

2 July 2018

Reference:

DECISION NOTICE

**RELATING TO ALLEGATIONS OF BREACHES OF THE
CODE OF CONDUCT FOR MEMBERS OF DEVON COUNTY COUNCIL
BY COUNCILLOR BRIAN GREENSLADE**

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Introduction

This decision notice relates to the complaint submitted by the Council's Chief Executive, Dr Phil Norrey (**the complainant**), against Devon County Councillor Brian Greenslade (**the subject member**) on 18 January 2018.

Devon County Council's Standards Committee has made findings as to breaches of Devon County Council's Members' Code of Conduct and has determined what sanctions to impose in light of those breaches.

Preliminaries

On receipt of the complaint one of the Council's Independent Persons was contacted, as required by the Localism Act 2011. An Assessment Sub Committee was convened to consider the Independent Person's views on how to proceed under the Council's arrangements for dealing with alleged breaches. The Standards Assessment Sub Committee met on 29 January 2018 and endorsed the Independent Person's view that an independent formal investigation be carried out into the alleged breaches of the Code of Conduct.

Mr Timothy Straker, QC was appointed to carry out the independent investigation. Mr Straker interviewed the complainant, the subject member and other relevant individuals. The report contains information which is sensitive and confidential and, although the public and media may be interested to see the report, the Standards Committee has to consider the Council's broader obligations and the procedures that have been put in place to address ethical standards complaints. The Monitoring Officer was satisfied that the Council cannot properly disclose the report or the complaint and that to do so would breach confidentiality and undermine the integrity of the complaint investigation and determination procedures. The Monitoring Officer is satisfied that the public interest in complying with the Council's obligations and maintaining the confidentiality outweighs the public interest in disclosing this material at this time.

Neither the investigation report nor the complaint will be published or otherwise put into the public domain. In any event, there is sufficient detail in this decision notice to address any questions that might legitimately be raised about the complaint and the determination of it.

Prior to the issue of the final report, the complainant and the subject member were given a period of 14 days within which to provide comments to the investigator on the draft report and his findings. The subject member made comments within the 14 day period and further comments outside of the 14 day period. The investigator considered both sets of comments made by the subject member and addressed them in the final report.

Following further consultation with the Independent Person, the Council's cross party Standards Committee met on 2 July 2018 to consider the independent investigator's report and the Independent Person's views and to determine whether the subject member breached the Code of Conduct and any sanctions that may be imposed as a result of any breach. The Standards Committee was held in private session. In accordance with the Council's agreed procedures, neither the complainant nor the subject member were present at the Standards Committee meeting.

On the morning of 2 July 2018 the Monitoring Officer received a letter from the subject member's solicitor which requested an adjournment of the Standards Committee meeting and a change to the established Council procedures. These matters were brought to the attention of the Standards Committee and were considered by it before carrying out deliberations into the investigation report.

The Standards Committee's consideration and findings are restricted to that which properly falls within the Code complaints process.

The complaint

The complaint was submitted by the Council's Chief Executive, Dr Phil Norrey, and related solely to Councillor Brian Greenslade who is a member of both Devon County Council and North Devon District Council. The complaint has been considered in the context of his membership of Devon County Council only.

The complaint was regarding alleged sexual harassment and abuse carried out by the subject member against a number of female employees over a sustained period of time.

The complaint alleged that the subject member's behaviour was such that he fell below the standards expected of a County Councillor and in particular that he

- Failed to promote and support high standards of conduct when serving in his public post (contrary to paragraph 1.3 (i) of the Code)
- Failed to treat others with courtesy and respect (contrary to paragraph 4 (a) of the Code)
- Acted in a way which may have caused the County Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010 (contrary to paragraph 5 (b) of the Code)
- Bullied members of staff (bullying being characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear) (contrary to paragraph 5 (c) of the Code)
- Conducted himself in a manner or behaved in such a way so as to give a reasonable person the impression that he has brought his office or the Council into disrepute (contrary to paragraph 5 (h) of the Code).

Findings as to breaches

Breaches

Having carefully considered the independent investigator's report and the Independent Person's views the Standards Committee found that the subject member had breached the following paragraphs of the Code of Conduct:

1. Paragraph 1.3 (i) - promote and support high standards of conduct when serving in your public post, [.....], by leadership and example
2. Paragraph 4 (a) – treat others with courtesy and respect
3. Paragraph 5 (b) – not do anything which may cause the County Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010
4. Paragraph 5 (c) – not bully any person (bullying being characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has

the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear)

5. Paragraph 5 (h) – not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.

Reasons

The breaches of the Members' Code of Conduct result from the independent investigator's findings, which the Standards Committee accepted in their entirety, that the subject member committed acts of sexual harassment against members of staff over a number of years.

1. Paragraph 1.3 (i) - promote and support high standards of conduct when serving in your public post, [.....], by leadership and example.

Given the nature of the conduct found and the various incidents set out in the investigation report, the Standards Committee determined that the subject member's actions were, and are, in conflict with the promotion and support of high standards of conduct.

In particular, the Standards Committee found that the subject member failed to adhere to the general principles of public life which underpin the Code of Conduct insofar as they relate to selflessness, integrity, objectivity, personal judgment, respect for others, duty to uphold the law, stewardship and leadership.

Whilst the subject member denied any misconduct he did agree that if the incidents had occurred then they are reprehensible. The Standards Committee determined, having reviewed the findings of the investigation report, that the incidents did occur.

2. Paragraph 4 (a) – treat others with courtesy and respect.

Given the nature of the conduct found and the various incidents set out in the investigation report, the Standards Committee determined that the subject member's actions were grossly discourteous and disrespectful such that there can be no other finding but that the subject member's actions were in breach of paragraph 4 (a) of the Code of Conduct.

3. Paragraph 5 (b) – not do anything which may cause the County Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010).

The Standards Committee determined that the actions of the subject member exposed the County Council to the potential of being seen, or being perceived as being, in breach of its obligations to its staff and therefore he was in breach of the Code of Conduct.

4. Paragraph 5 (c) – not bully any person (bullying being characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear)

The Standards Committee determined that the pattern of behaviour of the subject member towards a number of female members of staff was offensive and did intimidate and humiliate them.

The Committee went on to find that the subject member's behaviour was characterised by a misuse of authority in the sense that as Councillor and, for many instances, as Leader of the Council there was a clear disparity of position and influence between the subject member and the members of staff. Accordingly, the Standards Committee determined that the subject member bullied members of staff and was in breach of the Code of Conduct by so doing.

5. Paragraph 5 (h) – not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.

The Standards Committee determined that the subject member's conduct would lead a reasonable person to consider that Councillor Greenslade's office as Councillor (which is how the role of Councillor is described under the Local Government Act 1972) had been brought into disrepute. By extension, given that the Council is constituted by its members, the Standards Committee concluded that such a person would also consider the County Council had been brought into disrepute. Accordingly, the Standards Committee found that the subject member had, through his actions, breached paragraph 5 (h) of the Code of Conduct.

Sanctions

Having made their determination that the subject member had breached Devon County Council's Members' Code of Conduct, the Standards Committee went on to consider what sanctions, if any, should be applied to the subject member. As part of their deliberations the Standards Committee had regard to the views of the Independent Person as to the appropriate sanction should breaches of the Code of Conduct be determined.

The Standards Committee noted that the powers for a Council to disqualify or suspend an elected member were removed pursuant to the Localism Act 2011. Notwithstanding the lack of an ability to disqualify or suspend an elected member, the Standards Committee took due regard of the sanctions they could impose and thereafter determined that the following sanctions are appropriate to address the breaches it had found:

1. The subject member should be formally censured;
2. A recommendation be made to his Group Leader that the subject member be removed from any or all Committee / Sub Committees and outside bodies
3. The subject member have his access to County Council premises restricted to the Member's Room, the Ante Chamber and the Council Chamber for the remainder of the current administration. The Committee further stipulated that should the subject member wish to attend any other premises in order to carry out his duties as a County Councillor, he must give notice to an officer within the Members Services Unit and must be accompanied by an appropriate officer, to be identified following each request for access;
4. The subject member be required to undertake relevant training; and
5. The subject member be removed from all outside bodies appointed or nominated by the Council which do not otherwise fall to the determination of his Group Leader.

The wording of the censure is delegated to the Monitoring Officer, in consultation with the Chair of the Standards Committee, again in accordance with the decision of the Standards Committee and be appended to this Decision Notice.

Appendix – Formal Censure

Further to the decision of the Standards Committee taken on 2 July 2018, the Monitoring Officer, in consultation with the Chair of the Standards Committee, determined that the following censure is issued to Councillor Brian Greenslade in light of his breaches of Devon County Council's Members' Code of Conduct:

The subject member is hereby formally censured for his sexual misconduct against female members of Devon County Council staff that resulted in the findings of serious and significant breaches of the Council's Members' Code of Conduct. In particular, the sustained and repeated sexual harassment of female members of staff and abuse of his position as a senior and established member of the Council over a prolonged period fell well short of the conduct that can reasonably be expected of an elected member. The subject member's lack of insight into how his actions may have affected the female members of staff and his indifference to that effect of his actions is of serious concern as are his actions during the investigation which demonstrated that he was prepared to put his own credibility and reputation above his responsibilities to the Council, its staff and his constituents. This continued poor behaviour falls far below the standards that can reasonably be expected, either by a Councillor or anyone.