

COMPLAINT AGAINST MEMBER UNDER COUNCIL'S CODE OF CONDUCT

REPORT TO AUDIT AND STANDARDS COMMITTEE



DATE	16/01/2019
PORTFOLIO	Councillor Sue Graham
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PURPOSE

1. To report the decision of the Audit and Standards Sub Committee Hearing Panel in relation to the conduct of Councillor Hosker, and to inform the Committee of Councillor Hosker's response to the sanctions imposed by the Hearing Panel

RECOMMENDATION

2. That the Committee notes the decision of the Hearing Panel and the subsequent refusal and failure of Councillor Hosker to comply with the sanctions imposed by the Hearing Panel.
3. That the Committee notes the limited sanctions available to the Hearing Panel when dealing with Code of Conduct matters, and the inability to impose any additional restrictions to deal with non – compliance with its recommendations, and to consider whether the Committee should direct the Council to write to the Minister of Housing, Communities and Local Government to advise him that the sanctions available for Councillors who fail to comply with the Code of Conduct are inadequate.

REASONS FOR RECOMMENDATION

4. The Committee is charged with promoting and maintaining high standards of conduct by Members, Co – opted members and employees of the Council. The determination of complaints about members is delegated to the Audit and Standards Sub Committee, and it is appropriate to report the outcome of the Hearing to Committee to determine what further action should be taken.

SUMMARY OF KEY POINTS

5. On 27th September 2018 the Audit and Standards Sub Committee Hearing Panel considered an allegation that Councillor Hosker had breached the Code of Conduct for Members by causing or permitting the posting of particular footage on the Councillor Hosker County and Borough Councillor Facebook page.
6. Following a full hearing the Sub Committee determined that Councillor Hosker had breached the Code of Conduct for Members, as a result of the footage which was of an explicit and offensive anti – islamic nature and was likely to offend fair minded people.

The Sub Committee also found that the action could reasonably be regarded as bringing the office of Councillor or the Council into disrepute, and was not conduct that was to be reasonably expected of a serving local councillor. It also appeared that Councillor Hosker was endorsing the content of the video footage. The Sub Committee also determined that the failure to check facebook posts/pages regularly was a failure by Councillor Hosker to take full responsibility for matters within his control and showed a disregard for an earlier local resolution which had required him to personally manage his Councillor Facebook page rather than allow third parties access to it.

7. The Hearing Panel recommended the following
 - (i) that Councillor Hosker receive social media and data protection training with three months of the hearing
 - (ii) the re- iteration of the previous instruction that he solely managed his Facebook pages and did not share his passwords with anyone
 - (iii) that the Council revisit the availability of sanctions to a Hearings Panel, specifically 15.4 which referred to Group Leaders responsibilities.
8. Following the hearing the Council identified appropriate training for Councillor Hosker to attend and he was asked to provide his availability. Councillor Hosker responded by email on 16th November 2018 to say that he did not need the training and would not be told to go. It has also been reported in the local paper that Councillor Hosker is refusing to attend any training.
9. There are no additional sanctions available to deal with this situation. If the Committee is minded to it can direct Officers to write to the Minister of Housing, Communities and Local Government to inform him that the sanctions available against members where they have breached the Code of Conduct are inadequate.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

10. None

POLICY IMPLICATIONS

11. None

DETAILS OF CONSULTATION

12. None

BACKGROUND PAPERS

13. Decision Notice of Audit and Standards Sub Committee Hearing Panel of 27th September 2018.

FURTHER INFORMATION

PLEASE CONTACT: Catherine Waudby

ALSO: