



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.