Member Standards & Complaints	Thursday, 26 September 2024	Matter for Information and Decision

Report Title: **Investigation of Complaint under Members' Code of Conduct (Alleged Use of Homophobic Language)**

Report Author(s): **David Gill (Head of Law & Democracy / Monitoring Officer)**
Samuel Ball (Legal & Democratic Services Manager / Deputy Monitoring Officer)

Purpose of Report:	To summarise the outcome of an external independent investigation undertaken by the Monitoring Officer ("OWBC MO") and Deputy Monitoring Officer ("OWBC DMO") of Oadby & Wigston Borough Council ("OWBC") into a complaint made to the Monitoring Officer ("BDC MO") of Bolsover District Council ("BDC") under the Members' Code of Conduct ("the Code") dated and received on 23 June 2024 by Mark Fletcher ("the Complainant") against the Leader and Member of BDC, Councillor Steve Fritchley ("the Member"), to allow the BDC MO, following consultation the Independent Person (IP), to determine if any further action is required under the Code accordingly.
Report Summary:	On the balance of probabilities, upon review of the documents, inter-view/telephone summaries and information before the Investigators, and having considered and being guided by the other matters and considerations, the Investigation concludes and recommends that: **A.** There is no evidence of a failure to comply with the Code by the Member in respect of the allegations set out at paragraphs 2.2.1, 2.2.3 and 2.2.4 below and therefore the Complaint, as far as they relate to these allegations only, be dismissed; and **B.** There is evidence of a failure to comply with the Code by the Member in respect of the allegations set out at paragraph 2.2.2 and paragraph 2.2.5 below requiring further action by the BDC MO under the Code as recommended (as set out below).
Recommendation(s):	**The Investigators recommend that the Complaint, as far as they relate to the allegations set out at paragraph 2.2.2 and paragraph 2.2.5 below, proceed to a hearing before a Sub-Committee of the Standards Committee or, after consulting the Independent Person, seek local resolution.**
Contacts:	**Oadby & Wigston Borough Council** David Gill (Head of Law & Democracy / Monitoring Officer / Solicitor) (0116) 257 2626 david.gill@oadby-wigston.gov.uk Samuel Ball (Legal & Democratic Services Manager / Deputy Monitoring Officer / Solicitor) (0116) 257 2643 samuel.ball@oadby-wigston.gov.uk **Bolsover District Council**

	Jim Fieldsend (Director of Governance / Monitoring Officer) (01246) 242 472 jim.fieldsend@bolsover.gov.uk **Independent Person** Ian Kirk (Independent Person)
Consultees:	• Ian Kirk (Independent Person)
Background Papers:	• BDC Members' Code of Conduct (Revised 2020) • BDC Councillor Complaints Procedure (Detailed) (Revised 2020) • Definitions, Meanings & Uses of Words 'Homophobic', 'Homophobe' And 'Homophobia' (Oxford English Dictionary) (July 2023) • Flagging of Homophobic, Biphobic and Transphobic Crime - Guidance (Crown Prosecution Service) (October 2019)
Appendices:	**1.** Letter from Complainant (23 June 2024) **2.** Letter from Informant (22 June 2024) **3.** Letter to Complainant (25 June 2024) **4.** Letter to Member (26 June 2024) **5.** Prepared Statement - Member (1 August 2024)

1. Complaint

1.1 On 23 June 2024, the BDC MO received a complaint under the Code ("the Complaint"). The Complaint was made by a Parliamentary Candidate for the Bolsover Constituency for the UK Parliamentary (General) Election on 4 July 2024 ("the Election"), Mark Fletcher ("the Complainant"). The Complaint is made against the Leader and Member of BDC, Councillor Steve Fritchley ("the Member"). A copy of the Letter of Complaint is attached at **Appendix 1**.

2. Allegation(s)

2.1 The Complaint alleges that the Member breached the Code by repeatedly using homophobic language by referring to the Complainant on more than one occasion as a "puff" and commenting "that's what we call him [the Complainant] here" during a meeting with a Bolsover resident discussing Council business as it related to a neighbour dispute.

2.2 If the Complaint has been correctly understood and characterised in outline as set out in paragraph 2.1, the alleged breaches of the Code, and as stated by the Complainant, are:

Allegation(s)	**Code Provision(s)**
2.2.1 To treat all persons fairly and with respect	General Principle
2.2.2 To lead by example and act in a way that secures public confidence in the role of Councillor	General Principle
2.2.3 To treat other Councillors and members of the public with respect (including other representatives)	Paragraphs 1.1 & 1.2
2.2.4 To promote equalities and do not discriminate unlawfully against any person	Paragraph 2.3
2.2.5 To not bring their role or the District Council into disrepute	Paragraph 5.1

3. Investigation

3.1 Upon the BDC MO's instruction, the Complaint was independently investigated by the OWBC MO and OWBC DMO ("the Investigators") on 1, 2 and 22 August 2024 ("the Investigation").

3.2 On 1 August 2024, the Investigators attended Bolsover District Council situated at The Arc, High Street, Clowne, Chesterfield, S43 4JY ("the Council Offices") and interviewed the following witnesses and/or persons, summaries of which have been produced below.

Interviewee (chronological)	Capacity	Paragraph
3.2.1 ("the Informant")	Witness & Informant	**6.1.3**
3.2.2 ("the Other Neighbour")	Witness	**6.1.2**
3.2.3 Karen Hanson ("the Chief Executive")	Witness	**6.1.6**
3.2.4 Samantha Bentley ("the Manager")	Witness	**6.1.1**
3.2.5 Steve Fritchley ("the Member")	Respondent	**6.1.5**

3.3 At the start of the Member's interview, the Member provided the Investigators with a prepared statement ("the Statement") which has been produced and marked as **Appendix 5**.

3.4 On 2 August 2024, the Investigators held a remote audio-visual conference on Microsoft Teams and interviewed the following person, a summary of which has been produced below.

Interviewee	Capacity	Paragraph
3.4.1. Mark Fletcher ("the Complainant")	Complainant	**6.1.4**

3.5 On 22 August 2024, the OWBC DMO made a telephone call and interviewed the following person on a point(s) of clarification, a summary of which has been produced below.

Interviewee	Capacity	Paragraph
3.5.1 ("the Informant")	Witness & Informant	**6.1.3**

3.6 Prior to the Investigation, on 26 June 2024, the following documents were made available by and/or requested of the BDC MO and sent to the Investigators by e-mail.

Document(s)	Reference
3.6.1 A letter of complaint sent by the Complainant to the BDC MO dated 23 June 2024 ("the Complainant's Letter")	**Appendix 1**
3.6.2 3.6.2 A letter sent by the Informant to the Complainant dated 22 June 2024 ("the Informant's Letter")	**Appendix 2**
3.6.3 A letter sent by the BDC MO to the Complainant dated 25 June 2024 ("the BDC MO's Complainant Letter")	**Appendix 3**
3.6.4 A letter sent by the BDC MO to the Member dated 26 June 2024 ("the BDC MO's Member Letter")	**Appendix 4**

4. Investigators' Qualifications

4.1 David Gill ("the OWBC MO")

4.1.1 The OWBC MO is a Solicitor of the Senior Courts of England & Wales and is employed by OWBC as the Head of Law & Democracy and Monitoring Officer. He qualified and

was admitted as a Solicitor in 2008 after which he worked in-house for North West Leicestershire District Council (NWLDC) before joining OWBC in November 2017.

4.1.2 From January 2011 until November 2017, whilst working at NWLDC, he occupied the position(s) of (Acting) Deputy Monitoring Officer, (Temporary) Deputy Monitoring Officer and Deputy Monitoring Officer. Since 2017, he has held the position of Monitoring Officer at OWBC. He has substantial experience in the application of the Code and Member Standards investigations thereunder.

4.2 **Samuel Ball ("the OWBC DMO")**

4.1.3 The OWBC DMO is a Solicitor of the Senior Courts of England & Wales and is employed by OWBC as the Legal & Democratic Services Manager (including elections and electoral registration functions) and Deputy Monitoring Officer. He qualified and was admitted as a Solicitor in 2021 after which he worked in-house for OWBC.

4.1.4 From June 2015 until March 2022, whilst working at OWBC, the OWBC DMO occupied the position(s) of Legal & Democratic Assistant, Senior Legal & Democratic Services Officer and Solicitor. Since 2022, he has held the position of Deputy Monitoring Officer at OWBC. He has experience in the application of the Code and Member Standards investigations thereunder.

5. Findings of Fact

5.1 Upon review of the documents, interview/telephone summaries and information before the Investigators, the Investigation was able to establish the following findings of fact.

5.1.1 On 25 April 2024, a remote audio-visual conference on Microsoft Teams was hosted by the then Department for Levelling Up, Housing and Communities (DLUHC) to resolve an apparent impasse in relation to the allocation of £15m in regeneration funding awarded to the District of Bolsover ("the DLUHC Meeting").

5.1.2 The DLUHC Meeting was attended by: the then Parliamentary Under Secretary of State for DLUHC, Jacob Young ("the Under Secretary"); the then Member of Parliament for the Bolsover Constituency, the Complainant; BDC's Chief Executive; and various other DLUHC officials.

5.1.3 During the DLUHC Meeting, the Complainant took a draw of his vape (electronic cigarette) and exhaled the resulting vapour (or smoke) whilst on-screen and in view of all other attendees. The Under Secretary advised the Complainant that he should not being vaping in the offices (or words or advice to that effect) and commented that the Complainant looked like 'Puff, the Magic Dragon' ("the Vaping Incident").

5.1.4 Shortly after the DLUHC Meeting, the Chief Executive reported back to BDC's Leader, the Member, the outcome of that meeting regarding the allocation of the £15m and, in passing, relayed what she witnessed of the Vaping Incident to the Member. The Chief Executive so relayed the details of the Vaping Incident because of its peculiarity.

5.1.5 On 26 April 2024, an in-person meeting was hosted by BDC at the Council Offices to discuss a long-standing neighbour dispute (20+ years) affecting the Informant and the Other Neighbour in relation to the ongoing impact of run-off sprung spring water caused by the actions of a mutual neighbour and, amongst other things, the nature, extent and limitations of BDC's involvement and intervention ("the BDC Meeting").

5.1.6 The BDC Meeting was attended by: , the Informant; the Other Neighbour (and a former BDC Member); BDC's Chief Executive; BDC's Leader, the Member; and BDC's Environmental Health Manager, the Manager.

5.1.7 Towards the end of the BDC Meeting, and in the context of the topic being raised regarding progress made in relation to the allocation of the £15m with the Other Neighbour, the Member recited the Vaping Incident from the DLUHC Meeting in earshot of other attendees. During the recitation, the Member did use, amongst other things, the phrase and word 'Puff, the Magic Dragon' and 'Puff' interchangeably and respectively on more than one occasion ("the Complained-Of Language").

5.1.8 On/around 22 June 2024, the Complainant was approached by the Informant whilst delivering door-to-door campaign material ahead of the Election. The Informant verbally relayed to the Complainant what she had witnessed of the Complained-Of Language used by the Member at the BDC Meeting. The Complainant asked the Informant to put into writing, and did put in writing, to him what she witnessed.

6. Summary of Witnesses' and Complainant's Account(s)

6.1 Upon the Investigators undertaking the interviews and telephone calls of those witnesses at the BDC meeting and of the Complainant, the Investigation can summarise their respective accounts as it materially relates to the Member's use of the Complained-Of Language only.

Account (alphabetical)	**Summary**
6.1.1. The Manager	This witness did not recall the Member using any (if at all) the Complained-Of Language, or any other or similar iteration of it. This witness did recall hearing part of a conversation (albeit limited) between the Member and The Other Neighbour (referred to by the witness as "chitchat") in which reference to the details of the Vaping Incident were discussed (recalled by the witness as "something about him [the Complainant] smoking").
6.1.2 The Other Neighbour	This witness did engage with the Member in an informal conversation in which general details of the allocation of the £15m in regeneration funding was discussed. During this conversation, this witness did not recall the Member using any (if at all) the Complained-Of Language, or any other or similar iteration of it (as stated by the witness as recalling "not one word of it").
6.1.3 The Informant	This witness recalled the Member using the Complained-Of Language on more than one occasion, with such language being the use of the word "puff" only, and perceived by this witness to be homophobic in nature and intent. This witness recalled the Member using the Complained-Of Language as described without any reference by the Member to any context or details relating to the Vaping Incident (as stated by the witness as recalling there being "none [context] whatsoever").
6.1.4 The Complainant	The Complainant recalled being approached by the Informant whilst delivering door-to-door campaign material ahead of the Election. The Informant verbally relayed to the Complainant what she had witnessed of the Complained-Of Language used by the Member at the BDC Meeting. The Complainant asked the Informant to put into writing to him what she witnessed. The Complainant was not in attendance at the BDC Meeting and was not in a position to materially comment any further.

6.1.5 The Member	The Member did admit using the Complained-Of Language but could not recall if he did so on more than one occasion (as stated by the Member as recalling "Yes, I said 'puff'"). The Member used such language within the context and whilst reciting details relating to the Vaping Incident during an informal conversation with The Other Neighbour regarding the £15m in regeneration funding. In doing so, the Member did not intend the use of such language to be homophobic in nature: but, context-permitting, and when raised by the Investigators with the Member, the Member did at least recognise how such language could have been perceived, and perceived only, differently by other attendees, particularly the Informant, at the BDC meeting had the Informant not been aware and/or understood the context in which the Complained-Of Language was being used by the Member (as stated by the Member as opining "Yes. I understand exactly what you're saying").
6.1.6 The Chief Executive	This witness did recall the Member using the Complained-Of Language, or other or similar iterations of it, and on more than one occasion (as stated by the witness as recalling "he then went on to say something like, "And we call him Puff, the Magic Dragon (...) then said puff on its own (...) [and] that he said it on more than one occasion"). This witness recalled the Member using the Complained-Of Language within the context and whilst reciting details relating to the Vaping Incident during an informal conversation with The Other Neighbour regarding the £15m in regeneration funding. When asked by the Investigators whether there was a potential for the use of the Complained-Of Language to have been perceived to have been homophobic in intent and nature by other attendees at the BDC meeting, who as such might not been aware and/or understood the context in which the Complained-Of Language was being used by the Member, this witness agreed that potentially, taken out of context, it could have been perceived, and perceived only, as being such (as stated by the witness "without the context (...) [it] could have been perceived to have been that [a homophobic slur against the Complainant").

7. Other Matters and Considerations

7.1 The Investigators have considered and are guided by the Oxford English Dictionary's definitions of the meanings and uses of 'homophobic', 'homophobe' and 'homophobia':

7.1.1 Homophobic – *'Relating to, characterized by, or exhibiting homophobia; hostile towards, prejudiced against, or (less commonly) fearful of homosexual people or homosexuality'*[1]

7.1.2 Homophobe – *'A person who is hostile towards, prejudiced against, or (less commonly) fearful of homosexual people or homosexuality; a homophobic person'*[2]

7.1.3 Homophobia – *'Hostility towards, prejudice against, or (less commonly) fear of homosexual people or homosexuality'*[3]

[1] "Homophobic, Adj." Oxford English Dictionary, Oxford UP, July 2023, https://doi.org/10.1093/OED/7991578934.
[2] "Homophobe, N." Oxford English Dictionary, Oxford UP, July 2023, https://doi.org/10.1093/OED/1051943355.
[3] "Homophobia, N. (2), Sense 2." Oxford English Dictionary, Oxford UP, July 2023, https://doi.org/10.1093/OED/9859460163.

7.2 The Investigators have considered and are guided by the Crown Prosecution Service's 'Homophobic, Biphobic and Transphobic Hate Crime - Prosecution Guidance' (October 2019) and, in particular, its use of agreed definitions with the National Police Chiefs' Council to identify incidents involving an element of hostility on the grounds of sexual orientation (under the heading entitled 'Flagging of Homophobic, Biphobic and Transphobic crime'):

7.2.1 *'Any incident/criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a person's sexual orientation or perceived sexual orientation' whilst noting that 'flagging is a subjective question'.* [4]

7.3 The Investigators are aware that "Puff, the Magic Dragon" (or just "Puff") is a song written by Peter Yarrow of 'Peter, Paul and Mary' from a poem by Leonard Lipton, released in 1963.

7.4 The Investigators were made aware, were particularly conscious of and noted the fact that The Other Neighbour was a former Labour Party BDC Member between 1987 and 2015 (inclusive) which might have given rise to a partisan witness account (or perception thereof) vis-à-vis the Member also being a Labour Party BDC Member during (and after) this time.

7.5 On balance, the Investigators are satisfied that, having undertaken and reviewed the interview summaries and, in particular, having explored in interview the Member's and The Other Neighbour's nature and extent of their working relationship, both past and present, there is no apparent bias in their respective accounts which would otherwise call into serious question the accuracy and/or validity of the Investigation nor impact its conclusion(s).

8. Conclusion(s)

8.1 On the balance of probabilities, and upon review of the documents, interview/telephone summaries and information before the Investigators, the Investigation concludes as follows:

8.1.1 In accordance with the Code (under the heading entitled 'Application of the Code of Conduct'), the Code applies when a Member:

(a) acts in their capacity as a Councillor of BDC (i.e. attending to Council business); and

(b) applies to all forms of communication and interaction, including, but not limited to, face-to-face meetings.

8.1.2 Insofar as the Member did attend the BDC Meeting as BDC's Leader to discuss, amongst other things, the nature, extent and limitations of BDC's involvement and intervention in the neighbour dispute in question affecting the Informant and the Other Neighbour, it is axiomatic the Member was acting in his capacity as a Member, and therefore, in the circumstances, the Code did apply accordingly.

8.2 The admissions made by the Member and the account given by the Chief Executive confirms that, more likely than not, the Member:

8.2.1 Did use the Complained-Of Language, or other or similar iterations of it, and did use such language on at least more than one occasion at the BDC Meeting; but

8.2.2 Did use such language at the BDC Meeting within the context and whilst reciting details relating to the Vaping Incident at the DLUHC Meeting as it arose during and as part of a discussion regarding the £15m in regeneration funding; and in doing so

[4] CPS. "Homophobic, Biphobic and Transphobic Hate Crime - Prosecution Guidance | the Crown Prosecution Service." Cps.gov.uk, 25 Oct. 2019, www.cps.gov.uk/legal-guidance/homophobic-biphobic-and-transphobic-hate-crime-prosecution-guidance.

8.2.3 Did not use or intend the use of such language to be homophobic in nature insofar as it did not intentionally exhibit hostility towards or prejudice against homosexual people or homosexuality (with the Complainant being a homosexual person).

8.3 Whilst the accounts given by the Manager and The Other Neighbour do not confirm that the Member used any (if at all) the Complained-Of Language, or any other or similar iteration of it, they do corroborate the conclusions set out in paragraphs 8.2.2 and 8.2.3 above in that:

8.3.1 A conversation between the Member and The Other Neighbour took place discussing, amongst other things, the £15m in regeneration funding at the BDC Meeting; and

8.3.2 During and as part of a discussion, the Member did make reference(s) to the details of the Vaping Incident (or as recalled, a "smoking incident") at the DLUHC Meeting.

8.4 Whilst the account given by the Informant does not confirm that the Member used the Complained-Of Language at the BDC Meeting with reference(s) by the Member to the details of the Vaping Incident at the DLUHC Meeting, it does confirm that:

8.4.1 A conversation between the Member and The Other Neighbour took place discussing, amongst other things, the £15m in regeneration funding at the BDC Meeting; and

8.4.2 The Member did use part of the Complained-Of Language (or as recalled, limited to the word "puff" only) and corroborates in part the conclusion set out in paragraphs 8.2.1 above only.

8.5 Notwithstanding the conclusions set out in paragraphs 8.1 to 8.4 above, the finding(s) that:

8.5.1. The Member's more likely than not use (or even part use) of the Complained-Of Language, or other or similar iterations of it, and the more likely than not use of such language on at least more than one occasion at the BDC Meeting; and moreover

8.5.2. Such language was spoken in the presence and/or earshot of the Informant (being an ordinary lay member of the public) who was unaware and/or misunderstood the context in which the Complained-Of Language was being used by the Member

does, and did, give the Informant cause to reasonably and legitimately perceive the Member's use of such language as being motivated by an apparent hostility or prejudice based on a person's sexual orientation, irrespective of the Member's intention and purposes.

9. Recommendation(s)

9.1. The Investigators recommend insofar as:

9.1.1. Applying the findings of fact set out in paragraph 5 above, and for the conclusions set out in paragraphs 8.1 to 8.4 above, and having considered and being guided by the other matters and considerations set out in paragraphs 7.1 above, it is concluded that there is **NO (OR INSUFFICIENT) EVIDENCE** of a failure to comply with the Code by the Member in respect of the allegations set out at **PARAGRAPHS 2.2.1, 2.2.3 AND 2.2.4** above and therefore the Complaint, as far as they relate to these allegations only, be **DISMISSED**.

9.2.1 Applying the findings of fact set out in paragraph 5 above, and for the conclusions set out in paragraphs 8.5 above, and having considered and being guided by the other matters and considerations set out in paragraphs 7.2 above, it is concluded that there **IS EVIDENCE** of a **FAILURE TO COMPLY WITH THE CODE** by the Member in respect of the allegations set out at **PARAGRAPH 2.2.2** and **PARAGRAPH 2.2.5** above and therefore the Complaint, as far as they relate to

these allegations and for the reason(s) set out in paragraph 8.5 above, **PROCEED TO A HEARING** before a Sub-Committee of the Standards Committee or, after consulting the Independent Person ("the IP"), **SEEK LOCAL RESOLUTION.**

10. Independent Person

10.1. On 3 September 2024, the contents of this report and its appendices was sent to an IP, in this case being Ian Kirk ("the IP"), for their independent review and consideration.

10.2. In an email of 8 September 2024, the IP fedback to BDC MO and made the following comments:

The complaint was investigated by two Senior Officers from another Midlands local authority.

Interviews were conducted with all parties concerned, there were six interviews in total.

Councillor Fritchley supplied a written background of interactions and communications he had with Mark Fletcher since Mr Fletcher was elected as Constituency Member of Parliament in 2019.

In November 2023 £15 million regeneration funding was announced for the district council by the then government. It appears a dispute developed between the Council and Mark Fletcher over where the funding was to be distributed.

The external investigation report outlines that on 25 April 2024 an on-line meeting was held with the Department for Levelling Up, Housing and Communities (DLUHC). This was an attempt to resolve the funding distribution. It was attended by Jacob Young (Under Secretary at the department), Bolsover District Council Chief Executive Officer (CEO), Mark Fletcher and DLUHC departmental officials. Councillor Fritchley did not attend the meeting.

It is said that at the start of the meeting Jacob Young told Mark Fletcher that he looked like 'Puff the Magic Dragon' presumably because of the prevalence of vaping smoke. He admonished him as vaping is apparently not allowed in Parliamentary Offices.

Puff the Magic Dragon is the title of a song by musicians Peter, Paul and Mary released in 1963.

The CEO reported back to Councillor Fritchley concerning the meeting. It is said that comments made to Mark Fletcher by Jacob Young were mentioned to Councillor Fritchley during this feedback meeting.

On 26 April 2024, a meeting was held at Bolsover DC offices concerning a neighbour dispute. It was attended by The Informant The Environmental Health Manager, CEO, Councillor Fritchley and the Other Neighbour

(in the letter to Mark Fletcher) states that at the meeting she heard Councillor Fritchley make references to Puff which referred to Mr Fletcher.

was a long-standing former Councillor and resident of Bolsover. It is not unreasonable to assume he and Councillor Fritchley knew each other well. It appears during the meeting that talk between Councillor Fritchley and turned to the Regeneration Funding.

The CEO has confirmed she heard Puff/Magic Dragon phrases spoken by Councillor Fritchley, indeed he himself confirms he used the complained of phrases. It is probable

that the complained of phrase was used to refer to the words said to have been spoken by Jacob Young to Mark Fletcher about his vaping at the start of the DLUHC video meeting.

The DLUHC video meeting was held only the day before the meeting attended on 26 April 2024 by the parties named above.

It is understandable that 'couldn't believe what I was hearing' because she was unaware of the comments made to Mr Fletcher by Mr Young and so could not be expected to understand the context in which the complained of phrases were being used by Councillor Fritchley.

Taken out of context, a reasonable person would be offended by such comments and could interpret them as homophobic language against Mark Fletcher.

Councillor Fritchley outlines in his background information that he attended an interview with the Police accompanied by his Solicitor. Later the same day the interviewing officer contacted him and told him he would face no further action.

Conclusion

Councillor Fritchley was unwise to use the phrases that he was heard to say by several attendees at the meeting on 26 April 2024. He admits that he used the phrase in the meeting. It was disrespectful and completely inappropriate.

would be unlikely to understand the context in which they were said, i.e. from comments said to have been made at the start of the DLUHC video meeting and relayed third hand to Councillor Fritchley. The phrases have the potential to be offensive to her.

Councillor Fritchley was acting in his capacity as a Councillor at the meeting on 26 April 2024, so he is subject to the Code of Conduct for Bolsover District Council.

The external report finds that there is no or insufficient evidence that Councillor Fritchley's comments were intentionally homophobic in nature.

It is my opinion that there are two criteria in the Code of Conduct which have been breached:

General Principles

I lead by example and act on a way that secures public confidence in the role of Councillor.

General Conduct

I do not bring my role or the District Council into disrepute.

Mark FLETCHER

Parliamentary Candidate for the Bolsover Constituency

Jim Fieldsend
Monitoring Officer, Bolsover District Council

Sent via email

23rd June 2024

Dear Jim,

I am writing to request that you begin an urgent investigation into Councillor Steve Fritchley regarding his use of homophobic language.

I was recently contacted by Mrs , a Bolsover resident, who met with Councillor Fritchley on official Council business about a neighbour dispute. During that meeting, Councillor Fritchley repeatedly referred to me as a 'puff' and stated "that's what we call him here".

For full transparency, I had never met Mrs before this situation. She spoke to me about Cllr Fritchley because I was leafletting her house. I asked her to write down, in her own words, what happened. I have enclosed a copy of that letter for your investigation. I am also able to contact her, should you wish to speak to her directly.

I am aware that BDC is proud of its approach to matters of equality and diversity, its robust Member Code of Conduct and its approach to standards. I believe that it is right and proper that Councillor Fritchley should be suspended from his role pending a full investigation. Particularly as Councillor Fritchley's comments ("that is what we call him here") indicate that the use of this language within Bolsover District Council is not solely limited to him.

Given this concern that the use of such language may be widespread, I believe it is essential that a thorough investigation is undertaken to determine whether other members and/or council officers have used homophobic language in relation to me or indeed anyone else. It is vital that the Council can provide assurance not just to me, but to LGBT Councillors, staff and residents across the District that this type of language cannot and will not be tolerated.

Alongside this complaint to Bolsover District Council, I have also this evening made a complaint to the Labour Party and asked them to undertake a similar investigation into Cllr Fritchley's behaviour and into whether such behaviour is widespread within the constituency Labour Party.

With respect to Bolsover District Council In particular, I believe that Councillor Fritchley's behaviour has breached the following parts of the Member Code of Conduct:

Unit 326 · Coney Green Business Centre · Wingfield View · Clay Cross · S45 9JW
markfletcherforbolsover@gmail.com
fb.com/markfletcherforbolsover

- The general principle to treat all persons fairly and with respect;
- The general principle to lead by example and act in a way that secures public confidence in the role of Councillor;
- The requirement to treat me with respect (1.1 and 1.2);
- The requirement to promote equalities and not to discriminate unlawfully against any person (2.3); and
- The requirement not to bring his role or the District Council into disrepute (5.1).

I also note that the Member Code of Conduct specifies that 'Code of Conduct / Ethical Governance' and 'Equalities and Diversity' are mandatory training courses that every Councillor must undertake, including retaking the training after each election. Clearly these two pieces of training should cover the inappropriateness of this type of behaviour.

Please can you confirm whether Councillor Fritchley has undertaken this mandatory training since he was last re-elected in May 2023? If not, please can you outline what process the Council will be undertaking to ensure that members have undertaken such important mandatory training, so that you can prevent behaviour like this from occurring in future.

I hope your investigation will be thorough and speedy, and that appropriate action is taken. I look forward to hearing from you.

Yours sincerely,

Mark Fletcher

Mark Fletcher
Parliamentary Candidate for the Bolsover Constituency

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Promoted by James Barron, on behalf of Mark Fletcher, both at Unit 326, Coney Green Business Centre, Wingfield View, Clay Cross, S45 9JW. Printed by Paragon, Oddicroft Lane, Sutton Parkway, Nottingham, NG17 5FB.

22-6-24.

Dear Mark,

I am writing this letter to you because I think you have a right to know

A few weeks ago I made an appointment for myself and neighbour to see Steve Frickley about a long running problem with our neighbour at We went to Victoria Square and were shown to a room where Mr. Frickley and two young women were waiting. After being asked what they could do for us and being told Mr Frickley in his usual manner told us that he was sick of this. [illegible]. He was never short with

is a shame that some of the co-workers haven't got the guts to tell him so.

Anyway I felt bound to tell you this because it really got to me. If he spent as much time trying to help people (as you have done) instead of acting like a silly ~~little~~ schoolboy who has just found another naughty word then people in Rotherham might have more respect for the council.

I hope you do well in the future.

(Mrs C)

Bolsover District Council

Our Ref: JF/– MC 3 June 2024
Please Ask For: Mr J.Fieldsend
E-mail: jim.fieldsend@bolsover.gov.uk
Direct Line: 01246 242472
Date: 26th June 2024

The Arc
High Street
Clowne
Derbyshire
S43 4JY

PRIVATE AND CONFIDENTIAL
Councillor Steve Fritchley

By email- steve.fritchley@bolsover.go.uk

Mr J.Fieldsend
Solicitor to the Council
and Monitoring Officer

Dear Cllr Fritchley,

Allegation of breach of Code of Conduct MC 3 June 202

Bolsover District Council

I write to inform you that I have received a complaint against you as a Bolsover District Councillor. The nature of the complaint is as outlined below.

Complainant	Complaint
Mark Fletcher	That you used homophobic language in a meeting with Mrs , In particular you referred to Mark Fletcher as a "puff" and stated "that's what we call him here". If proven this is likely to amount to a breach of part of the Council's code of conduct which states: **1.1 I treat other Councillors and members of the public with respect.** **2.3 I promote equalities and do not discriminate unlawfully against any person** **5.1 I do not bring my role or the District Council into disrepute.**

Bolsover
District Council

	The Arc High Street Clowne S43 4JY

I will now assess this complaint to decide whether it should proceed to a formal investigation. As part of my assessment I will consult with one of the Council's Independent Persons on this matter.

I attach a copy of the Councillor Complaint Procedure to assist you with understanding the process that is adhered to when considering a possible complaint.

You have the right to consult one of the Independent Persons. If you wish to do so please let me know.

Yours sincerely

J. S. Fieldsend

Jim Fieldsend
Solicitor to the Council and Monitoring Officer

Bolsover District Council

Our Ref: JF/– MC 3 June-2024
Please Ask For: Mr J.Fieldsend
E-mail: jim.fieldsend@bolsover.gov.uk
Direct Line: 01246 242472
Date: 25th June 2024

The Arc
High Street
Clowne
Derbyshire
S43 4JY

PRIVATE AND CONFIDENTIAL
Mark Fletcher MP

By email to – fletcher.mark@me.com

Mr J.Fieldsend
Solicitor to the Council
and Monitoring Officer

Dear Mark,

Allegation of breach of Code of Conduct MC3 June -2024

Bolsover District Council

I write to acknowledge receipt of your complaint against Councillor Steve Fritchley, as Bolsover District Councillor. I intend to initially deal with the complaint against Cllr Fritchley. I can then assess the need for a wider investigation at a later date.

You have described the behaviour of Councillor Fritchely. If proven this is likely to amount to a breach of part of the Council's code of conduct which states:

1.1 I treat other Councillors and members of the public with respect.

2.3 I promote equalities and do not discriminate unlawfully against any person

5.1 I do not bring my role or the District Council into disrepute.

The complaints process is explained in the Bolsover District Council Councillors Complaint Procedure which is attached. You will note in part 4 at page 2 that I will now consult with one of the Council's Independent Persons on this matter before doing anything further.

I will write to you again once I have concluded my initial assessment. The next stage, will be a formal investigation. Please note I intend to appoint an external person to undertake this investigation. The investigator will no doubt wish to interview you and Mrs As you offered in your letter can I ask you to contact to ask her to contact me.

Bolsover
District Council

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Yours sincerely

J. S. Fieldsend

Jim Fieldsend
Solicitor to the Council and Monitoring Officer