

APPENDIX 3

Observations of the Independent Person in relation to a complaint against Cllr. Glenn Williams

I have read the report of the Monitoring Officer together with the accompanying bundle of exhibits. I have also had the opportunity of meeting Cllr. Williams on 30 September. I have not felt it necessary to speak further with the Monitoring Officer as her comprehensive report has provided me with all the information I require and sets out clearly the surrounding facts and circumstances of this inquiry.

The Monitoring Officer has found that Cllr. Williams was not acting in his capacity as a Councillor at the time of the 'Whats App' exchanges but from the time when those exchanges became public knowledge and Cllr. Williams became involved in interviews with *The Coventry Evening Telegraph* and *BBC CWR* he was then acting in his official capacity as a representative of the Coventry City Council and thus subject to its code of conduct. Cllr. Williams has accepted this. I respectfully agree and my consideration of the complaint has proceeded on that basis.

I'm sure that in the course of engaging people on the doorstep, in the street and at meetings, those involved on both sides of the Brexit argument will have come across people expressing not only concerns about migration but some robust anti-foreigner and anti-immigrant sentiments. Cllr. Williams seems to have been no exception. I bear in mind that such attitudes have continued after the referendum and have seemingly resulted in hostility and attacks directed towards Eastern Europeans in various parts of the country. This serves to emphasise the extreme sensitivity and importance of this issue.

Coventry is a city with a diverse population and is proud of its multicultural make-up. The City Council has legitimate expectations of its elected members *'to lead by example and take active steps to challenge discrimination, harassment and victimisation and allocate resources to promote social justice, equality of opportunity and community cohesion'* (per. Council's Policy Statement Members: Equalities). It provides appropriate training for Councillors so that they are all aware of their responsibilities.

I suggest that the fact that the Council has an Equality Strategy does not mean that the topic of multiculturalism and the impact of foreign migrants on the City becomes a taboo subject. I'm sure it is something that needs to be revisited, discussed and debated, particularly if there

are significant portions of the community that are voicing concerns. In other words, there is a permissible discourse to be had on immigration and the Council's strategy but it is the manner in which it is conducted and the language used which is all important. Care needs to be taken so that all elected representatives are conscious that they have a duty not simply to parrot their constituent's opinions but to exercise judgment and be as well-informed as possible, particularly where the subject has the potential to cause the sort of controversy experienced here.

There's no doubting that many of the views expressed by the public resonated with Cllr. Williams' own concerns about the strains being placed on resources, immigrants failing to integrate, overtaking in numbers the indigenous population and their inability to speak English. Regrettably in the Whats App exchanges he gave voice to these concerns in a manner which was inappropriate, even when viewed against the background that this was a private conversation (I note that Cllr. Williams describes the exchanges as 'banter'). They took on a different perspective once they entered the public domain. It was a serious error on his part, which I suspect he regrets, to give the first interview to the *Coventry Evening Telegraph* which by then had a transcript of the exchanges and saying, '*I stand by anything I say and can defend myself on anything I say*' and, '*You should not be sorry for your views*'. In the rest of the interview he did nothing to distance himself, explain or seek to use more balanced and temperate language to clarify his views and concerns. On the contrary, it could be said that he amplified his remarks in the same vein as before. Inevitably, from this point everything he had said would come under intense scrutiny as a Councillor. On any reading of the transcript and the newspaper interview he displays a generalised fear, even a dislike of immigrants with, just to take a couple of examples, references being made to the events in Rotherham and the election of a Muslim London Mayor being put down to the population being overrun by Muslims and so on.

I note and accept, in the absence of any evidence to the contrary, that in his personal dealings with immigrants and ethnic groups he treats them with equal respect etc. However, that is not the issue here.

Since the disclosure of the Whats App exchanges Cllr. Williams appears to have reflected on what has happened and conceded that his comments were inappropriate (see para 51 of the Monitoring Officers draft report and copy letters). His Twitter apology (HL 8) perhaps best displays a recognition by him of his folly. Also he has taken steps to better acquaint himself with the underlying issues by forging some links with outside organisations and ethnic groups which again seems to be a recognition that he had overstepped the mark of what is acceptable conduct by a Councillor. I note the Monitoring Officer's lingering concerns following her meeting.

The Monitoring Officer's advice is that the test as to the appropriateness of Cllr. Williams' comments and whether there has been a breach of the code of conduct is an objective one. Would the reasonable man interpret what was said as a display of xenophobia and, if so, thereby place him in contravention of, in particular, paragraphs 3h (Council policies) and 3j (treating people with respect) i.e. he was likely to cause offence? Whilst this is a matter solely for the Ethics Committee to decide, for my part I am persuaded that what was said and, more particularly, the way in which Cllr. Williams expressed himself was inappropriate with the likely result of causing offence to both immigrants and the public at large, particularly those holding a contrary view (see paras 24 iii, iv and v of the draft report **but not** 24 vi for the reason given by the Monitoring Officer at para 67 and the concerns, whether one agrees with them or not, expressed by a significant body of public opinion during the course of the debate that the numbers of immigrants are too high and need to be controlled).

I respectfully agree with all other findings of fact made by the Monitoring Officer and, save as above, her conclusions at paras 75 and 76 of the report.

In closing I should say that I have found the legal advice provided by the Monitoring Officer very helpful concerning the application of Article 10 ECHR (freedom of expression) and how it has been interpreted in the Administrative Court. The three stage test referred to at para 60 seems to be clear enough and I do not think that on any basis Cllr. Williams can argue justification. In fairness to him, he does not appear to have taken this point and accordingly I do not comment any further.

Peter Wiseman OBE, LI.B

Co-opted Independent Adviser

03 October 2016