

26 July 2016

Report of	Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Complaints in relation to Councillor Buston		
Wards affected	Not applicable		

**This report requests the Committee to consider two complaints received in relation to Councillor Buston**

## 1. Decision(s) Required

- 1.1 To make an initial assessment in accordance with the Council's Localism Act Arrangements, regarding what action should be taken in relation to these complaints.

## 2. Background

- 2.1 Under the Localism Act the Council has a statutory duty to promote and maintain high standards of conduct by members and co-opted members of the authority. In order to discharge this duty the council has adopted a Code of Conduct for Members which sets out the conduct expected of members and co-opted members of the authority when they are acting in that capacity. The Council has also adopted Arrangements which detail how complaints in relation to Member conduct will be handled.
- 2.2 The Full Council agreed that as part of the terms of reference of this Committee it is responsible for promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council.
- 2.3 The Council's Localism Act Arrangements provide that the Monitoring Officer may, after consulting with one of the Council's appointed Independent Persons, refer a complaint to this Committee to make an initial assessment regarding what action to take. In view of the fact that there are two separate complaints regarding Councillor Buston from Councillor Bourne the Monitoring Officer decided that these complaints should be referred to this Committee.

## 3. The complaints

### Complaint 1

- 3.1 On 12 May 2016 a complaint was received from Councillor Bourne regarding Councillor Buston's *"continuing unlawful and discriminatory language around travellers. Travellers/Gypsy communities are afforded protection under Equality Act and the Council signs up to a Public Sector Equality Duty, a statement of which is on our website."* Councillor Bourne cited an email sent by Councillor Buston dated 9 May 2016 in relation to Travellers which was copied to many officers and some residents which Councillor Bourne found offensive. The email in question is attached at Appendix 1
- 3.2 The Monitoring Officer emailed Councillor Buston regarding this complaint on 16 May 2016 and Councillor Buston responded via an email dated also 16 May 2016 both of which are attached at Appendix 2. This complaint originally included Councillor Jarvis however,

Councillor Buston took sole responsibility for the 9 May 2016 email and accordingly Councillor Jarvis is not included in this matter.

## Complaint 2

- 3.3 On 27 May 2016 a second complaint was received from Councillor Bourne regarding the tone of his comments contained in a Daily Gazette article on Travellers dated 27 May 2016 (attached at Appendix 3). Councillor Bourne was concerned that Councillor Buston *“had not heeded any advice that may have been given to him regarding stigmatising whole communities, and worse he directly refers to conversations he has had regarding his comments that I found offensive last week. A councillor is a community leader, Cllr Buston has wrongly used the phrase 'deprived minority group' to gain favour with local residents which is mocking and unkind. He also makes reference to this group being able to afford 'brand new lorries and vans', further inciting fear and loathing in local residents and the wider population. The 'I pay my Council tax and other taxes' phrase is equally distasteful.”*
- 3.4 The Monitoring Officer emailed Councillor Buston regarding this complaint on 1 June 2016 (attached at Appendix 4)

## **4. The Code**

- 4.1 The Council's Members' Code of Conduct states at paragraph 3 (3) (a):
- “You must not do anything which may cause the Authority to breach any of the equality enactments”*
- 4.2 Under the Equalities Act 2010, travellers are a group with protected characteristics. The Council as a public authority is required to comply with the public sector equality duty. This in turn means that the Council ( including councillors) when making decisions or publishing information must have due regard to the need to:
- Eliminate unlawful discrimination
  - Advance equality of opportunity
  - Foster good relations between people who share a protected characteristic and people who do not share it.

## **5. Options for the Committee**

- 5.1 The Committee needs to make an initial assessment of these complaints. This is not a hearing but a decision following consideration of the contents of this report and in accordance with the Council's Localism Act Arrangements (attached at Appendix 5) whether Councillor Buston's conduct potentially amounted to a breach of the Members' Code of Conduct and if so, whether either one or both of the complaints:-
- (a) merits no further investigation; or  
(b) merits further investigation.
- 5.2 If the Committee determines that no further investigation is merited it can also agree that no further action be taken or the Committee may wish to consider providing advice to avoid future situations occurring.
- 5.3 If the Committee determines that Councillor Buston's conduct merits further investigation then the Monitoring Officer will appoint an external person as an Investigating Officer who will then conduct an investigation and report back to the Committee in accordance with the Council's Localism Act Arrangements attached at Appendix 5.

## **6. Strategic Plan References**

- 6.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan aims to set out the direction and future potential for our Borough.

## **7. Financial, Equality, Diversity and Human Rights, Consultation, Community Safety, Health, Publicity and Safety and Risk Management Implications**

- 7.1 None identified.

