

Standards Hearing Sub Committee

19 December 2016

Complaint against Councillor John Galvin – York City Council

Complainants : Mr Andrew Dickinson, Mrs Rosy Dickinson, and Mr Michael Askew

Subject Member : Councillor John Galvin

Investigator : Ms Christine Bainton

1. Background

- 1.1 This Complaint is brought by Mr Andrew Dickinson, Mrs Rosy Dickinson, and Mr Michael Askew against Councillor John Galvin, a Member of York City Council (“the Council”). The Complaint relates to the behaviour of Councillor Galvin at a planning site visit on 9th March last, and at a meeting of the Planning Sub-Committee on 7th April.
- 1.2 On 15th June 2016, the Complaint was considered by the Assessment Sub-Committee and it was decided to refer the matter for investigation. Ms Christine Bainton was appointed to conduct the investigation and her Report appears at pages 151 to 159. It will be noted from the Report that Ms Bainton is of the opinion that Councillor Galvin did breach one section of the Code of Conduct by not treating others with respect, but found no breach on the other complaints.
- 1.3 The Investigation Report has been shared with the parties. The Independent Persons, Ms Davies and Mr Laverick, have also been consulted. Having taken their views into account, the Deputy

Monitoring Officer took the view that this matter was not capable of a local resolution and referred the matter for a hearing.

2. The Complaints

2.1 The Complaints appear in full at pages 13 to 117, but can be summarised as follows:

- (a) At the Planning Sub-Committee meeting on 7th April 2016, Councillor Galvin, being both a Governor of York Hospital and a Member of the Council, had a conflict of interest in Agenda items 3 (a) and (b) and should not have taken part in the meeting.
- (b) That Councillor Galvin acted with bias at the meeting.
- (c) At the meeting Councillor Galvin failed to treat those present with respect, and bullied and intimidated them.
- (d) At the site visit on 9th March, Councillor Galvin failed to treat members of the public who were present with respect, bullied, swore, and intimidated them.

2.2 The Planning Meeting was recorded and can be viewed on <https://www.youtube.com/watch?v=SBoqKzG8NHg&feature=youtu.be&t=1m19s>

3. The Code of Conduct for York City Council

3.1 As required by the Localism Act 2011, the Council has adopted a Code of Conduct which sets out the conduct expected of Councillors when acting as such. The Code of Conduct appears at pages 119 to 127. Particularly relevant to this complaint are the following sections:

“General Duties as to Conduct

- (1) *You must treat others with respect.*
- (2) *You must not bully or intimidate any person, or attempt to bully or intimidate them.*

- (3) *You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a Councillor into disrepute.*

Part 2 Interests

Disclosure of Interests

6(3) *If you have a personal interest and a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it would likely prejudice your judgement of the public interest then you have a prejudicial interest. This is subject to the exceptions set out in paragraph 6.4*

6(4) *You do not have a prejudicial interest in any business of the authority where that business:*

(a) *does not affect your financial position or the financial position of a person or body named in the second schedule:*

(b) *does not relate to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in the second schedule;*

Second Schedule – Other Interests

1. *Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority*

2. *Any body –*

(a) *exercising functions of a public nature:*

(b) *directed to charitable purposes; “*

3.2 The treatment of prejudicial interests is covered in Section 5E of the Code of Good Practice for Councillors in the Planning Process (pages 129 to 141). The relevant paragraph states:

“3.2 ...Members should not participate in the debate or vote where they have such an interest and, if the interest arises in a

decision making meeting, they should leave the room. Simply being a member of an outside body will not automatically amount to a prejudicial interest but Members need to think about whether their involvement is more significant than that and consider taking specific advice.”

4. Councillor Galvin’s Interests

- 4.1 Councillor Galvin’s position as a Council appointed Governor of York Hospital was registered in his Register of Interests (pages 143 to 149).
- 4.2 Before the Planning meeting, Councillor Galvin took advice from the Monitoring Officer on his interest and was advised that his interest was personal, but not prejudicial, and was therefore, entitled to take part in the Meeting and vote. Councillor Galvin duly declared a personal interest at the beginning of the Meeting, which can be seen from the Minutes (pages 177 to 180).

5. The Hearing Process

- 5.1 The Standards Committee has approved a procedure for hearings which appears at pages 7 to 11. In line with that procedure the complainants and subject member have been asked to complete a pre hearing check list indicating whether they intend to attend the hearing, to identify facts which they say are in dispute, and state whether any part of the hearing should be in public.
- 5.2 Completed Pre-Hearing Check-List forms have been returned by Councillor Galvin, Mr Dickinson, Mrs Dickinson, and Mr Askew. None of them wish the hearing to be held in private, and they are content for the Investigator’s Report and other relevant documents to be made public. Councillor Galvin and Mr Dickinson have indicated that they will be attending the hearing.
- 5.3 Councillor Galvin’s form is at pages 161 to 163. He disagrees with the Investigating Officer’s view in paragraph 38 of her Report in relation to the word “Pillock”. Councillor Galvin asserts that this is a

slang term meaning “stupid person”. He believes that it is not a swear word. He also says that his comments were not directed to a member of the public.

5.4 Mr Dickinson’s form is at pages 165 to 167. He also disagrees with the Investigating Officer’s interpretation of the word “Pillock”. Mr Dickinson seems not to have found the word offensive, but he does feel that the use of such a phrase suggests that Councillor Galvin attended the site meeting with a “pre-determined view” and acted with bias.

5.5 Mr Askew’s form is at pages 169 to 171. It will be noted that he agrees with the facts found by the Investigating Officer.

5.6 Mrs Dickinson’s form appears at pages 173 to 175. She disagrees with the Investigation Report in relation to the behaviour of Councillor Galvin and his alleged bias.

6. Issues to be determined

6.1 Has Councillor Galvin breached the Council’s Code of Conduct in respect of one or more of the allegations?

6.2 In the event that the Sub Committee finds that the Code has been breached it will need to determine **whether a sanction should be imposed, and if so, what sanction.**

Glen McCusker, Solicitor
Deputy Monitoring Officer

Background papers: None

Annexed Documents

1. Hearing Procedure (pages 7 to 11)
2. Complaint Form submitted by Mr Dickinson (pages 13 to 18)

3. Complaint Form submitted by Mrs Dickinson (pages 19 to 22)
4. Complaint Form submitted by Mr Askew (pages 23 to 117)
5. Code of Conduct of York City Council (pages 119 to 127)
6. Code of Good Practice for Councillors in the Planning Process (pages 129 to 141)
7. Councillor Galvin's Register of Interests (pages 143 to 149)
8. Report of investigation conducted by Ms Christine Bainton (pages 151 to 159)
9. Pre-hearing form submitted by Councillor Galvin (pages 161 to 163)
10. Pre-hearing form submitted by Mr Dickinson (pages 165 to 167)
11. Pre hearing form submitted by Mr Askew (pages 169 to 171)
12. Pre-hearing form submitted by Mrs Dickinson (pages 173 to 175)
13. Minutes of the Area Planning Sub-Committee (pages 177 to 180)
14. E-mail from the Director of Estates and Facilities at York Hospital (pages 181 to 190)