

Standards Committee

Friday, 3rd July, 2020
10.00 - 11.00 am

Attendees	
Borough Councillors:	Max Wilkinson (chair), Louis Savage, Martin Horwood, Klara Sudbury and John Payne
Independent Members:	Martin Jauch, Duncan Chittenden
Also in attendance:	Sara Freckleton, Borough Solicitor and Monitoring Officer

Minutes

- 1. APOLOGIES**
Councillors Stafford and Hobley.
- 2. DECLARATIONS OF INTEREST**
There were none.
- 3. MINUTES OF THE LAST MEETING**
RESOLVED that the minutes of the meeting held on 3 February 2020 be agreed as a correct record.
- 4. CHELTENHAM BOROUGH COUNCIL CODE OF MEMBERS' CONDUCT- COMPLAINT AGAINST COUNCILLOR DENNIS PARSONS**
The Monitoring Officer explained that the report before the Committee considered three complaints that had been received alleging that Councillor Dennis Parsons had failed to comply with the Council's Code of Members' Conduct arising from his contribution to a debate at the Council meeting held on 15 June 2020. She advised that the report set out in full, at Paragraph. 1.2, the substance of the complaints and the factual background was set out at Paragraph 3 of the report. In that respect, the facts were a matter of record and were not disputed. The Monitoring Officer indicated that, as required by the Council's arrangements for the determination of complaints, she had consulted with the Independent Persons and assessed the complaints made against a number of preliminary tests: whether the Member had acted in their capacity as a Member – which was clearly the case in this instance; whether the behaviour was likely to constitute a breach of the Code of Conduct – which in this case related to the requirements to treat others with respect and to promote high standards of conduct when serving in a public post by leadership and example; and whether it was necessary to seek any additional information before being able to determine where there had been a breach of the Code – in this case, the facts were clear, were not disputed and there had been no need for further investigation.

Having completed the preliminary investigation, the Monitoring Officer had considered the complaints in the context of the facts, the Code of Conduct and the views of the Independent Persons which were set out at Paragraph 5.6 of the report. It was clear from the analysis that Councillor Parsons' conduct at the Council meeting had fallen significantly short of the standards of conduct expected of holders of public office and had caused damage to both his own reputation and that of the Council. As well as being contrary to the general principles of conduct in public life which underpinned the Council's Code of Conduct, Councillor Parsons' comments were completely inappropriate and disrespectful, contrary to the provisions of Clause 7(1) of the Code which required Members to treat others with respect and also Clause 7(8) which required Councillors to promote high standards of conduct by leadership and example.

The Committee was advised that Councillor Parsons had acknowledged he had made a gross error of judgement which had contravened the Code of Conduct and attention was drawn to the supplemental report which attached two letters from Councillor Parsons that had been sent after the main report had been issued. In the first letter, Councillor Parsons recognised the inappropriateness of the comments made and apologised unreservedly to the Council and the public for his gross error of judgement and, in the second, which was to the Chair and Members of the Committee, he sought to clarify the facts surrounding his contribution to the Council meeting, specifically that neither his decision to contribute to the debate or the remarks made were pre-planned.

In respect of the sanctions available to the Committee, the Monitoring Officer advised that these were limited to matters that would not prevent a Councillor from performing their duties. They were listed at Paragraph 6.3 of the report but included censure, an apology and undertaking training. Councillor Parsons had now made an unreserved apology directly to the Council and the public and, as such, the Committee may decide it was not necessary to require him to make another apology; however, it was open to the Committee to require that apology to be placed on the Council's website in addition to any other sanctions. As far as training was concerned, race, equality and diversity was already in the Member training programme and would be offered to every Member of the Council; however, it was a choice for the individual Member as to whether they took up the opportunity so the Committee may wish to consider requiring compulsory attendance.

The Chair thanked the Monitoring Officer for her introduction and reminded Members that the Committee did not have the power to suspend/dismiss the Councillor. In addition, the Council had made representations in response to the government consultation about the sanctions available to Standards Committees to ask that the legislation be changed but this was not something the government was addressing at this point.

The Independent Persons advised that their comments were included within the Committee report but added that Councillors may wish to reflect deeply on the fact that, even when things were carefully phrased, which the comments made in the current complaint had not been, they could still cause outrage and offence if spoken wrongly. The Independent Persons referred to one of the phrases in the report which noted that Councillor Parsons' contribution was ill-

judged in its conception – being a poor example and irrelevant to the issue – and that it was obvious to anyone that the vocabulary used was completely unacceptable. In terms of the possible sanctions, training was the obvious fall-back and was clearly necessary, but it was suggested that the challenge to the Council was to involve people from minority backgrounds in what it was doing and that should be a priority.

A Member asked that the Council follow up with representations to the Secretary of State to press for more sanctions. In addition, he questioned whether Councillor Parsons had been removed from all Outside Body appointments. In making a further general observation, the Councillor indicated that this had been a very serious breach of the Code of Conduct and the damage to the Council's reputation could be measured by the amount of times this story came up when searching the internet for Cheltenham Borough Council. The impact on people in the community and the context of motion that was being considered at the time, had been an opportunity to make a strong commitment to solidarity with minority communities but the comments of Councillor Parsons had achieved the opposite and instead highlighted an issue of racism within the Council. He felt censure would be a sensible sanction, as well as compulsory training for all Councillors, but did not feel it made sense to demand a further apology given that a written apology had already been made. In response, the Chair reiterated that legislative changes would be required before a Councillor could be removed from the Council; however, Councillor Parsons had been suspended from the Liberal Democrat group and was now serving as a non-aligned Councillor on the Council. In addition, the Monitoring Officer advised that representations could be made to the Secretary of State and confirmed that Councillor Parsons had voluntarily resigned from his Outside Body appointments; he also no longer served on any Committees or Sub-Committees. She confirmed that, as Councillor Parsons was no longer a member of a political group on the Council, under the rules of political balance, he had no entitlement to a place on a Committee/Sub-Committee - if he re-joined a political group in the future it would be a matter for that group as to whether or not he was given a Committee seat.

Another Member asked for clarification on what was meant by censure as well as whether any other complaints had been made by members of the public, Councillors or Officers against Councillor Parsons and, if so, whether those could be taken into account. In response, the Monitoring Officer indicated that censure was a way to express strong disapproval about an incident that should not have happened. In addition, she confirmed that no other complaints had gone through an investigation process and been heard by the Standards Committee in respect of Councillor Parsons. The Chair expressed the view that, if censure was chosen as a sanction, the Committee's views would feed into the form of words which was placed on the Council's website.

In agreeing with the previous speakers, a Member expressed the view that Councillor Parsons' actions had brought the Council into disrepute during the particularly sensitive debate and his actions had polarised views even further. He felt that Councillor Parsons was usually someone that followed protocol and he had found it difficult to comprehend his actions at the Council meeting in question. He was of the view that the Councillor had, to some extent, imposed

his own sanctions through public humiliation. In response, the Chair advised that it was the responsibility of the Council to deal with the matter despite what Councillor Parsons may be feeling upon reflection of his words. Another Member advised that he had not been present at the Council meeting referred to but he, like so many others, had been appalled and horrified by the comments made. He questioned whether the Councillor's previous conduct could be taken into consideration and indicated that the comments made by Councillor Parsons had resulted in a spectacular own goal for the Council and it must be made clear that the Councillor had been speaking for himself and not for any other Members who had all been horrified by the situation and wished to disassociate themselves from the comments made. The good standing of the Council and other Councillors should not be allowed to be brought into disrepute by Councillor Parsons. The Chair agreed that, in issuing censure, it would be important to include points about being one Councillor's comments and not the view of the Council.

Another Member agreed that the comments made had been highly offensive, not just the offensive word, but also a preamble, further incendiary comments and an apology which had clearly not been made sincerely. She felt that being silent on the matter was not an act of neutrality and did not show Councillors to be allies of people of minority backgrounds so everyone had to speak out against the comments made. She was of the view that the Councillor had caused offence in the past by the use of unacceptable language and was concerned that requiring Councillor Parsons to undertake intensive training may not have an effect given that he had already undertaken training on unconscious bias with the Liberal Democrat group. She was saddened by the fact that the Council had had an opportunity to do something great through the Motion which was being considered by the Council but that had been taken away by the words of one person. The Committee agreed this was a compelling case for using the strongest possible censure and that it was unfortunate that there were no stronger sanctions available.

Having listened to the comments made, the Chair noted that the type of phrases which may be included in the censure were: the enormous damage to the reputation of the Council; staying silent was not being neutral; that the Councillor had only been speaking for himself and not the Council; and the expressions of outrage at the choice of language used. There was also a need to discuss training; he felt it was absolutely the right thing for the whole Council to engage and accept that, as a Council comprised of entirely white members, they would never fully understand the hurt and pain felt by people of minority backgrounds that was caused by the words used by Councillor Parsons. He questioned whether the Committee felt that additional and intensive training should be provided to Councillor Parsons given the demonstrable need for him to receive one to one training. It was agreed that training would be delivered to the whole Council and that the Committee would be advised of any member who refused to attend. It was hoped this would show how seriously the issue was being taken by the Standards Committee; it was also agreed that additional training would be provided to Councillor Parsons. A Member indicated that the Council needed to reflect on why Cheltenham Borough Council was seemingly not seen as a place for people of all backgrounds to stand for election and this was obviously something for political parties to address going forward. It was

also agreed that the point should be made within the censure that, were stronger sanctions available, they would have been considered by the Committee and that the Council would be asking the Secretary of State to change the legislation to strengthen available sanctions for breaches of the Code of Members' Conduct.

Accordingly, it was unanimously

RESOLVED

- 1. That the Committee issue a censure, with the wording delegated to the Chair in consultation with the Monitoring Officer, to be accompanied by the written apology from Councillor Parsons.**
- 2. That the Council make representations to the Secretary of State to request that the government bring forward, as soon as possible, the legislation to allow greater sanctions for breaches of the Code of Members' Conduct.**
- 3. That training on race, equality and diversity, be made compulsory for all Members and that the Standards Committee be advised of anyone that refused to attend.**
- 4. That Councillor Parsons be required to undertake intensive training on race, diversity and equality matters.**

5. DATE OF NEXT MEETING
TBA

Max Wilkinson
Chairman