

REDDITCH BOROUGH COUNCIL



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FINAL REPORT

Case Reference: 02/2010

Report of an investigation under Section 59 of the Local Government Act 2000 by Andy Teepe, Senior Solicitor, appointed by Monitoring Officer for Redditch Borough Council into an allegation concerning [then] Councillor Graham Vickery.

DATE: 28 April 2011

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1 Executive summary

- 1.1 The Allegation made is that [then] Councillor Graham Vickery, acting in his capacity as a Councillor at a meeting of the full Council on the 24th May 2010 made a statement likening the political system in Redditch to that in Zimbabwe and suggesting that the Leader could be seen as the Robert Mugabe of Redditch. It is alleged the comments were in breach of paragraphs 3(1) and 5 of the General Obligations of the Redditch Borough Council Code of Conduct
- 1.2 There has been a breach of the Redditch Council Code of Conduct.

2 Cllr. Graham Vickery's official details

- 2.1 Graham Vickery was elected to office on 6 May 2010 and resigned on 14 March 2011
- 2.2 Cllr. Vickery currently serves on the following committees: N/A
- 2.3 Cllr. Vickery gave a written undertaking to observe the Code of Conduct on 13 May 2010
- 2.4 Cllr. Vickery received training on the Code of Conduct on

3 The relevant legislation and protocols

- 3.1 The Council has adopted a Code of Conduct in which the following paragraphs are included:

Paragraph 3(1) You must treat others with respect

Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4 The evidence gathered

- 4.1 I have taken account of oral evidence from Cllr. Vickery and Ivor Westmore the Democratic Services Officer present at the Council meeting on the 24th May 2010. I have taken into account the complaint form lodged by Mr. Brian Warwick dated the 21st June 2010 together with the extracts from local news papers appended thereto.

5 Summary of the material facts

- 5.1 Councillor Vickery was in attendance at a meeting of the full Council which took place on the 24th May 2010. The complainant Brian Warwick was not at the meeting but bases his complaint upon letters published in local news papers reporting events at the meeting.
- 5.2 The complainant alleges that Cllr. Vickery likened the political system in Redditch to that in Zimbabwe and suggested that the leader could be seen as the Robert Mugabe of Redditch. The complainant says this is a breach of the Redditch code of conduct in that it fails to treat others with respect and brings the authority into disrepute.

- 5.3 Councillor Vickery points out that he was not interviewed by the press or given any opportunity to reply.
- 5.4 Councillor Vickery believes that his comments are not accurately reported and are quoted out of context.
- 5.5 The issue under debate at the time the alleged comments were made was the election of the chair person of the Overview and Scrutiny committee. It was Councillor Vickery's position that the constitution demanded that the chair person be appointed from the opposition party not the ruling party. Councillor Vickery says he was voicing concern that the ruling party were simply going to appoint their choice of chairperson not necessarily a person chosen by the opposition group. Councillor Vickery states he made it very clear that he was criticising the system comparing it to that used in Zimbabwe and in fact asked Councillor Gandy if she wished to be thought of as the Robert Mugabe of Redditch.
- 5.6 Article 6.1(d) of the constitution deals with the appointment of the chair of the Overview and Scrutiny committee. It says:
- “The Chair of the Overview and Scrutiny committee will be a member of a political group not forming part of the ruling administration.”
- It does not say that the Chair of the Overview and Scrutiny Committee shall be appointed by the opposition.
- 5.7 Mr. Westmore confirms that Councillor Vickery twice made it clear that he was criticising the system, that it was a political point and was not comparing Carol Gandy the Leader of the Council, to Robert Mugabe personally.

6 Ex-Cllr. Vickery's additional submissions

- 6.1 In a written response to the Draft Report ex-Cllr Vickery disputed the Investigating Officer's finding on the basis that his comments consisted of political argument, distinguishing between personality and constitutional conduct. Mr Vickery compared his comment to one made in the House of Lords and reported in the Guardian newspaper where, in response to a proposal to guillotine the debate the proposer was asked “Is Lord Strathclyde trying to win the Robert Mugabe award for constitutional innovation?”. In Mr Vickery's view, his comment related to the political "tactics" of the Borough Council in constitutional matters; that the comparison was political and not personal, and within the rules of political debate. Mr Vickery also says that the idea of comparing Cllr Gandy to an 84 year old black man is ludicrous.

7 Reasoning as to whether there have been failures to comply with the Code of Conduct

- 7.1 The relevant provision of the Redditch Borough Council Code of Conduct are paragraph 3.1 which states that you “must treat others with respect” and paragraph 5 which states that “you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute”.

- 7.2 It is not within the ambit of this report to consider the merit or otherwise of the political point being made by the then Councillor Vickery regarding the appointment of the Chair of the Overview and Scrutiny Committee. If the constitution needs amending then that would be a matter to be looked into, upon appropriate reports, by the full Council. The issue is whether the manner in which the then Councillor Vickery made his point breached the code.
- 7.3 It is my view that to publicly compare the political system of Redditch Borough Council to that of a country that is internationally perceived as infamous for its political corruption can only be regarded as bringing the Council into disrepute.
- 7.4 Similarly to consider publicly comparing the conduct of the leader of Redditch Borough Council, to that of a leader against whom there is an extensive international lobby to indict for crimes against humanity, can only be a failure to treat that person or office with respect.
- 7.5 I am mindful of paragraph 2.1 of appendix F to the Council's code of conduct "The protocol for relations between Councillors and Officers" which is cited in the code as guidance it says:
- "For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Councillors and Officers. This too plays a very important part in the Council's reputation and how it is seen in Public"
- "It is very important that both Councillors and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Councillors, or other Officers, in public places".
- 7.6 I find that the then Councillor Vickery's comments drawing comparisons between the Council and an internationally infamous regime did little to enhance the Council's reputation.

8 Finding

- 8.1 I find that the then Cllr. Vickery conducted himself in a manner that could reasonably be regarded as failing to treat the Leader of the Council with respect and as bringing his office or authority into disrepute . I therefore find that there has been a breach of the Council's Code of Conduct Rule 3.1 and Rule 5.

Appendix A

Complaint form.

Statement Councillor Graham Vickery

Statement Mr. Ivor Westmore

Appendix B

Chronology of events

Council meeting 24th May 2010
Complaint date 22nd June 2010