologised on his Facebook page.

The Panel retired to consider its actions. Before considering any action to be taken, the Panel took into account and had regard to the views of the Independent Person.

The Panel reconvened and delivered the following sanctions;

### **Sanctions**

1. That the Panel report its finding to the Council, including Councillor Hosker's behaviour and attitude toward the Panel, to Council Officers and to Members of the Council;
2. That Councillor Hosker be recommended to receive social media and data protection training within three months of this hearing. This was to ensure that this type of issue was not repeated and that Councillor Hosker operated his social media profiles in an appropriate and lawful manner;
3. That the Panel reiterates the previous instructions that he solely manages his Facebook pages and does not share his passwords with anyone; and
4. The Panel also recommended that the Council revisit the availability of sanctions to a Hearings Panel, specifically point 15.4 which refers to group leaders' responsibilities.
5. The decision notice in relation to this Hearing would be made available for public inspection during normal office hours at the Council Offices, Manchester Road, Burnley and on the Council's website.

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Appendix

REVIW DRAFT JULY 2018

## **BURNLEY BOROUGH COUNCIL ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS**

### **Introduction**

1. This procedure applies when a complaint is received that a Member, Co-opted Member or Parish Member has or may have failed to comply with the Code of Conduct for Members.
2. The person making the complaint will be referred to as “the Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member.”
3. No Member or officer will participate in any stage of the arrangements if he or she has, or may have, any personal conflict of interest in the matter.

### **4. Making a complaint**

A complaint must be made in writing by post or email to: –  
The Monitoring Officer  
Burnley Council  
Town Hall  
Manchester Road  
BB11 9SA

OR

[lpatel@burnley.gov.uk](mailto:lpatel@burnley.gov.uk)

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Subject Member (and in the case of a complaint about a Parish Councillor to the Clerk of the Parish Council as well) with details of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the Monitoring Officer).

The Subject Member may, within 5 working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued his Complaint Initial Assessment.

### **5. Complaint Initial Assessment**

The Monitoring Officer will review the complaint and where there is a reasonable belief that an investigation is necessary, and after consultation with the Independent Person, take a decision (a Complaint Initial Assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint. If the complaint fails one or more of the following tests, it will be rejected:

- The complaint is against one or more named Members or co-opted Members of the Council or a Parish Council within its district;
- The Subject Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time;
- The complaint, if proven, would be a breach of the Code of Conduct under which the subject Member was operating at the time of the alleged misconduct.

If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:

- Whether a substantially similar allegation has previously been made by the Complainant to Standards for England, or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-

(i) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;

(ii) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;

- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response;

## **6. Additional Information**

The Monitoring Officer may require additional information to come to a decision and may request information from the Subject Member. Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Clerk of the Parish Council of the complaint and seek the views of the Clerk of the Parish Council before deciding whether the complaint merits formal investigation or other action.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that his/her conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the authority (in appropriate cases) make a reasonable offer of local resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation. If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authorities.

## **7. Confidentiality**

If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Complaint Initial Assessment stage. As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint.

However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.

If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, they will offer the Complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the Complainant's wish to have his or her identity withheld from the Subject Member

## **8. Investigation**

The Monitoring Officer will appoint an Investigating Officer where a complaint merits formal investigation. The Investigating Officer may be a Council officer, an officer of another Council, or an external investigator.

The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost-effective use of Council resources and shall be interpreted in line with these principles.

The Investigating Officer will ensure that the Subject Member receives a copy of the complaint – subject to a Monitoring Officer decision on Confidentiality.

Where practicable an investigation should conclude within a month of the decision to carry out the investigation.

The Subject Member and Complainant should be kept informed on the progress of the investigation, particularly in more complex cases. However, this does not extend to providing details or information as part of the investigation itself; unless relevant to seeking clarification or additional representation.

During the investigation, and at all times, both the Subject Member and Complainant must maintain courteous, respectful and professional relationships with the Investigating Officer, and between themselves and any witnesses; and be cooperative to reasonable requests for information and representation from the Investigating Officer.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report to the Complainant and to the Subject Member, for comments. The Investigating Officer will take such comments into account, before issuing their final report to the Monitoring Officer.

### **9. Investigating Officer finding of insufficient evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is satisfactory, will make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct.

The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Parish Council, where the complaint relates to a Parish Councillor), with a copy of the Confirmation Decision and the Investigating Officer's final report.

If the Monitoring Officer is not satisfied that the investigation has been conducted a satisfactorily, the Investigating Officer may be asked to reconsider their report and conclusion.

### **10. Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for Local Hearing before the Hearings Panel or, after consulting the Independent Person, seek Local Resolution.

## **11. Local Resolution**

If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, they will consult with the Independent Person and the Complainant and seek to agree a fair resolution. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action.

If the Member accepts the suggested resolution, the Monitoring Officer will report the outcome to the Standards Committee and the Clerk to the Parish Council (if appropriate) for information, but will take no further action.

If the Complainant or the Subject Member refuses Local Resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a Local Hearing without further reference to the Complainant or the Subject Member.

## **12. Local Hearing**

Where, in the opinion of the Monitoring Officer, Local Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a Local Hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

The Council has agreed a procedure for local hearings, which are included at Page 8 of this appendix [The Pre Hearing Process and The Hearing]

## **13. Constitution of the Hearings Panel**

The Hearings Panel is a Sub-Committee of the Council's Audit and Standards Committee. The Council has decided that it will comprise at least 1 of the Independent Members co-opted to the Audit and Standards Committee and 5 Members of the Council, drawn from at least 2 different political parties. Where the complaint is about a Parish Member, the Hearings Panel will include at least 1 of the Parish Members co-opted to the Standards Committee.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views must be sought and taken into consideration before the Hearings Panel takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **14. The Independent Person**

The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post, and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

A person is not eligible for appointment if they:

14.1 Are, or have been within the past 5 years, a Member, co-opted Member or officer of the Council;

14.2 Are or have been within the past 5 years, a Member, co-opted Member or officer of a parish council within the Borough, or

14.3 Are a relative or close friend, of a person within paragraph 14.1 or 14.2 above. For this purpose, "relative" means –

14.3.1 Spouse or civil partner;

14.3.2 Living with the other person as husband and wife or as if they were civil partners;

14.3.3 Grandparent of the other person;

14.3.4 A lineal descendent of a grandparent of the other person;

14.3.5 A parent, sibling or child of a person within paragraphs 14.3.1 or 14.3.2;

14.3.6 A spouse or civil partner of a person within paragraphs 14.3.3, 14.3.4 or 11.3.5; or

14.3.7 Living with a person within paragraphs 14.3.3, 14.3.4 or 14.3.5 as husband and wife or as if they were civil partners.

## **15. Action the Hearings Panel may take where a Member has failed to comply with the Code of Conduct**

Where a Hearings Panel find that a Member has failed to comply with the Code of Conduct, the Council has delegated to the Hearings Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

15.1 Publish its findings in respect of the Member's conduct;

15.2 Report its findings to Council (or to the Parish Council) for information;

15.3 Recommend to Council that the Member be censured;

15.4 Recommend to the Member's Group Leader (or in the case of ungrouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;

15.5 Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from their Portfolio responsibilities;

15.6 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the Member;

15.7 Recommend to Council (or recommend to the Parish Council that the Member be removed) from all outside body appointments to which they have been appointed or nominated by the Council (or by the Parish Council);

15.8 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or

15.9 Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

## **16. Revision of these arrangements**

The Council may by resolution or delegation to the Monitoring Officer agree to amend these arrangements and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## **17. Appeals**

Subject to Judicial Review, or a decision of the Local Government Ombudsman, there is no right of appeal against a decision of the Monitoring Officer or of the Hearings Panel.

## **The Pre Hearing Process and Hearing**

1.1 In advance of the Hearing the Monitoring Officer (and/or his nominees) will:

- (a) agree a date for the hearing with all the relevant parties;
- (b) provide a timetable for the member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;
- (c) establish whether the member will be represented or accompanied at the hearing;
- (d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;
- (e) provide information about the procedure to be used at the hearing;
- (f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;
- (g) establish whether the Investigating Officer intends to call any witnesses.

1.2 Wherever possible hearings conducted by the Hearing Panel shall take place within three calendar months of the referral to the Hearing Panel.

1.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Hearings Panel.

1.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.

1.5 If a member fails to attend the hearing, the Hearing Panel may decide to proceed in the member's absence and make a determination, or to adjourn the hearing to a later date

1.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising the Appendix to these arrangements.



1.7 The Hearing Panel, having sought and taken into account the views of the Independent Person may conclude:

- (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
- (b) that the member did fail to comply with the Members' Code of Conduct.

1.8 In the event of a finding under Paragraph 1.7 (b) above, the Chair will inform the member of this finding and the Hearing Panel will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Hearing Panel will give the member an opportunity to make representations to the Panel as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.

## **2. Action which may be taken where a member has failed to comply with the Code of Conduct**

2.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Hearing Panel may:

- (a) Publish its findings in respect of the member's conduct;
- (b) Report its findings to Council (or to the Parish Council) for information;
- (c) Recommend to Council that the member be censured
- (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Executive, or removed from Portfolio responsibilities;
- (f) Instruct the Monitoring Officer to (or recommend to the Parish Council ) arrange training for the Member;
- (g) Recommend to Council (or recommend to the Parish/Town Council that the Member be removed) from

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all outside body appointments to which they have been appointed or nominated by the Council (or Parish Council)

- (h) Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the Member by the Council, such as computer, website and/or email and Internet access; or
- (i) Exclude (or recommend that the Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms necessary for attending Council, Committee and Sub-Committee meetings.

2.2 The Hearing Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

2.3 At the end of the hearing, the Chair shall state the decision of the Hearing Panel as to whether the member failed to comply with the Code of Conduct and as to any action which the Panel has resolved to take.

2.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chair of the Hearing Panel, and send a copy to the person making the allegation; to the member concerned; make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

## **The Hearing Procedure**

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be affected at the discretion of the Hearing Panel and advised to the parties

1. The Chair shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
4. Members of the Panel may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
5. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
6. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
7. Members of the Panel may question the Member and any witnesses.
8. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
9. The Member or his/her representative may sum up his/her case and make a closing speech.

10. The Chair shall invite the parties to withdraw to enable the Panel to deliberate upon the allegation. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
11. The parties shall be invited to return and the Chair shall announce the Panel's decision in the following terms:-
  - (a) The Panel has determined that the Member has failed to comply with the Code of Conduct, or
  - (b) The Panel has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Panel will give reasons for its decision.

12. If the Panel has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.
13. The Chair shall invite the parties to withdraw to enable the Panel to deliberate upon what action if any should be taken. Prior to reaching a determination the Panel shall seek and take into account the views of the Independent Person.
14. In addition to any action upon the current matter, the Panel shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.
15. The parties shall be invited to return and the Chair shall announce the Panel's decision
16. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.



**Confidential**

## **FINAL REPORT**

(29th March 2019)

**Report of Investigating Officer**

**To The Monitoring Officer**

## **Final Report - Confidential**

### **1. Introduction**

1.1 This is the Report of an investigation under Section 28 of the Localism Act 2011 carried out by Catherine Waudby, Head of Legal and Democratic Services who was appointed as the Investigating Officer by Lukman Patel, the Monitoring Officer for Burnley Borough Council ("the Council") into allegations concerning Councillor Alan Hosker ("the Subject Member".)

### **2. Summary**

2.1 The allegation was brought to the Monitoring Officer's attention on 21<sup>st</sup> January 2019. The Complainant asked the Monitoring Officer to keep their identity secret due to concerns for their safety.

2.2 An allegation was made by the Complainant that Councillor Hosker had breached the Council's Code of Conduct for Members ("the Code") by "liking" and responding to a comment made about Julie Cooper MP which referred to her as a "robbing biatch". The comments appeared on his Borough and County Councillor Facebook account on 19<sup>th</sup> January 2019.

2.3 The Complainant alleged that the particular activity by Councillor Hosker on 19<sup>th</sup> January 2019 was a breach of the Members Code of Conduct in that it was action that showed a lack of respect for another person and brought the Council and him into disrepute by endorsing such misogynistic abuse.

2.4 I have carried out an investigation into whether the Subject Member breached the Code by his actions of liking a comment that referred to Julie Cooper MP as a "robbing biatch" and responding with his own comments that she was "taking the P." As part of the investigation I interviewed the Complainant. I also attempted to

interview the Subject Member but he declined to be interviewed, or answer my questions in writing.

2.5 My findings are that the Subject Member has breached the Code of Conduct as he has failed to treat others with respect (Section 3.1); has conducted himself in a way that could reasonably be regarded as bringing their office and the authority into disrepute (Section 5) and has breached the Leadership principle.

### **3. Investigation Process and Standards**

3.1 On 8<sup>th</sup> February 2019, Lukman Patel, the Monitoring Officer of the Council considered the allegations made by the Complainant about the conduct of the Subject Member and after having considered representations made by the Subject Member and consulting with the Independent Person, determined that the complaint merited a formal investigation.

3.2 I was appointed by Lukman Patel to investigate the matter on 8<sup>th</sup> February 2019.

3.3 A detailed timeline for the investigation is as follows;

12<sup>th</sup> May 2016 – Councillor Hosker completes Declaration of Acceptance of Office  
(Appendix 1)

19<sup>th</sup> January 2019 - Councillor Hosker “likes” a comment and adds remarks on his Alan Hosker Borough and County Councillor Facebook page which relates to Julie Cooper MP (Appendix 2)

21<sup>st</sup> January 2019 - The Complainant complains about the comment to Lukman Patel via email. (Appendix 3)

29<sup>th</sup> January 2019 – Lukman Patel writes to Councillor Hosker regarding the complaint. (Appendix 4)

31<sup>st</sup> January 2019 Councillor Hosker responds. (Appendix 5)

8<sup>th</sup> February 2019 Councillor Hosker was informed that the complaint merited a formal investigation. (Appendix 6)

9<sup>th</sup> February 2019. Article in Lancashire Evening Telegraph (Appendix 7)

15<sup>th</sup> February 2019. Letter sent to Councillor Hosker asking him to make contact to be interviewed. (Appendix 8)

17<sup>th</sup> February 2019. Letter received from Councillor Hosker declining the offer to be interviewed. (Appendix 9)

18<sup>th</sup> February 2019. Letter sent to Councillor Hosker asking that he reconsider his decision (Appendix 10)

19<sup>th</sup> February 2019. Interview with Complainant took place. (Agreed notes are contained at Appendix 11)

25<sup>th</sup> February 2019. Letter from Councillor Hosker again refusing to meet. (Appendix 12)

5<sup>th</sup> March 2019. Letter sent to Councillor Hosker putting questions in writing. (Appendix 13)



#### **4. Member Code of Conduct**

4.1 When elected to office, Members agree to abide by the Code of Conduct for members.

4.2 The Complainant alleges that the Subject Member has breached the following provisions of the Code:

4.2.1 Section 3 (1) the obligation to treat others with respect, and Section 3 (2) not to bully any person.

4.2.2 Section 5 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

#### **5. Councillor Alan Hosker**

5.1 Councillor Alan Hosker was elected as a Borough Councillor for the Ward of Hapton with Park on 5<sup>th</sup> May 2016 for a term of 4 years. Councillor Hosker gave a written undertaking to observe the Code on 12<sup>th</sup> May 2016 when he accepted the office of Councillor (Appendix 1.)

5.2 On 27<sup>th</sup> September 2018 Councillor Hosker was the subject of a Standards Hearing which determined that he had breached the Code as a result of footage which had been posted on his Facebook account. The Hearing recommended that he undertake social media and data protection training, and that he solely managed his Facebook pages.

5.3 Despite repeated requests to Councillor Hosker to participate in the investigation, to date he has refused to engage with the process.

5.4 In his letter to Lukman Patel on 31<sup>st</sup> January 2019 he stated "I am going to politely and with all respect tell you that I am not planning on engaging with these proceedings. I have better things to do."

5.5 In his letter to me dated 15<sup>th</sup> February 2019 he stated "I have nothing further to add to the alleged complaint. The fact it is anonymous and the dubious

circumstances surrounding its timing does not warrant any further correspondence on the matter.”

5.6 In response to my letter of 18<sup>th</sup> February 2019 requesting that he review his decision, Councillor Hosker in his letter dated 25<sup>th</sup> February 2019 repeated “I have nothing further to add on the alleged complaint.... Any further involvement by me would be a waste of time for all involved.”

5.7 Lastly there has been no response to the questions I put to Councillor Hosker in writing about the incident on 5<sup>th</sup> March 2019.

5.8 Whilst Councillor Hosker has refused to co-operate with the investigation, it is noted that in a report in the Lancashire Evening Telegraph of 9<sup>th</sup> February 2019 (Appendix 7) he stated that he had sarcastically liked the comment about Julie Cooper being a “robbing biatch” because he believed the word had been spelt incorrectly.

## **6. Findings as to whether there have been failures to comply with the Code**

6.1 To describe a person as a “robbing biatch” is in my opinion an offensive term, and a form of abuse and for a man to describe a woman in such terms is misogynistic. The inclusion of the word “robbing” before “biatch” makes the comment doubly offensive as it suggests that the person is also guilty of a crime.

6.2 I note that the Subject Member did not post the comment, however he did “like” the comment and I consider his liking of the comment should be taken at face value. I do not accept the explanation given to the Lancashire Evening Telegraph that he liked it sarcastically due to the misspelling of the word.

6.3 My reasoning for disregarding his explanation is based on the comment made immediately after he liked the post as he referred to Julie Cooper MP as “taking the P.” This is highly suggestive that the Subject Member fully supported the comments of the poster of “robbing biatch.”

6.4 The liking of the post and subsequent comments were all on the Subject Member’s Borough and County Councillor Facebook page. In my opinion to “like” the

post and then to make a supplementary comment is not conduct expected of an elected member and does bring the office and the Council into disrepute. The purported disclaimer which the Subject Member has loaded onto his page which says "Views expressed are my own and not necessarily the views of the Borough or County Council" cannot have the effect of allowing the Subject Member as an elected Councillor free reign to post whatever he chooses without being subject to the scrutiny of the Code of Conduct.

6.5 No other reasons have been put forward by the Subject Member to explain his actions and he has failed to co-operate with the investigation. He refused to agree to be interviewed despite written requests to do so on 15<sup>th</sup> and 18<sup>th</sup> February 2019, and has also failed to reply to the questions I put to him in writing on 5<sup>th</sup> March 2019.

6.6 Taking into account all the matters I find that there has been a failure by the Subject Member to comply with the Code in that he has;

Failed to treat others with respect (Section 3.1) and has conducted himself in a way that could reasonably be regarded as bringing their office and the authority into disrepute (Section 5).

6.7 In addition the Subject Member's refusal to co-operate with the investigation causes me concern, as there is a general requirement of accountability within the Code, and members are expected to co-operate fully and honestly with any scrutiny appropriate to their particular office. I believe that there has been a further breach of the Leadership principle within the Code as members are expected to promote and support the principles by leadership and by example and should act in a way that secures or preserves public confidence.

6.8 I am also of the opinion that there are aggravating features in the case, as Councillor Hosker refused to attend social media and data protection training which was recommended at the Standards Hearing on 27<sup>th</sup> September 2018. Had Councillor

Hosker attended the training I believe it is highly likely that he may have acted differently in relation to this matter.

## **7. Conclusion**

7.1 I recommend to the Monitoring Officer that there is sufficient evidence to suggest that Councillor Hosker has breached the Code of Conduct in that he has;

Failed to treat others with respect (section 3.1)

Has conduct himself in a way that could reasonably be regarded as bringing his office and the authority into disrepute (section 5)

And has breached that Leadership Principle which requires members to promote and support the principles by leadership, and by example and should act in a way that secures or preserves public confidence.

## **8. Further Comments of the Subject Member and Complainant**

8.1 Both the Complainant and the Subject Member were provided with the report and appendices and asked to make comments. The Complainant acknowledged receipt of the report and has not made any suggested amendments.

8.2 The Subject Member has not acknowledged receipt of the report or made any representations on its contents.

Appendices

### Declaration of Acceptance of Office

I<sup>(1)</sup>, Alan Hosker

Having been elected to the office of<sup>(2)</sup> Member  
of the<sup>(3)</sup> Burnley Borough Council

DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the Code as to the Conduct which is expected of members of the<sup>(4)</sup> Burnley Borough Council

Date: 12 May 2016

(Signature) ..... Alan Hosker

This declaration was made and subscribed before [me] ~~us~~

WZ (Wazman Patel)  
.....  
[Member(s)] [Proper Officer] of the Council<sup>(5)</sup>

(1) Insert name of person making the declaration  
(2) Insert "Member" or "Mayor" as appropriate  
(3) and (4) Insert name of the Authority of which the person making the declaration is a Member or Mayor  
(5) Where the declaration is made before another person authorised by Section 83(3) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration<sup>(4)</sup>

(a) Under Section 83(3) of the Local Government Act 1972, a declaration for Members or Elected Mayors of a County, District or London Borough Council shall be made before two Members of the Council, its Elected Mayor, its Proper Officer, a Justice of the Peace or Magistrate in the United Kingdom, the Channel Isles or the Isle of Man, or a Commissioner appointed to administer oaths in the Supreme Court. A declaration for Members of Parish Councils shall be made before a Member of the Proper Office of the Council.










**Schedule – page 1 of 4**  
(LP/290119CllrHosker)



**Alan Hosker**  
Borough and  
County Councillor

- Home
- About
- Photos
- Videos
- Posts
- Community
- Info and Ads

Unfollow Follow Share

- 
 Have Alan Staffing my area  
 Just like when Peter Pike was MP  
 man ad his fame, in on the gravy train
- 
 Tina Fawcett The woman has always been and will always be out  
 for herself even when she ran her own business
- 
 Andrew Baron She will not get in again she has pissed on her  
 craps
- 
 Sara at Leigh No wonder our council tax keeps rising robbing biatch
- 
 Alan Hosker Borough and County Councillor Taking the  
 p
- 
 Simon Leigh Alan Hosker Borough and County Councillor  
 she should be reported to the police that's 10 yrs wages in  
 one year on expenses? Is she claiming for her house in Bora  
 Bora?
- 
 Alan Hosker Borough and County Councillor Bora  
 pathetic that too

Schedule - page 2 of 4  
(LP/290119CllrHosker)



**Sky Turner**

Labour are IRA lovers Jeremy knob head  
should be hanged for treason



**Alan Hosker Borough and County Co...**

and you been a time served soldier  
would know better then anyone .Sky you  
make a good point







Schedule – page 3 of 4  
(LP/290119CllrHosker)



 2



Karen Heys

**Add Friend**



Alan Hosker Borough and County Cou...





**Burnley** gov.uk

Schedule – page 4 of 4  
(LP/290119CllrHosker)



Alan Hosker Borough and County  
Councillor

MPs' Expenses.info

My MP

All MPs

Julie Cooper

Burnley

7 May 2015 – Present

1 Oct 2017 — 30 Sep 2018

Total claimed:

£197,983.98 \*

Number of items claimed for:

342. Labour MP Julie Cooper



7

[Redacted]

**Subject:** Alan Hosker complaint  
**Attachments:** Alan Hosker FB post 1.png; Alan Hosker FB post 2.png; Alan Hosker FB post 3.png

**From:** [Redacted]

**Sent:** 21 January 2019 16:32

**To:** Lukman Patel

**Subject:** Alan Hosker complaint

Good afternoon Lukman,

It has come to [Redacted] attention that Borough and County Councillor Hosker has once again been using his social media in a manner which falls below the standards expected of an elected Councillor.

[Redacted]

It has therefore come to [Redacted] attention that once again Borough Councillor Alan Hosker has allowed and endorsed libellous and abusive comments on his Borough and County Councillor Facebook page. [Redacted] I have attached this and the comment which is most concerning where a member of the public calls Julie a 'robbing bitch', Borough Councillor Hosker appears to endorse this comment by 'liking' it and responding. I feel that this once again breaches the code of conduct in terms of bringing the council into disrepute by enforcing such misogynistic abuse. [Redacted]

[Redacted] Do you think this needs to be treated as an official complaint? I look forward to hearing from you.

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Saturday at 15:04 · Like · Reply



**Andrew Baron**

She will not get in again, she has pissed on her chips.

Saturday at 21:45 · Like · Reply · 1



**Simon Leigh**

No wonder our council tax keeps rising, robbing biatch

Saturday at 17:04 · Like · Reply · 2



**Alan Hosker Borough and County Co...**

Taking the P

Saturday at 17:09 · Like · Reply



**Simon Leigh**

**Alan Hosker Borough and County Councillor** she should be reported to the police, that's 10 yrs wages in one year on expenses? Is she claiming for her house in Bora Bora?

Saturday at 17:11 · Like · Reply · 1



**Alan Hosker Borough and County Co...**

**Simon Leigh** pathetic that bud

Saturday at 17:14 · Like · Reply



Write a comment...





Burnley Borough Council  
Town Hall, Manchester Road  
Burnley, Lancashire BB11 9SA

Tel: 01282 477140  
www.burnley.gov.uk

**Private & Confidential**

Councillor Alan Hosker  
2 Bright Street  
Padiham  
Burnley  
BB12 8RA

Our Ref LP/290119CllrHosker  
Your ref  
Date 29<sup>th</sup> January 2019

Dear Councillor Hosker

**Complaint: Facebook Post**

I have received a complaint about you from a person that has asked to remain anonymous regarding some comments that you have made. It is alleged that you have endorsed (or allowed a third party to endorse) "*abusive comments*" from your Borough and County Councillor Facebook account. It is alleged that you have breached "*the code of conduct in terms of bringing the Council into disrepute by endorsing such misogynistic abuse*". The comment that concerns the complainant the most is when a member of the public allegedly refers to the incumbent MP, Mrs Julie Cooper, as a "*robbing biatch*". It is alleged that you endorsed this comment by "*liking it and responding*". The relevant endorsements are reproduced in the schedule to this letter and are highlighted.

An assessment needs to be made as to whether you have failed to comply with the Council's Code of Conduct for Members and whether the complaint should be investigated.

Before I consult with one of the Independent Persons on whether or not this complaint should be investigated, I am inviting your written representations in relation to the complaint. You are obliged to make written representations to me, which I must take into account when deciding how the complaint is to be dealt with. You must make these representations to me within five working days. Any representations received after this date may be taken into account by me at my discretion but will not, in any event, be considered after I have issued my complaint initial assessment.

Yours sincerely

Lukman Patel  
Chief Operating Officer  
(Monitoring Officer)



## Schedule – page 1 of 4 (LP/290119CllrHosker)



**Alan Hosker**  
Borough and  
County Councillor

@AlanHoskerBorough  
CountyCouncillor

Home

About

Photos

Videos

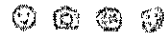
Posts

Community

Info and Ads

Create a Page

Like Follow Share



**Dave Allen** Staffing my asse  
Just like when Peter Pike was MP  
Had all his family in on the gravy train

Like Reply 10



**Tina Fielden** The woman has always been and will always be out  
for herself, even when she ran her own business

Like Reply 10



**Andrew Baron** She will not get in again, she has played on her  
chips

Like Reply 10



**Simon Leigh** No wonder our council tax keeps rising, robbing blatch

Like Reply 10



**Alan Hosker Borough and County Councillor** Taking the  
P

Like Reply 10



**Simon Leigh** Alan Hosker Borough and County Councillor  
she should be reported to the police, that's 10 yrs wages in  
one year on expenses? Is she claiming for her house in Bora  
Bora?

Like Reply 12




**Alan Hosker Borough and County Councillor** Simon  
Leigh pathetic that bud

Like Reply 10

Alan Hosker

2 Bright Street  
Padiham  
BB12 8RA



31 January 2019

Lukman Patel,  
Town Hall,  
Manchester Road,  
Burnley,  
BB11 1JA

Dear Mr Patel,

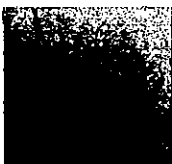
Thank you for your letter, received 29th January.

Once I again I find myself responding to yet another complaint. At this stage Mr Patel I am going to politely and with all respect tell you that I am not planning on engaging with these proceedings. I have better things to do. The bottom line is nothing can be done by the Council and what is alleged is in my opinion not worthy of investigation. An anonymous complaint made a week after a disagreement with a Labour member seems highly coincidental.

In any case I attach a screenshot of my Borough and County and Facebook page, where I have, since the last complaints procedure, added in a disclaimer to the page.

I consider the matter closed.

Yours Sincerely



Councillor Alan Hosker



**Alan Hoaker**  
 Borough and County  
 Councillor  
 @AlanHoakerBoroughandCo  
 untycouncillor

- Home
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- Photos
- Events
- Videos
- Posts
- Community
- Info and ads
- Promote
- Manage promotions

0 Liked · 0 Following · 0 Share

Send Message

About

Edit Page Info

GENERAL

Category: Community Edit  
 Name: Alan Hoaker Borough and County Councillor Edit  
 Username: @AlanHoakerBoroughandCountyCo Edit  
 uncouncillor

STORY

PAGE INFO

- Edit Start date
- Edit business types
- Contact CONTACT DETAILS
- Phone Enter phone number
- Location Enter map: AlanHoakerBoroughandCountyCouncillor
- Address Enter home address
- Website Enter website
- Other Edit Other Accounts

Our story

Finish your story to tell people more about your business

TEAM MEMBERS

These people manage the Alan Hoaker Borough and County Councillor Page and have chosen to have the Page appear on their profile and their name and profile picture shown on the Page

Add yourself as a team member

MORE INFO

- About About  
 Views expressed are my own and not necessarily the views of either the Borough or County Council.
- Alan Hoaker Alan Hoaker
- Edit Edit Profile
- Add Add photo
- Privacy Edit Privacy policy
- Page ID Page ID  
 106116416810796
- Community Community





Burnley Borough Council  
Town Hall, Manchester Road  
Burnley, Lancashire BB11 9SA

Tel: 01282 477140  
www.burnley.gov.uk

**Private & Confidential**  
Councillor Alan Hosker  
2 Bright Street  
Padiham  
Burnley  
BB12 8RA

Our Ref LP/080219CllrHosker  
Your ref  
Date 8<sup>th</sup> February 2019

Dear Councillor Hosker

**Re: Complaint: Facebook**

Thank you for your letter of 31<sup>st</sup> January.

I have now consulted with the Council's Independent Person, Pat Higginbottom.

Both the Council's Independent Person and I agree that the allegations (if proven) disclose a potential breach of the Council's Code of Conduct.

We both are in agreement that the complaint merits a formal investigation.

I have appointed the Council's Head of legal and Democratic Services, Catherine Waudby to undertake that investigation. I trust that she shall be in touch with you shortly to arrange a meeting with a view to obtaining formal representations from you on the allegations.

Yours sincerely

**Lukman Patel**  
Chief Operating Officer  
(Monitoring Officer)

cc Catherine Waudby

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Appendix 7

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# LANCASHIRE Telegraph

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Announcements Education

## News

9th February

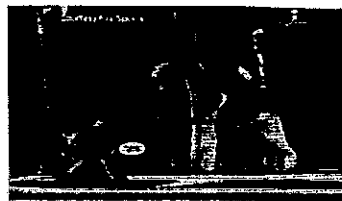
### Complaint lodged after councillor liked social media comment calling MP a 'robbing b\*\*\*\*'



By Neil Athey | @NeilAtheyJrnl News Reporter



Cllr Alan Hosker



Most read Commented

f t in 3 comments

Taste the adventure! Broaden your horizons and get a taste for travel in 2019

**Ad**  
A COMPLAINT has been lodged against a councillor after he liked a comment on a social media post which called an East Lancashire MP a 'robbing b\*\*\*\*'.

Cllr Alan Hosker, who represents Hapton with Park on Burnley Council, was issued with the complaint from the local authority which said he had allegedly breached the code of conduct by 'endorsing misogynistic abuse'.

Cllr Hosker said he had sarcastically liked the comment, which related to a Facebook post regarding Burnley MP Julie Cooper's expenses, because he believed the word had been spelt incorrectly.

**Simple Project Management Tool**

Create Free Account

The country's only UKIP county councillor said he felt he had not done anything wrong as he put a disclaimer on his Facebook page saying the views of his account were his own, and not the council's.

He said: "I don't feel like I have done anything wrong.

"I liked the comment because I thought the person had spelled the

word wrong and I found that funny.

"I didn't post the comment and I didn't say anything, I haven't written anything down.

"I don't feel the need to apologise to Julie because I haven't done anything."

In the letter of complaint, the council said an assessment would be made to see if Cllr Hosker failed to comply with the code of conduct.

In 2017, a complaint was lodged against Cllr Hosker for an offensive video posted to his Facebook page.

He said a post containing a video of police officers outside Turf Moor during Burnley FC's friendly game against Hanover 96 was shared onto his public Facebook account to 'protect the public'.

An official complaint was made to Burnley Council after the video allegedly contained swearing and racist language against German fans, and he apologised at a full council meeting.

Mrs Cooper said: "All who serve in public office, including councillors, agree to uphold the high standards of that office and conduct themselves accordingly."

f t in 3 comments ^

Sign in or register leave a comment or rate a comment

Order by

Oldest first v

Do\_one

11th February 07:01 AM

B0110cks mate... that's the weakest excuse I've every heard ....just have it  
Last Updated: 11th February 03:50 PM

1

Report

mldas

11th February 10:45 AM

Just stay off the social media, it does him no favours!!  
Last Updated: 11th February 09:14 PM

2

Report

boynesider

11th February 03:59 PM

If you can't stand by what you say maybe you should say nothing

0

Report

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Done

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Monday

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-  [Man found hiding in wardrobe had breached restraining order](#)
-  [Benefits grandma stole £157 worth of food from M&S on Christmas Eve](#)
-  [No concerns over squad depth for Rovers boss Mowbray](#)
-  [Police hunt missing sex offender last seen at hospital](#)

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Done

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Monday



Burnley Borough Council  
Legal & Democratic Services  
Town Hall, Manchester Road  
Burnley, Lancashire BB11 9SA  
Tel: 01282 425011

Councillor Alan Hosker  
2 Bright Street  
Padiham  
Burnley  
BB12 8RA

Our Ref LS/CEW

Your ref  
Date 15<sup>th</sup> February 2019

Dear Councillor Hosker

**RE: COMPLAINT: FACEBOOK ACTIVITY**

Further to Mr Patel's letter of 8<sup>th</sup> February 2019 I write to confirm that I have been asked to investigate a complaint that you have breached the Council's Code of Conduct for members.

The allegation is that you have endorsed (or allowed a third party to endorse) abusive comments from your Borough and County Councillor Facebook account, the particulars being that you have "liked" and responded to a comment made about Julie Cooper MP which referred to her as a "robbing biatch."

It is alleged that by reacting in this way you have brought the Council into disrepute by endorsing such misogynistic abuse.

As part of the investigation I wish to interview you to ask you questions about your actions in relation to this matter. You may bring someone to the interview if you wish. Following the interview I will send to you a copy of my notes for your consideration.

Please can you contact me within the next 7 days to arrange a convenient date for the interview.

I confirm that at this point no conclusions have been made by the Council or Monitoring Officer as to whether there has been a breach of the code.


I also intend to interview the complainant. The complainant has asked to remain anonymous during the process and the Monitoring Officer has agreed that the investigation should proceed on this basis. Once I have interviewed both parties, I will prepare a report which I will present to the Monitoring Officer for his consideration.

Catherine Waudby  
Head of Legal and Democratic Services

24 a

Aln Hosker

2 Bright Street  
Padiham  
BB12 8RA



17 February 2019

Catherine Waudby,  
Town Hall,  
Manchester Road,  
Burnley,  
BB11 1JA

Dear Catherine Waudby,

Thank you for your letter dated 15th February. As I have already said to Mr Patel in my correspondence with him on the 31st January, I have nothing further to add to the alleged complaint. The fact that it is anonymous and the dubious circumstance surrounding its timing does not warrant any further correspondence with you on the matter.

I have said all that I need to say and do not feel any further meetings would be beneficial for either of us. Attached is a copy of such letter.

Thank you anyway.

Yours Sincerely



Councillor Alan Hosker

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copy



**Burnley.gov.uk**

Burnley Borough Council  
Legal & Democratic Services  
Town Hall, Manchester Road  
Burnley, Lancashire BB11 9SA  
Tel: 01282 425011

Our ref LS/CEW

Councillor Alan Hosker  
2 Bright Street  
Padiham  
Burnley  
BB12 8RA

Date 18/2/19

Dear Councillor Hosker,

**RE: COMPLAINT: FACEBOOK ACTIVITY**

Thank you for your letter of 17<sup>th</sup> February 2019. I note you say that you have nothing further to add in relation to the alleged complaint, nor you do feel a meeting would be beneficial, however I do wish to remind you that under the Code of Conduct (which you have signed up to) "Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and **should co-operate fully and honestly with any scrutiny appropriate** to their particular role."

I therefore wish to give you the opportunity to review your decision, and would ask that you contact me with the next 7 days to arrange a convenient date for the interview.

Yours sincerely,

Catherine Waudby  
Head of Legal and Democratic Services

26

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Notes of Interview held with Catherine Waudby and the Complainant (C) on 19<sup>th</sup> February 2019, C was accompanied at the interview by a friend.

C explained that they are a resident of Burnley. They wished to remain anonymous during the complaint process given their knowledge of how Councillor Hosker has treated people who have previously complained about him.

- 1. How did you become aware of the comment/ endorsement of the comment made by Councillor Hosker?** I saw the comments of Councillor Hosker on his Borough Councillor/ County Councillor Facebook page which is open to the public. It is useful to know what councillors are doing in the Borough. I vote in elections and have an interest in politics.

Clarify the exact string of text that we are concerned with

I am concerned with his endorsement of calling of Julie Cooper MP a "robbing biatch" and his comments that she was "Taking the P."

- 2. When did you become aware of Councillor Hosker's comment/ endorsement?**

I became aware of the comments on 21<sup>st</sup> January 2019 and complained the same day. I note that the comments were posted on 19<sup>th</sup> January 2019.

- 3. Do you regularly look at Councillor Hosker's Facebook account?** I don't look at his account on a regular basis, but I have looked at it from time to time. I am politically engaged and interested in politics. I am concerned about how women are treated in politics, and feel it is important that if there is wrongdoing that the person should be challenged.

- 4. Why did you feel it appropriate to complain?**

My issue is not with Councillor Hosker's politics, it's about the personal abuse he gives out. I think Councillor Hosker needs to be challenged about his behaviour which is unacceptable for any elected representative or anyone in public life. I also want to point out that this is not an isolated incident as I am aware that there have been previous complaints made to the Council about his behaviour.

- 5. What is it about Councillor Hosker's actions that concern you?**

The comments are abusive, for example, liking a comment that calls someone a "robbing biatch" is abusive to women and is also libellous as accuses the MP of criminal activity e.g. robbing.

That the abuse / inappropriate comments keep happening, despite Councillor Hosker having been asked to attend training on social media. I feel that Councillor Hosker needs to learn from his conduct, and the only way to do this is to keep raising issues. I do not think he has any understanding that he has no control over how people use

his posts on social media and he doesn't appear to take any responsibility for his actions.

**6. Do you consider his action to be appropriate to be made in a public arena?**

Absolutely not. His social media platform has a large number of followers and is a public page. I do not think he understands why it's his responsibility to ensure that what he posts is appropriate.

**7. Which principles of the Code of Conduct do you consider he breached?**

I consider that Section 3 (1) of the code has been breached which requires councillors to treat others with respect. I also consider that he has breached Section 3 (2) which prohibits the bullying of another person. I consider he bullies people, and women in particular, in two ways; by the comments he posts on social media and secondly by bullying people who seek to challenge him. He then accuses the Council/ complainant if the complaint is taken through the proper channels that they are wasting tax payers' money.

There is a definite issue about gender – he targets women. The use of the language is misogynistic.

**8. Do you consider that it makes any difference that Councillor Hosker put a disclaimer on his Facebook account?**

This does not make a difference. Councillor Hosker needs to understand that the disclaimer does not absolve him from his responsibility as an elected member.

**9. Councillor Hosker has indicated that he does not wish to co-operate with the investigation given you have asked to remain anonymous, and "the dubious circumstances surrounding the timing"**

He needs to understand people want to remain anonymous because of how he treats people when they do complain. I refer to the abuse that Joannie Greenwood received when she made a complaint against him.


This is not a politically motivated complaint, it is about challenging abusive behavior and holding him to account.

**10. Do you wish to make any further comment?**

I have observed his conduct on social media particularly with regard to women. I am aware that he has abused other people on social media and how he reacts when people challenge him. On social media the way things escalate is by people reading comments and this can incite hatred/ nastiness. I would not want to get to a situation where someone is harmed as a result of his actions. He needs to take responsibility for his actions on social media, and I consider it is important to stand up against this behaviour.

Alan Hosker

2 Bright Street,  
Padiham,  
BB12 8RA



25 February 2019

Catherine Waudby,  
Town Hall,  
Manchester Road,  
Burnley,  
BB11 1JA

Dear Catherine,

Thank you for again for contacting me, and at the risk of repeating myself, I have nothing further to add on the alleged complaint.

Whilst I appreciate you have a role within the Council, any further involvement by me would be a waste of time for all concerned.

Yours Sincerely



Councillor Alan Hosker

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Burnley Borough Council  
 Legal & Democratic Services  
 Town Hall, Manchester Road  
 Burnley, Lancashire BB11 9SA  
 Tel: 01282 425011

Councillor Alan Hosker  
 2 Bright Street  
 Padiham  
 BB12 8RA

Our Ref LS/CEW

Your ref

Date 5/3/19

Dear Councillor Hosker,

**RE: COMPLAINT: FACEBOOK ACTIVITY**

Thank you for your letter of 25<sup>th</sup> February 2019. Whilst I am disappointed you have declined to meet with me to be interviewed regarding the complaint, I consider it to be good practice to give you the opportunity to consider and answer the questions that I would have asked you, had you agreed to be interviewed.

Please find the questions below. I should be grateful if you would respond to these questions by no later than 4pm on 8<sup>th</sup> March 2019.

I attach for your information a copy of the email string which gave rise to the complaint.

1. Did you "like" the comment that described Julie Cooper MP as a "robbing blatch?"
2. Did you post the comment immediately after which described her actions as "taking the p?"
3. As an elected member you have agreed to abide by the Code of Conduct for Members. Within the code members are subject to a number of general principles including "Respect for others" and are required to treat people with respect regardless of their race, age, religion, gender sexual orientation or disability. You must also not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute. Do you consider your behaviour in liking and posting the comments above are in breach of the Code of Conduct?
4. Do you consider that fair minded people, and women in particular might be offended by you liking the comment and the posting your own comments?

5. You are aware that the Council has received a complaint about your actions on your Borough Councillor and County Councillor Facebook page, and the complainant has accused you of misogynistic abuse. What do you say in response to that allegation?
6. You will be aware that there have been previous complaints of you posting/ allowing third parties to post inappropriate and offensive content on your Councillor Facebook page, which have been upheld. What steps, if any, have you taken to consider whether what you are proposing to post online is acceptable?
7. You have previously been offered training on social media and data protection, but you refused this offer. Do you wish to reconsider the offer?
8. Please use this opportunity to say anything else that you wish to say.

If you change your mind and wish to be interviewed about the complaint, please give me a ring and I will arrange a meeting.

Yours sincerely

Catherine Waudby  
Head of Legal and Democratic Services