



Basingstoke and Deane

BASINGSTOKE AND DEANE BOROUGH COUNCIL **DECISION NOTICE**

DECISION NOTICE: NO FURTHER ACTION

Reference: 044783/AGR

Complainant: Ms S Moore

Subject Member: Cllr T Robinson

On 16th November, the Deputy Monitoring Officer and the Independent Person considered a complaint from the Complainant concerning the alleged conduct of Cllr T Robinson, a member of Basingstoke and Deane Borough Council.

A general summary of the complaint is set out below:

The complainant alleged that a friend of hers, who is a councillor, told her that at the July Council meeting, the Subject Member had said "at least we are not anti-Semitic". The complainant states that this was a stupid and wrong statement causing upset to herself and her friend. The allegation is that the Subject member breached the Code of Conduct in that he did not show respect to other councillors and brought his office into disrepute. The complainant accepts that the Subject Member apologised by email but states that this email also attempted to justify his comment. She seeks an apology by the Subject Member to a meeting of Council.

Decision

In accordance with the Arrangements, the Code of Conduct has not been breached

Reasons for decision

In assessing this complaint regard has been had to the Complaint and to the email sent by the Subject Member to All Council Members on the 30th July.

This complaint falls to be considered against the two alleged breaches of the Code of Conduct. Firstly, whether the Subject Member failed to show respect to other councillors. For a failure to treat other with respect to arise, there has to be a personal attack or similar made by the Subject Member against an individual. In looking at the

facts of this matter, it is not considered that the Subject Member made a personal attack, or similar, against either the Complainant or the complainant's councillor friend. The remark was not made with reference to any individual councillor but was rather aimed at the labour group as a whole. No individual Councillor was named. It was made during the course of a political debate in the Council chamber.

Secondly, whether the Subject Member brought the Council into disrepute by making the remark. Case law has established that the misuse of the office can obviously bring disrepute on the office but personal misconduct will be unlikely to do so. The Subject Member needs to be aware that his behaviour is subject to greater scrutiny than those of ordinary members of the public and that his actions in public life might have an adverse impact upon the Council. A councillor who makes inappropriate comments, or unfair or inaccurate criticism of fellow councillors in a public arena might well be regarded as bringing their Council into disrepute. The test however is whether the conduct alleged was such as would cause the reputation of the authority to suffer in the mind of a reasonable onlooker.

It is agreed that the statement made by the Subject Member was indeed stupid given the sensitivity of the subject matter. The Subject Member has accepted that it was also wrong in his subsequent apology to All Council Members, though the attempt to justify in the apology why he made the comment is regrettable.

On balance a reasonable onlooker is unlikely to allow this remark made during a political exchange, to affect his opinion on the reputation of the council. The Subject Member has not therefore brought the Council into disrepute but he is urged to give careful consideration to the contributions he makes towards debates in the chamber and to be mindful of the reputation of the Council.

This decision notice is sent to the person making the allegation, the Member against whom the allegation was made.

Right of Appeal

There is a right of Appeal to the Monitoring Officer within 10 working days of the date of this notice

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Access to the complaints process

Certain groups of customers may find it more difficult to make a complaint for example due to English not being their first language, sight impairment etc. It is our duty to assist the complainant in gaining access to the complaints procedure but we must not make the complaint for them or misrepresent their complaint. The Council do not insist that a complaint is made in writing, particularly where this would hinder an individual in making their complaint.

The following services are available to assist customers in making their complaint.

Translation
Interpreting
Braille/Large Print
Minicom
Text
Online form

Signed *AGreaves* Date *4/12/18*

Ann Greaves
Deputy Monitoring Officer

