

Complaint against Cllr Steve Haywood of Mountsorrel Parish Council concerning comment made at a meeting 8th June 2020, from Cllr Elizabeth Benner

Complaint Ref: MC5 20/21

Date: 18th August 2020

Summary of the Complaint and Potential Breaches of the Code of Conduct

Cllr Benner's complaint is that during consideration of a confidential item relating to a recently received peer report at the parish council meeting on 8th June, Cllr Haywood made the following statement:

'There's certain people on certain websites that would love this, not going into that, wouldn't they, Mr Thrush'.

She states that she believes Cllr Haywood was speaking of Mr John Bird, who has been highly critical via social media of the council's actions and decision making, and as such Cllr Haywood changed Mr Bird's name to 'Mr Thrush' and referenced it to a yeast infection.

She further states that Mr Bird is a personal friend of hers, and that she finds it highly offensive that he should be referred to in this way.

Cllr Benner submitted a video recording of the statement made by Cllr Haywood to support her complaint.

Cllr Haywood's conduct as referred to within the complaint could potentially be in breach of the following requirement contained within the Member Code of Conduct of the Council:

3.1 You must treat others with respect.

Response to the Complaint

In response to the complaint, Cllr Haywood pointed out that the meeting was in confidential session for the item in question, and therefore he considered that Cllr Benner should not have been recording it.

He further stated that Mr Bird had got his surname (ie. Haywood) wrong in several social media posts, and that all he was doing was referencing this when he made his comment. Whilst he had randomly selected 'thrush', he could in fact have used any bird species.

Conclusion of the Monitoring Officer

Having reviewed the complaint and Cllr Haywood's response I do not consider that it would be an appropriate use of public funds to spend time or resources looking into the complaint any further, as it is not a sufficiently serious matter to merit further action or investigation.

I am aware that there are some difficulties within the parish council relating to various 'factions' of councillors, each with their own supporters and detractors amongst some local residents, and this resulted in several member conduct complaints.

It would be much more beneficial for the residents of Mountsorrel if their parish councillors could find a way of working together constructively for the good of the local community.

Adrian Ward
Monitoring Officer

Information issued to the Independent Person by Mr Ward to allow the complaint to be appropriately appraised on 10th August 2020

- A copy of the original complaint
- A copy of video footage of the actual event
- Mr Ward's investigation of events included within this document

Additional clarification against the ability to record private session meetings was requested from Mr Ward by the Independent Person to allow the complaint to be appropriately appraised on 14th August 2020.

Mr Ward's response was as follows:

- Under The Openness of Local Government Bodies Regulations 2014, persons attending a council meeting are permitted to report on the meeting, and reporting means:
 - a) filming, photographing or making an audio recording of proceedings at a meeting,
 - b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or
 - c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present."

- In relation to confidential agenda items, the Regulations state that:
 - Where the public are excluded from a meeting of a relevant local government body under subsection (2), the body may also prevent any person from reporting on the meeting using methods—
 - a) which can be used without that person's presence at the meeting, and
 - b) which enable persons not present at the meeting to see or hear the proceedings at the meeting as it takes place or later.”
- Mr Ward informed the Independent Person that the parish council have not chosen to prohibit councillors recording confidential sessions as required under the act, subsection (2)(a) and (2)(b). And for this reason the recording of confidential sessions is legitimately permissible.

Views of the Independent Person

From the video footage Councillor Haywood clearly stated,

'There's certain people on certain websites that would love this, not going into that, wouldn't they, Mr Thrush'

During Mr Ward's investigations into the matter Councillor Haywood admitted the reference he made to *'Mr Thrush'*, was indeed, intended as a deliberate reference to a member of the public, a Mr Bird.

Councillor Haywood claimed to have made this statement because he claims, Mr Bird has in Councillor Haywood's personal opinion deliberately misspelt or altered his surname within several public media posts Mr Bird has published.

Councillor Benner, who is a personal friend of Mr Bird, claims the use of the word *'Thrush'* deliberately made reference to a yeast infection.

In my opinion the word *'thrush'* can be interpreted in several ways depending on the contextual nature of the sentence and context it is used within and applied to and how the statement is in itself interpreted by an individual.

How someone responds to the word will of course depend on their own personal experiences and their relationship with the person making the statement.

Simply calling someone Mr Thrush does not by itself align itself with the relationship of a yeast infection and the complainant should bear in mind that several people actually have that surname.

The surname *'Thrush'* is a medieval surname, originating from the Olde English pre 7th century word *'prysce'* meaning and pronounced *'thresh'*.

According to the Royal Society for the Protection of Birds, Thrush's are a passerine bird family, Turdidae, and the species includes many song birds, this matches the dictionary definition of the word.

The dictionary defines the word 'thrush' in several ways, as,

1. A small or medium sized songbird, typically having a brown back spotted breast and loud song,
2. An Infection of the mouth and throat by a yeast like fungus, causing whitish patches,
3. An Infection of the genitals with the candida fungus, causing a whitish discharge
4. A chronic condition affecting the frog of a horse's foot causing the accumulation of a dark, foul smelling substance

Having viewed the video evidence, I can therefore find no way of determining how the use of the word '*Thrush*' by itself and in the context that it was used by Councillor Haywood, directly relates to the medical sexual fungus disease '*Candidiasis*' more commonly known as '*thrush*' which can be either an infection of the mouth or the sexual organs and can be contracted by both men and women.

I therefore accept Councillor Haywood's comments that he could have used any bird's name in order to deliberately refer to and make a joke against Mr Bird's surname.

Whilst Councillor Haywood has admitted the offence I do however find the way he acted during the meeting in my personal opinion to be quite childish and inappropriate and below the behaviour the majority of members of the public are now beginning to expect and demand from their democratically appointed public representatives.

However, because Councillor Haywood has admitted making the comment, should Councillor Benner ask for an apology, I can see no reason as to why Councillor Haywood should refuse to give one in order to adequately resolve this matter.

Should that occur, I can see no reason why this matter should be taken any further because to do so, would in my personal opinion be a waste of valuable council resources during a period when the country and indeed the world is in the midst of a global pandemic and at the start of an economic crisis and the majority of members of the public have more pressing and serious concerns on their minds.

Like Mr Ward I believe it is becoming apparent that several opposing factions within the parish council and their external supporters have decided that their '*dislike*' for each other is to be played out through small degrees of churlish behaviour which are later submitted for review via the legitimate complaints procedure.

It would in my personal opinion be beneficial to everyone, if these opposing factions could find a way of simply rising above the taunts and jibes of the day and begin to act in a more refined, professional and emotionally intelligent manner during the performance of their publicly appointed duties.

Mark Shaw
Independent Person