

REPORT TO AUDIT AND STANDARDS COMMITTEE



DATE	26 th October 2020
PORTFOLIO	Not applicable
REPORT AUTHOR	Lukman Patel (COO and Monitoring Officer)
TEL NO	7140
EMAIL	lpatel@burnley.gov.uk

COMPLAINT AGAINST COUNCILLOR MARCUS JOHNSTONE

PURPOSE

- | | |
|----|---|
| 1. | To note the outcome of the complaint against Councillor Marcus Johnstone. |
|----|---|

RECOMMENDATION

- | | |
|----|---|
| 2. | <p>That the Audit and Standards Committee notes the:</p> <ul style="list-style-type: none"> • outcome of the of the complaint against Councillor Marcus Johnstone; • agreed local resolution; and • apology provided by Councillor Marcus Johnstone. |
|----|---|

REASONS FOR RECOMMENDATION

- | | |
|----|--|
| 3. | To comply with the Council's duty to promote and maintain high standards of conduct for its Elected Members. |
|----|--|

SUMMARY OF KEY POINTS

- | | |
|----|--|
| 4. | An allegation was made by Councillor Cosima Towneley that Councillor Marcus Johnstone had breached the Council's Code of Conduct for Members ("the Code") in relation to comments he made on his Facebook account in the aftermath of the General Election last year. |
| 5. | <p>On or about 14th December 2019 Councillor Marcus Johnstone posted a comment on his Facebook account in which he said the following:</p> <p><i>"Comrades!!!
They've won. And now we resist.
We must fight them to the last bullet. And when that's gone we must throw rocks at the Bastard Tories.
And when there's no rocks left, we go in and fight them hand to hand
Resist Resist."</i></p> |
| 6. | Councillor Cosima Towneley alleged that the comment made by Councillor Marcus Johnstone was unacceptable behaviour, and the posting of such a vitriolic comment was classed as incitement and hate crime. |

7.	Following consultation with the Council's Independent Person, the Council's Monitoring Officer instructed the Council's Head of Legal and Democratic Services to investigate the complaint.
8.	The Council's Head of Legal and Democratic Services found that Councillor Marcus Johnstone had breached the Council's Code as he had failed to treat others with respect (section 3.1 of the Code) and had conducted himself in a manner which could reasonably be regarded as bringing the Council and himself into disrepute (section 5 of the Code).
9.	The Council's Head of Legal and Democratic Services noted that Councillor Marcus Johnstone had made it clear that he regretted his actions and was upset and disappointed with himself. During the investigation, Councillor Marcus Johnstone apologised for causing distress to Councillor Cosima Towneley or to any other Conservatives.
10.	Following consultation with the Council's Independent Person, the matter was dealt with by virtue of a local resolution and the following apology was provided by Councillor Marcus Johnstone that was accepted by Councillor Cosima Towneley: <i>"It was never my intention to use my Facebook comment to incite violence or hatred against any of my political colleagues and I apologise unreservedly to anyone who may have been alarmed, offended or concerned by my actions. This has been a salient lesson in how not to use Social Media and I look forward to putting this incident behind me."</i>
11.	The Monitoring Officer agreed with both Councillor Marcus Johnstone and Councillor Cosima Towneley that the apology would be reported to the next Audit and Standards Committee of the Council.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

8.	Not applicable.
----	-----------------

POLICY IMPLICATIONS

9.	Not applicable.
----	-----------------

DETAILS OF CONSULTATION

10.	Not applicable.
-----	-----------------