

BOLSOVER DISTRICT COUNCIL

Meeting of the Standards Committee on 27th January 2025

Update of Standards Investigation

Report of the Director of Governance and Legal Services & Monitoring Officer

Classification	This report is Public
Contact Officer	Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer

PURPOSE/SUMMARY OF REPORT

To update Standards Committee on the outcome of a code of conduct investigation.

REPORT DETAILS

1. Background

1.1 Where a complaint is made against a councillor and a formal investigation is undertaken which recommends there has been a breach of the code of conduct the Monitoring Officer has two options. One option is to refer the matter to a Standards Committee hearing which will determine whether there has been a breach. The other option is to agree to an informal resolution, for example where the councillor concerned accepts the findings of the investigation and is prepared to offer an apology. If the latter option is taken the Monitoring Officer is required to report to Standards Committee with an update.

2. Details of Proposal or Information

2.1 On 23rd June 2024 the Monitoring Officer received a complaint from Mr Mark Fletcher, former Member of Parliament for Bolsover, who at the time was a parliamentary candidate for Bolsover. Mr Fletcher's complaint was that Cllr Steve Fritchley had used homophonic language in a meeting at the Council offices which had been convened to discuss a neighbour dispute. This was reported to Mr Fletcher by a resident of Bolsover who was present at the meeting.

2.2 The Monitoring Officer decided that the complaint justified an investigation and appointed external investigators from Oadby and Wigston Borough Council. The

investigation took place in August and involved interviews with all the people who were present at the meeting. At the conclusion of the investigation the investigators provided the Monitoring Officer with their report a copy of which is attached at Appendix 1. Please note the names of the members of public who were present at the meeting have been redacted.

- 2.3 In summary the report found that Cllr Fritchley used words that may be perceived to be homophobic by someone who did not understand the context of why the words had been said. Details of the context are set out in Appendix However the investigators did not feel that there was any evidence to suggest any homophobic intention. Consequently the investigators did not find that Cllr Fritchley had breached Bolsover District Council's code of conduct in terms of treating members of the public with respect and promoting equalities and not discriminating unlawfully against any person.
- 2.4 However the investigators did find that by using a term that could be perceived to be homophobic by someone who did not understand the context of words breached the Nolan Principle which requires councillors to lead by example and act in a way that secures public confidence in the role of a councillor and that he had brought the Council into disrepute contrary to paragraph 5.1 of the Council's code of conduct.
- 2.5 At the Council meeting on 2nd December 2024 Cllr Fritchley read out a statement explaining the findings of the investigators' report and apologising for his actions.
- 2.6 The Monitoring Officer considers this apology to be an appropriate resolution in response to the specific findings. There was no evidence of homophobia. Instead Cllr Fritchley has been found to have used ill-judged language. As Cllr Fritchley has accepted he was wrong to use that language and was prepared to apologise for doing so, it would be disproportionate in the circumstances to refer the matter to a Standards hearing.

3. Reasons for Recommendation

- 3.1 It is important for members of Standard Committee to be notified where an investigation has found that a councillor has breached the code of conduct and where the Monitoring Officer considers that informal action is the appropriate action.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternative options. This report is for notification purpose only

RECOMMENDATION(S)

1. To note the contents of the report.
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IMPLICATIONS:

<p><u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>	
On behalf of the Section 151 Officer	
<p><u>Legal (including Data Protection)</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>	
On behalf of the Solicitor to the Council	
<p><u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>	
On behalf of the Head of Paid Service	
<p><u>Equality and Diversity, and Consultation</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details:</p>	
<p><u>Environment</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment</p> <p>Details:</p>	

DECISION INFORMATION:

<p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies:</i></p>	
<p>Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.</p>	<p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p>
	<p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p>

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

All

If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? *(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)*

Yes No

Consultation carried out:

(this is any consultation carried out prior to the report being presented for approval)

Yes No

- Leader Deputy Leader Executive SLT
 Relevant Service Manager Members Public
 Other

Links to Council Ambition: Customers, Economy, Environment, Housing

DOCUMENT INFORMATION:

Appendix No	Title
1	Investigating Officers Report

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).