

Cheltenham Borough Council

Standards Committee

3 July 2020

Report of Monitoring Officer on complaints that Councillor Dennis Parsons has failed to comply with the Cheltenham Borough Council Code of Members' Conduct

1. Background

1.1 Complaints that Councillor Dennis Parsons has failed to comply with the Cheltenham Borough Council Code of Members' Conduct, have been received by the Monitoring Officer. These complaints arise from the participation of Councillor Parsons at the meeting of Cheltenham Borough Council held on the 15th June 2020. The Chair of the Standards Committee referred this matter to the Monitoring Officer immediately after the incident, the subject of this complaint, had taken place.

1.2 The complaints received are as follows:-

- I. Cllr Dennis Parsons has brought the council into disrepute by expressing sympathy for the police officer who killed George Floyd. Mr Parsons then went on to explain how views on race were different in the late 1940s and used a racially offensive word beginning with N at least four times. Cllr Parsons was given an opportunity to apologise but it sounded half-hearted and meaningless as if he had no idea that the words he had used would cause harm. However he had clearly understood the offence that he was causing by choosing to use these words, as he also said (or words to that effect) 'you can't say that any more or you would get shot'. He also laughed when he had finished speaking.
- II. Repeated use of the "N-word" during the Cheltenham Borough Council meeting on Monday, 15 June. https://youtu.be/ac9b7Bp_MzM - from 1h33m. Given the current situation, and during ongoing BLM protests, this is incredibly disingenuous, and could be regarded as nothing less than not-closeted-enough racism. It's a disgrace that he is in the position that he is, and it is not an attitude that is at all representative of the people that he apparently represents in the Pittville ward. He also has previous form for suggesting that prostitution could be represented at schools
- III. On 15th June 2020 during an online council meeting Mr Dennis Parsons used a racial slur several times. He also claimed that George Floyd, a murder victim at the hands of police brutality in Minnesota in the USA was not the victim but his killer was.

The incident was since reported by Gloucestershire Live and footage featured on social media site Twitter. It was also witnessed by all Councillors present in the meeting.

I believe Mr Parsons behaviour contravenes Cheltenham Councils Code of Members Conduct sections 3 and 4, it is not acting with integrity and does not treat others with respect.

Mr Parsons has since failed to apologise for his use of this most heinous racial slur saying “I am obviously sorry if I offended people’s sensitivities but I don’t think that it’s inappropriate that in certain circumstances to use words that are unacceptable now but were acceptable historically.”

I thought it goes without saying that there is no circumstance under which it is appropriate for Mr Parsons to use this word. His comments show he is out of touch with modern society and unfit for the position.

2. Consideration and Determination of Complaints

2.1 The Council has made arrangements, in accordance with the provisions of the Localism Act 2011, for the determination of complaints that any Councillor has failed to comply with the Cheltenham Borough Council Code of Members’ Conduct. All complaints must be made to the Monitoring Officer to whom the Council has delegated authority to consider and determine complaints and to seek to resolve complaints including, where necessary, arranging for an allegation to be investigated. The Monitoring Officer must, when assessing and determining complaints, consult with the two Independent Persons (who are neither Councillors nor Officers of the Council) appointed by the Council under the Localism Act 2011. The Council also provided the option for the Monitoring Officer to refer the matter to the Standards Committee where more appropriate to do so.

2.2 As part of the process of the consideration of complaints by the Monitoring Officer and Independent Persons, a number of preliminary tests are undertaken including whether

- the Member is acting in their capacity as a member,
- on the information available, is the behaviour complained of likely to be a breach of the Code
- it is necessary for the complaint to be investigated (fact finding)
- in the circumstances of the case, it is in the public interest for the complaint to be investigated and determined

2.3 Regarding the complaints the subject of this report, the Monitoring Officer, having consulted with the Independent Persons, agreed with the Chair of the Committee that this matter is appropriately referred to the Standards Committee whose role it is to “exercise the Council’s functions in matters relating to standards of conduct within the Council”.

3. Factual Background and Context

3.1 On the 15th June 2020 a meeting of Cheltenham Borough Council took place which was, in accordance with current regulations, held virtually. The meeting was broadcast contemporaneously via YouTube.

3.2 One of the items of business considered by the Council was the following Motion:-

“Following the killing of George Floyd in Minneapolis and other brutal activity, Cheltenham Borough Council puts on record its support for Black Lives Matter and its total opposition to any kind of racism.

Cheltenham Borough Council believes in action, not just fine words. In conjunction with the Police and Crime Commissioner, Cheltenham Borough Homes, Cheltenham Trust, Festivals and other partners, Cabinet is requested to look at holding a conference for Cheltenham’s BAME community organisations, to discuss how we might work closer together to challenge bias, both deliberate and unconscious, and racism in all its forms.

To that end, Council also requests that all policies, the organisational structure, appointments process and working environment of the Council be interrogated by Cabinet to ensure they reflect the Council’s stance on these matters.

Council would request the Police and Crime Commissioner, Cheltenham Borough Homes, Cheltenham Trust, Festivals and other partners to work together with the Council, to ensure that effective action is taken.

In addition, Cabinet is asked to look at how we can support other councils in less diverse areas through the LGA, by means of exchange programmes and secondment schemes and, for members, unconscious bias training,

Further, that Cheltenham’s national representative on the Council of Europe, is requested to raise these issues at the Council of Europe; and the Cabinet member to raise issues through Council of European Municipalities and Regions in relation to local government and how, together, we can best fight bias, racism and brutality in all its forms and provide a voice to action, so that in deed and word, Black Lives Matter.”

- 3.3** In accordance with the Council’s Constitutional requirements, the above Motion was published on the 11th June 2020. Councillors therefore were afforded the opportunity to be fully prepared to debate and make decisions at the meeting.
- 3.4** Councillor Dennis Parsons attended the meeting of the Council. During the debate on the Motion, the Mayor invited a number of Councillors, including Councillor Parsons to make their contribution to the debate.
- 3.5** When called upon by the Mayor to speak, Councillor Parsons said “In the past, Chair, I have accused the Council of engaging in motherhood and apple pie motions and this isn’t one of them and mustn’t be one of them. We must get something out of this that satisfies the smart target agenda, we have to have targets, we have to have concrete proposals and it’s a big ask. Other people have asked, mentioned that there is no quick fix for this. People have talked about education and there is a role for education in terms particularly of tackling unconscious bias and indeed, being leaders in this field, Liberal Democrats always have sessions on unconscious bias at their conferences and we’ve attended them and yes, I accept there is a role for that, but the underlying issue isn’t education its culture, it’s the culture that we all exist under. In many ways the guy who killed George Lloyd* was a victim, he was a victim of the culture that exists in Minneapolis as far as policing is concerned. He just did what he’s been trained to do and what has been accepted for a long, long time. And here in Britain, I was born immediately after the Second World War and my father came home a year later, he was serving in the Navy. We had a cat, a black cat called n*****. And my mum would come out to the front gate when she couldn't find

the cat and she'd shout n***** n***** n***** but now obviously you would get shot if you tried to do that and that's partly as a result of legislation but it's partly because the culture has changed, but ever so slowly. We've changed culture before, we did it with smoking. Smoking became socially unacceptable in lots of places but how you change culture is a really tricky, tricky question. So I wish the Council well in bringing together this group but it needs to have something at the end of it that is tangible, that is a proposal, that is targets, it can't be allowed to just be kicked into the long grass and will go on forever. As I'm sure will happen with the Prime Minister's puppet proposals just to show that he's doing something We can't be just seen to be doing something. We have to get results."

*George Floyd was erroneously referred to as George Lloyd.

- 3.6** Immediately after Councillor Parsons had finished speaking, a Councillor raised a Point of Order (an alleged breach of Council Procedures or Law), stating that all Councillors should avoid using offensive racist terms in their remarks. Two other Councillors followed up that Point of Order, the first referring to incredibly offensive racial slurs, that he was staggered that Councillor Parsons used those words and that it is not acceptable to use that language. Another Councillor said that it was really important that Councillors, as community leaders, show that they appreciate the sensitivities of certain terms that may have been used in the past and also appreciate the sting that is felt when certain people hear those words. The Councillor went on to say that Councillor Parsons should be offered the chance to apologise.
- 3.7** Councillor Parsons was invited, by the Mayor, to speak in response and said
"Obviously I was making a point that in some ways goes back to the issue with monuments and other things that cause offence now but that were part of the culture at the time that they were erected and I prefer the German way of recognising history rather than the idea that we somehow photoshop it out. I quoted something that was perfectly acceptable in 1945 from people, my parents weren't racist they were just ordinary working people who'd gone through a war which my father had played an active and dangerous part and it was just the way it was. I'm obviously sorry if I offended people's sensitivities but I don't think that it's inappropriate in certain circumstances to use words that are unacceptable now that were acceptable historically."
- 3.8** Councillor Parsons' comments were reported in the local media during the evening of 15th June 2020.
- 3.9** The day after the Council meeting, Councillor Parsons sent an apology to the media which said:-
"I very much regret and am so very sorry for articulating the 'n' word in Monday's meeting of Cheltenham Borough Council. I totally get how offensive this would have been to the BAME population and, indeed, to the wider Cheltenham public. I am hugely embarrassed by my actions.
My parents were not racist. I am not racist. I was referencing events in 1950 and using the name of the family cat to illustrate how different the culture was then compared to today. Unfortunately, in doing so, I articulated the 'n' word – which was unacceptable. The response has been a hard lesson for me to take. But it is a lesson learned."
- 3.10** There was further local and national media coverage in the days following the Council meeting.

- 3.11 Councillor Parsons has been a member of Cheltenham Borough Council since May 2016.

4. Cheltenham Borough Council Code of Members' Conduct

- 4.1 The Cheltenham Borough Council Code of Members' Conduct which was adopted with effect from the 1st July 2012 and is attached at Appendix 1, applies when Members are acting in their official capacity as a member of Cheltenham Borough Council including when engaged in the business of the Council or when behaving so as to give a reasonable person the impression of acting as a representative of the Council. It does not seek to regulate what Members do when acting solely in a private capacity in their private life. Paragraph 5 of the Code sets out the general principles which Members are expected to observe when acting as Councillors. These principles are:-

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

- 4.2 Turning to the specific requirements of the Code of Conduct, paragraph 7 requires that Members observe a number of rules, of which rules 7(1) and 7(8) below are relevant to this complaint and provide:-

7(1) “Do treat others with respect”

7(8) “Do promote and support high standards of conduct when serving in your public post by leadership and example”

5. Consideration of Complaint

5.1 Application of the Code of Conduct

The Monitoring Officer has, in consultation with the Independent Persons, considered the complaint in the context of the Code of Conduct. The preliminary assessment (paragraph 2.2 above) of the complaints, has been carried out and is detailed in paragraphs 5.2 – 5.4 below.

- 5.2 The first consideration is whether Councillor Parsons was acting in his official capacity, thus engaging the requirements of the Code of Conduct. It is clear that Councillor Parsons attended and participated in the Council meeting in his capacity as a Cheltenham Borough Councillor. The Code of Conduct is therefore engaged.

- 5.3 In respect of the second consideration, it was concluded that it is likely, on the basis of the information provided, that there has been a breach of the Code of Conduct. In particular, clauses

7(1) “Do treat others with respect”

7(8) “Do promote and support high standards of conduct when serving in your public post by leadership and example”

are relevant to the consideration of these complaints.

5.4 Finally, consideration has been given to whether it is necessary to seek additional information / investigate the facts before any decision can be made as to whether there is any breach of the Code of Conduct. If so, the public interest test is applied to determine whether the matter is serious enough so that an investigation would be in the public interest. In this particular case, the facts of this case comprise Councillor Parsons' oral contributions to the meeting on the 15th June 2020 which have been broadcast and which remain (suitably muted) available for viewing on the Council's website. Consequently, it was not considered necessary for any further investigation to be undertaken in order to determine whether a breach of the Code of Members' Conduct has occurred.

5.5 Having completed the preliminary assessment, consideration was given to the substance of the complaints and the three main concerns highlighted within them which can be summarised as firstly, the reference, by Councillor Parsons, to the victim status of the person responsible for killing George Floyd, secondly the use of a racist term four times and thirdly, Councillor Parsons' apology to the meeting in which he said he was sorry if he offended people's sensitivities but that he didn't think it inappropriate in certain circumstances to use words that are unacceptable now but were acceptable historically.

5.6 Consultation with the Independent Persons

The complaints were, as required, referred to the Independent Persons for comment and their response was that Councillor Parsons made a number of errors of judgment, specifically:-

1. Many people would find his connection of 'culture and victim' with the actions of the police officer in the Floyd case deeply offensive.
2. This was compounded by the use of an inappropriate and, again, deeply offensive word, which was repeated 4 times in what appeared to be a totally unnecessary anecdote
3. He referred to offending 'sensitivities' rather than individuals, a linguistic phrasing that causes further offence.
4. He failed to accurately judge that some words, phrases and anecdotes are not acceptable in any circumstances and there are no circumstances which could mitigate their use.

In conclusion, the entirety of Councillor Parsons' contribution was ill judged in its conception and totally unacceptable in its execution.

5.7 Analysis of complaints

Councillor Parsons had been aware, since the publication, on the 11th June 2020, of the agenda for the Council meeting, that the Motion set out in 3.2 above, would be debated and decided upon by the Council at its meeting on the 15th June 2020. Members are not obliged to make a statement or comment on any item of business discussed by the Council and therefore do so if they wish to contribute. It is reasonable to conclude, therefore, in indicating that he wished to speak on this Motion, Councillor Parsons had already, by the time of the Council meeting, given consideration to the content of his speech.

5.8 It is incumbent upon Councillors, at all times when acting in their capacity as a representative of Cheltenham Borough Council, to act on all occasions in accordance

with the public trust placed in them. Members are also, in accordance with the CBC Code of Members' Conduct, expected to observe the general principles, of which integrity and leadership are relevant to the determination of these complaints.

5.9 Considering the complaints in their entirety, the context set out above, the comments of the Independent Persons and the specific application of the Code of Conduct, it is clear that in respect of all three aspects of the complaint, namely putting forward the view that the Police Officer involved in the killing of George Floyd in Minnesota was the victim, the use of an offensive and inappropriate word, and the reference to offending sensitivities, are disrespectful and a contravention of requirement 7(1) of the Code of Conduct to treat others with respect. Further, in deeming it appropriate to make these comments at a meeting of the Cheltenham Borough Council, demonstrate a significant error of judgement on the part of Councillor Parsons to the extent that this conduct falls short of the leadership and example required to demonstrate high standards of Councillor Conduct, thereby contravening requirement 7(8) of the Code of Conduct.

5.10 Councillor Parsons has confirmed to the Monitoring Officer that he acknowledges that his actions had constituted a breach of the Code of Conduct which he described as a "horrible misjudgement" on his part.

5.11 Conclusion

It is clear that the comments which Councillor Parsons made at the Council meeting on the 15th June 2020 were completely inappropriate and disrespectful, being contrary to the general principles upon which the Code of Conduct is based and specifically contrary to the provisions of section 7(1) of the Code which requires members to treat others with respect and 7(8) of the Code which requires Councillors to promote high standards of conduct by leadership and example. The public is entitled to expect the highest possible standards of behaviour from elected members and Councillor Parsons' behaviour on this occasion fell significantly short of the standards of conduct expected of the holders of public office, thereby causing damage to his own and the Council's reputation.

Councillor Parsons' apology given at the meeting (3.7 above) seemingly sought to explain and even validate the remarks made rather than convey his unreserved apology for the significant error in judgment in deeming the content of his speech to be appropriate in any circumstances whatsoever.

The apology to the media (3.9 above) does demonstrate an element of contrition and a recognition by Councillor Parsons that his comment and the impact it would have had was inappropriate. It also goes on to give some explanation as to the reason for the remarks.

6. Sanctions

6.1 As the Committee is aware, the sanctions that may be imposed in respect of breaches of the Code of Conduct cannot include anything that would prevent a Councillor performing their duties as a Councillor and therefore do not extend to either suspension or disqualification from the role.

6.2 The Committee will recall that in its response to the 2018 consultation by the Standards in Public Life on its review of Local Government Ethical Standards, the point was made that the current sanctions do not appear to be adequate especially for more serious breaches of the Code of Conduct. The outcome of the review, with

regard to sanctions, was a recommendation to the Government that a new power for local authorities to suspend Councillors for up to six months be introduced, but that requires legislative changes that have yet to take place.

6.3 Currently, therefore, the available sanctions are one or more of the following:-

- (a) requesting the Member to undertake actions deemed appropriate e.g. issue an apology, undertake training,
- (b) censure;
- (c) report to Council;
- (d) recommend actions to the Leader of the Council;
- (e) recommend actions to Group Leader (e.g. removal from a Committee);
- (f) removal from Outside Bodies;
- (g) exclusion from the Council Offices, or other premises, with the exception of meeting rooms as necessary for attending Council, Committees or Sub-Committees and/or nominating a single point of contact

7. Considerations for Standards Committee

7.1 This report is brought to the Committee by the Monitoring Officer for the Committee to determine the sanction to be imposed in this matter.

7.2 Taking into account, the observations at 5.11 above, on the apologies made so far, the Committee may consider it appropriate to impose a sanction requiring that Councillor Parsons makes a full apology to the Mayor and Councillors, which would be published on the Council's website.

7.3 The Council has a Member Training Programme which includes, in this year, training for all Borough Councillors on issues of race, equality and diversity. This will be delivered by an LGA approved provider including trainers from diverse backgrounds. The Committee may consider that attendance at this training should be compulsory for all Councillors, including Councillor Parsons.

7.4 The Committee may also wish to consider censure.

7.5 The Committee is also asked to consider whether there are any implications for the authority arising as a consequence of the matters covered in this report.

Report Author

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