



# **DECISION NOTICE**

## **FINDINGS;**

## **BREACH OF THE MEMBERS CODE**

## **OF CONDUCT**

### **Complaint**

On 27<sup>th</sup> September 2018 the Audit and Standards Sub Committee Hearing Panel of this Council considered the report of the Investigating Officer in relation to a complaint into the alleged conduct of Councillor Alan Hosker, a member of Burnley Borough Council. We have set out a general summary of the complaint below:

It was alleged that Councillor Alan Hosker breached the Code of Conduct for Members in relation to his personal judgement and integrity arising from the content of a video clip which was posted or shared on the Councillor Hosker County and Borough Councillor Facebook page on 9<sup>th</sup> June 2018 and that such conduct could be reasonably regarded as bringing Councillor Hosker's office as Councillor and the Council into disrepute and in breach of the general principle of Leadership, which requires members to promote and support the General Principles of the Code of Conduct by leadership and by example and by acting in a way that secures or preserves public confidence.

### **Decision**

The Hearing Panel takes all complaints about Councillors very seriously and carefully considers all matters in accordance with its published criteria.

The Hearing Panel found that Councillor 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 that Councillor Hosker has behaved in a manner which could reasonably be regarded as bringing the office of Councillor or this Council into disrepute.

The decision was unanimously agreed by the cross-party Hearing Panel which was chaired by Councillor Anne Kelly, Deputy Mayor.

## **Reasons for decision**

The Hearing Panel carefully considered the evidence set out in the Investigating Officer's report, the representations made by the Investigating Officer, the representations made by Councillor Commis on behalf of Councillor Hosker, and the representations made by Councillor Hosker.

Before reaching its decision the Hearing Panel took into account and had regard to the views of the Independent Person and concluded that:

- 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 of Councillor or the Council 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 onto the 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 for his PC to manage the situation and to 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

## **Sanctions**

Before considering the action to be taken, Councillor Hosker was invited to make representations on any sanction and the Hearing Panel also took into account and had regard to the views of the Independent Person. The Hearing Panel resolved the following;

The Panel will 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;



The Panel recommended that Councillor Hosker receives 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.

The Panel recommended the reiteration of the previous instructions that he solely manages his Facebook pages and does not share his passwords with anyone.

The Panel also recommended that the Council revisits the availability of the sanctions to a Hearings Panel, specifically point 15.4 which refers to group leaders' responsibilities.

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Audit and Standards Sub-Committee – Hearing Panel

28<sup>th</sup> September 2018