



Case summary (A and B findings)

Part 1 — information

Everything you enter in this part will be in the summary sent to the relevant parties and displayed on the website.

Case number(s)	SBE-09441 – 09457
Member(s)	Councillor Graeme Hicks
Authority	Cornwall Council
Principal authority	Cornwall Council
Allegation	That Councillor Hicks had failed to show respect for others and that he had brought his office and authority into disrepute.
Date received	9 March 2010
Date investigation completed	9 June 2010
Outcome	<p>Allegation of disrespect:</p> <p>The ethical standards officer found that the member failed to comply with the Code of Conduct, but in the circumstances of the case, no further action needed to be taken.</p> <p>Allegation of disrepute:</p> <p>the ethical standards officer found that there had been no failure to comply with the Code of Conduct</p>

Summary

1. The complainants alleged that Councillor Hicks made an abusive and disreputable personal attack on individual members of the public and on local people generally.
2. In January 2010 a local newspaper published a letter from Councillor Hicks criticising a campaign against a proposed harbour development. The campaign was by a local residents' group known as the Friends of Penzance Harbour (the Friends). Councillor Hicks signed the letter as an executive member of his council. The complainants highlight as particularly offensive Councillor Hicks' remarks that the Friends spokesman and a local journalist had made claims about the harbour issue that "reminded [him] of the extraordinary claims made by Soviet and Nazi propagandists" or "in the tradition of the infamous Dr Joseph Goebbels" [sic]. The complainants also highlight Councillor Hicks' description of the group's spokesman 'and his friends' as "a discredited and utterly despicable mob".
3. Councillor Hicks said that he wrote his letter as part of an ongoing public debate. He believed some of the Friends' campaign tactics were misleading or intimidating. He was not suggesting the group's spokesman or the journalist were Nazis, or suggesting that every Friends member or local objector was part of a 'despicable mob'. His remarks were about those protesters who in his view had gone beyond legitimate democratic protest. He apologised if any ordinary protester had been offended by his letter. He further apologised if anyone whose family had suffered at Nazi hands had been upset by his letter. Councillor Hicks said that when he wrote his letter he had been distressed by anonymous internet attacks on his personal integrity and rumours of death threats against his family.
4. The ethical standards officer noted that there is no evidence that the Friends' campaign was conducted other than peacefully and within the law. There is no evidence that Friends members had abused Councillor Hicks or made threats to him or anyone else. Councillor Hicks did face personal abuse from other sources, and some local people had expressed strongly negative views about Friends' campaign tactics both in the press and to Councillor Hicks directly.
5. The ethical standards officer considered that while Councillor Hicks' remarks about Soviet and Nazi propagandists were not tasteful or proportionate, he was not suggesting that any individual was personally similar to a Nazi. Councillor Hicks made his 'despicable mob' remark after press coverage of claims and counter claims about the Friends campaign, and in this context the remark would be understood by someone reading the letter to be a personal attack on Friends members and not on all objectors.

6. The ethical standards officer considered the description of the Friends members as 'a despicable mob' to be a personal attack on the character of Friends members. He drew a distinction between a robust attack on a person's ideas and actions, and an attack on a person's character. He did not consider that the high level of protection that is given to freedom of political expression under Article 10 of the European Convention on Human Rights should apply to Councillor Hicks' personal attack on character. He concluded that in describing the Friends group as a "despicable mob" Councillor Hicks made an unreasonable and excessive personal attack and so failed to treat others with respect. Councillor Hicks therefore failed to comply with paragraph 3(1) of the code of conduct.
7. The ethical standards officer noted the context of a fiercely argued public debate about the Friends' campaign and that Councillor Hicks was not making a personal attack on every objector. While some members of the public might hold Councillor Hicks' personally in lower esteem as a result of his remarks, Councillor Hicks' conduct was not on balance capable of damaging the reputation of the office of councillor or of his authority. Councillor Hicks did not therefore fail to comply with paragraph 5 of the code of conduct.
8. In reaching a finding, the ethical standards officer took account of the following:

Councillor Hicks holds a senior position on the authority and has a responsibility to lead by example on ethical standards

The Friends group had an established public platform from which to campaign and to effectively respond to criticism

Councillor Hicks was acting in what he saw as the public interest, and not for any private gain.

Councillor Hicks had been distressed by personal attacks on his integrity and by rumours of threats against his family

Councillor Hicks gave an apology to the wider public for any offence he had caused

Councillor Hicks has not repeated the conduct

This was the first occasion on which Councillor Hicks had failed to comply with the code of conduct in nine years of service as a councillor

The ethical standards officer found that no action needed to be taken

Relevant paragraphs of the Code of Conduct 3(1), 5

Ends.

