

<b>CONSTITUTION AND ETHICS SUB-COMMITTEE</b>	AGENDA ITEM No. 3(e)
<b>1 APRIL 2019</b>	<b>PUBLIC REPORT</b>

Report of:	Gillian Holmes, Peterborough City Council Independent person
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<b>REPORT OF INDEPENDENT PERSON</b>
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**1. ORIGIN OF REPORT**

1.1 This is the report of Peterborough City Council's Independent Person on the investigation carried out in relation to the purported breach of the Council's Code of Conduct by Councillor Darren Fower.

**2. PURPOSE AND REASON FOR REPORT**

2.1 To set out the views of the Independent Person in relation to a complaint against Councillor Darren Fower.

**3. VIEWS**

3.1 I am the Independent Person appointed by Peterborough City Council under Section 28 of the Localism Act 2011. In that capacity I have been asked to give my view in relation to a complaint made by Councillors Holdich OBE & Fox in March 2018 against Councillor Darren Fower.

In giving my view I have had sight of both the original complaint and the report submitted to the Monitoring Officer by ch&i associates.

Having read the report produced by ch&i associates I consider it to be full, fair and balanced.

The facts of the complaint and Councillor Fower's response to it are set out in the report and I do not propose to repeat them here.

3.2 I firstly have to consider whether Councillor Fower was acting in his official capacity at the time of the alleged complaint. I concur with the Investigating Officer's conclusion at para 6.3 of the report. Councillor Fower's petition and other correspondence relate directly to council business and throughout he has referred to himself as 'Councillor Darren Fower'. In my view Councillor Fower was acting in his official capacity and so the Code of Conduct is engaged.

3.3 In relation to the first aspect of the complaint, the language used by Councillor Fower, I have considered carefully the comments set out in the report about the right to free speech, the rough and tumble of political life, the need for politicians to have 'thick skins' and the discussion around the meaning of the word 'facist'.

I acknowledge that this is a matter about which Councillor Fower holds strong views. I note that he stated in interview that it had not been his intention to unfairly malign Councillor Fox or to attack him personally and the comments of the report author that Councillor Fower is clearly a committed and hardworking member of the council who is passionate about representing his local community.

I have considered the matter objectively as a member of the public and have looked at both the structure of the correspondence and the language used.

- 3.4 The wording of the correspondence which states that Councillor Fox has 'decreed that members of the Peterborough public should not be allowed to sit in the public gallery' does suggest to me that Councillor Fox is personally responsible for the closure. On an ordinary reading of the document the later phrase 'such facists tendencies need to end now' would lead me to the view that these words were being directed at Councillor Fox and his personal characteristics. It is my view that they go beyond reference to the competence of a political opponent and the rough and tumble of political life. On balance they do appear to me as a personal attack on the reputation of Councillor Fox and, indirectly, the Council.
- 3.5 Turning to the second limb of the complaint, the on line petitions. If, as the evidence seen suggests, those completing the petitions did so not knowing that e-mails would be circulated in their name and not having penned/knowing the content of those e-mails, I must concur with the views of the report author as set out in para 6.16 of the report. My view, as a member of the public, is that Councillor Fower should have ensured that those signing the petition were fully aware of how the information he obtained was to be used and that specific consent to that use should have been obtained.
- 3.6 In conclusion it is therefore my view that Councillor Fower has breached the Council's Code of Conduct by failing to promote and support high standards of conduct and leadership when serving in his public post.

**SIGNED:** Gillian Holmes

**DATE:** 8<sup>th</sup> March, 2019