

Cornerstone Barristers' Public Law team

Councillor refused permission in JR against sexual harassment finding

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A former leader of Devon County Council has been refused permission to proceed to a judicial review of the Council's decision to sanction him for sexual harassment of four Council employees. In a wide-ranging challenge, he was granted permission on just one narrow point: whether the Council had the legal power to restrict his access to Council premises.

Following an anonymous complaint to the Council's Chief Executive in November 2017, the Council commenced a formal investigation into allegations that Cllr Brian Greenslade - who led the Council for 16 years - had sexually harassed four employees of the Council.

The Council instructed a QC to carry out the investigation which concluded that the allegations were true.

At a meeting of the Council's Standards Committee in July 2018, the Committee accepted the investigator's findings and imposed several sanctions on Cllr Greenslade.

The sanctions included restrictions on Cllr Greenslade's access to Council premises: he was permitted unrestricted access to the Members' Room, the Ante Chamber and the Council Chamber; and was permitted to visit any other premises provided he gave advance notice and was accompanied by a Council officer.

That sanction is due to lapse at the next Council elections.

In October 2018, Cllr Greenslade issued a claim for judicial review of the Council's decision. He raised at least 10 grounds of challenge.

These included challenges to the procedural fairness of the Council's investigation and decision-making process and a more general assertion that he was denied a fair hearing as guaranteed by both the common law and Article 6 of the European Convention on Human Rights.

All of these allegations were rejected as unarguable by Mrs Justice Andrews, who refused permission to proceed to a judicial review.

Cllr Greenslade also sought to challenge the legality of the sanctions imposed on him. Although Mrs Justice Andrews considered it was arguable that the Council had no legal power to exclude him from its premises, she considered that, if there was such a power, the restrictions placed on Cllr Greenslade were "plainly" proportionate.

Cllr Greenslade has renewed his application for permission. A hearing is likely to take place in the Cardiff centre of the Administrative Court in late 2018 or early 2019.

James Findlay QC and Matt Lewin of Cornerstone Barristers' Public Law team are instructed by Devon County Council