



AUDIT AND STANDARDS COMMITTEE

BURNLEY TOWN HALL

Tuesday, 3rd December, 2019 at 6.00 pm

PRESENT

MEMBERS

Councillor Tony Martin, In the Chair.

Councillors S Hussain, M Lishman, M Payne, J Harbour and T Martin

ALSO IN ATTENDANCE- Councillor Neil Mottershead

OFFICERS

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

INDEPENDENT MEMBER

Louise Gaskell

INDEPENDENT PERSON

Pat Higginbottom

–

22. Appointment of Chair

Councillor Tony Martin was appointed as Chair of the meeting.

23. Minutes

That the Minutes of the Standards Hearing held on the 23rd July 2019 be approved as a correct record.

24. Exclusion of the Public

It was determined that the public were not to be excluded from the meeting for any item, after deciding that the balance of public interest favoured holding the whole meeting in public.

25. Arrangements for dealing with complaints under the Code of Conduct for Members

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

26. Investigation Report

The Hearing Panel conducted a hearing into allegations that Councillor Sue Graham had breached the Council's Code of Conduct for Members by referring to UKIP members as racists in the context of forming an administration, and therefore had failed to treat others with respect and had brought the Council and herself into disrepute.

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, Catherine Waudby, who had carried out an investigation into the allegations presented her report as well as the further written materials previously submitted by Cllr Graham and also correspondence regarding the local resolution process in this case..

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

Councillor Sue Graham attended the hearing and was accompanied by Peter Thorne, and they presented Cllr Graham's case.

The Panel asked the Investigating Officer, Councillor Sue Graham and Peter Thorne to leave so that it could consider its findings.

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

The Panel and all parties reconvened and gave its decision and reasons.

Decision

The Hearing Panel found that Councillor Sue Graham had breached the Council's Code of Conduct for Members in relation to respect (section 3.1) by failing to treat others with respect, but had not breached the Code in relation to disrepute (section 5).

Reasons for decision

The action by Councillor Sue Graham in referring to UKIP members as racists did refer to the 3 Councillors who at the time of the post were in UKIP (Councillors Tom Commis, Peter Gill, and Alan Hosker) , and the action was in the context of arrangements under discussion at the time to form a Council administration.

The Panel then asked Councillor Sue Graham, Peter Thorne and the Investigating Officer to leave so that it could consider the actions it might take regarding the breach of respect and disrepute.

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 Sue Graham's conduct;
2. That the Panel report its finding to the Council for information; and
3. That Councillor Graham be recommended to provide an apology at the next Ordinary Full Council to the 3 Councillors (Councillors Tom Commis, Peter Gill, and Alan Hosker) who were in UKIP at the time of the post regarding the breach of respect and the failure to treat them with respect.

The Hearings Panel noted that Councillor Sue Graham was not available for the Full Council Meeting of 18th December 2019 and requested that Councillor Sue Graham provided an apology to the 3 Councillors as soon as practicable.

Councillor Sue Graham agreed to liaise with the Monitoring Officer and provide the apology in writing to the 3 Councillors.

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DECISION NOTICE

FINDINGS;

BREACH OF THE MEMBERS CODE

OF CONDUCT

Complaint

On 3rd December 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 Sue Graham, a Member of Burnley Borough Council. We have set out a general summary of the complaint below:

It was alleged that Councillor Sue Graham had breached the Code of Conduct regarding respect and disrepute by referring to UKIP members as racists in the context of forming an administration, and therefore had failed to treat others with respect and had brought the Council and herself into disrepute.

The cross-party Hearing Panel was chaired by Councillor Tony Martin.

Councillor Sue Graham attended the Hearing with Peter Thorne.

The Hearing Panel carefully considered the evidence set out in the Investigating Officer's report and the representations made by the Investigating Officer, further evidence from Cllr Sue Graham, and the local resolution correspondence in this case.

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

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 Sue Graham had breached the Council's Code of Conduct for Members in relation to respect (section 3.1) by failing to treat others with respect, but had not breached the Code in relation to disrepute (section 5).

Reasons for decision

The action by Councillor Sue Graham in referring to UKIP members as racists did refer to the 3 Councillors who at the time of the post were in UKIP (Councillors Tom Commis, Peter Gill, and Alan Hosker) , and the action was in the context of arrangements under discussion at the time to form a Council administration

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;

- (1) The Panel will publish its findings in respect of Councillor Sue Graham's conduct;
- (2) The Panel will report its findings to the Council for information; and
- (3) That Councillor Graham be recommended to provide an apology at the next Ordinary Full Council to the 3 Councillors (Councillors Tom Commis, Peter Gill, and Alan Hosker) who were in UKIP at the time of the post regarding the breach of respect and the failure to treat them with respect.

The Hearings Panel noted that Councillor Sue Graham was not available for the Full Council Meeting of 18th December 2019 and requested that Councillor Sue Graham provided an apology to the 3 Councillors as soon as practicable. Councillor Sue Graham agreed to liaise with the Monitoring Officer and provide the apology in writing to the 3 Councillors.