



AUDIT AND STANDARDS COMMITTEE - HEARING

BURNLEY TOWN HALL

Tuesday, 23rd July, 2019 at 6.00 pm

PRESENT

MEMBERS

Councillor Mark Payne, In the Chair.

Councillors P Campbell, T Commis, A Khan and A Newhouse

OFFICERS

Lukman Patel	– Chief Operating Officer
Eric Dickinson	– Democracy Officer
Catherine Waudby	– Head of Legal and Democratic Services

INDEPENDENT MEMBER

Louise Gaskell

INDEPENDENT PERSON

Pat Higginbottom

9. Appointment of Chair

Councillor Mark Payne was appointed Chair for this meeting.

10. Minutes

The Minutes of the last Hearing Panel on 27th September 2018 were agreed as a correct record.

11. Declarations of Interest

Following a query by the Monitoring Officer, there weren't any declarations of Interest by Members on the Hearing Panel.

12. Arrangements for dealing with complaints under the Code of Conduct for

Members

The procedure that would be followed for the hearing was noted and introductions were made.

13. 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 referring to Burnley's MP in a derogatory manner by being misogynistic on his County and Borough Councillor Facebook page, and had breached respect, caused disrepute, and had breached the Leadership Principle.

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

The Investigating Officer who had carried out an investigation into the allegations presented her report and made submissions to the Panel, and she did not call any witnesses.

Councillor Alan Hosker was invited to the Hearing but declined to attend.

The Panel carefully considered the investigation report and the Investigating Officer was asked a number of questions.

The Panel asked the public and the Investigating Officer to leave so that it could consider its findings and have regard to the views of the Independent Person.

Before considering its findings, the Panel took into account and had regard to the views of the Independent Person.

The Panel and all parties 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 the Leadership Principle.

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.

Councillor Alan Hosker had behaved in a manner which could reasonably be regarded as breaching this Leadership Principle.

Reasons for decision

- The action by Councillor Alan Hosker on his County and Borough Councillor Facebook page in liking the language referred to in the report was inappropriate.
- The management by Councillor Alan Hosker of his County and Borough Councillor Facebook page was inadequate

The Panel asked the public and the Investigating Officer to leave so that it could consider the actions it might take regarding the breach of Leadership.

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

The Panel and all parties reconvened and delivered the following sanctions;

Sanctions

1. That the Panel publish its findings in respect of Councillor Alan Hosker's conduct;
and
2. That the Panel report its finding to the Council for information.

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DECISION NOTICE FINDINGS; BREACH OF THE MEMBERS CODE OF CONDUCT

Complaint

On 23rd July 2019 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 had breached the Code of Conduct for Members by referring to Burnley's MP in a derogatory manner by being misogynistic on his County and Borough Councillor Facebook page, and had breached respect, caused disrepute, and had breached the Leadership Principle- 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.

The cross-party Hearing Panel was chaired by Councillor Mark Payne.

Councillor Alan Hosker was invited to the Hearing but declined to attend.

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 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. Councillor Alan Hosker had behaved in a manner which could reasonably be regarded as breaching this Leadership Principle.

Reasons for decision

The Hearing Panel carefully considered the evidence set out in the Investigating Officer's report and the representations made by the Investigating Officer.

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

- The action by Councillor Alan Hosker on his County and Borough Councillor Facebook page in liking the language referred to in the report was inappropriate
- The management by Councillor Alan Hosker of his County and Borough Councillor Facebook page was inadequate

Sanctions

Before considering the action to be taken, the Hearing Panel took into account and had regard to the views of the Independent Person.

The Hearing Panel resolved the following;

The Panel will publish its findings in respect of Councillor Alan Hosker's conduct.

The Panel will report its findings to the Council for information.

Audit and Standards Sub-Committee – Hearing Panel

Decision Notice – 5th August 2019