

## COMPLAINTS AGAINST CLLR GLENN WILLIAMS

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### INVESTIGATION REPORT

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#### Introduction

#### *Cllr Williams' statement*

1. In early January 2020, Cllr Glenn Williams submitted a written question to Cllr Kevin Maton, the Cabinet Member for Education and Skills in relation to the new Relationships and Relationships and Sex Education courses being introduced as a compulsory subject in all schools in England:

*“With regard to the proposed ‘Relationship Education’ in Primary Schools being introduced in September 2020, would the Cabinet Member confirm that Coventry schools will teach only what is set out in the basic Government guidelines and not be influenced by external pressure groups?”*

2. At a meeting of full Council on 14 January 2020, Cllr Williams made the following statement which was recorded on the meeting's webcast:

*“Thank you Lord Mayor and I appreciate the answer from Cllr Maton and I'm sorry to put strain on his voice. Now the reason that I asked the question originally, is because there are a lot of very concerned parents who are worried about what is going to be taught to very young children and I have to tell you Lord Mayor, last week a friend of mine, she is very broadminded, more broadminded than I am, which isn't difficult I accept, but she had telephoned me because her 13 year old son had come home from school and he was horrified, because his teacher had given them tips, sorry I'm not very comfortable talking about this, but had given them tips on how to come out, you understand what I mean by that Cllr Maton and had shown a video of two women kissing. Now does Cllr Maton agree with me, that this sort of video, which bluntly I regard as pornography, should not be shown in Coventry schools and what we should have is a policy that promotes traditional family values, not how to be promiscuous, but how to respect traditional family values, so does he agree with me that is what we should have a policy on?”*

3. That statement attracted widespread criticism from fellow councillors, in the media and online. It resulted in six separate complaints being submitted to the Council's Monitoring Officer.

#### *The complaints*

4. The complaints alleged that Cllr Williams' statement was homophobic. The following give a sense of the strength of feeling:

(a) *"These comments are not just distasteful, they are dangerous – perpetuating ideas steeped in bigotry and intolerance, and stoking the fires of hatred. ... Hate crimes against all minorities are on the rise, and the fact that a Coventry councillor believes it is acceptable to so openly vilify a marginalised group – and in turn reinforce the idea that homophobia is acceptable – is simply abhorrent."*

(b) *"By implication [Cllr Williams] considers non heterosexual relationships to be promiscuous ... [and] inferior to heterosexual relationships ('traditional family values'), and not worthy of respect."*

(c) *"Cllr Williams made homophobic comments ... This was disrespectful to his LGBT constituents, homophobic and brought the council into disrepute."*

(d) *"The views that he presented in the council chambers, were not only homophobic, but could also be classed as Hate speech. ... Is he not supposed to represent all members of this city? His language was not befitting of a modern society. ... I feel this language is archaic, ill conceived and smacks of the British National Party or Fascism! How dare he say those things in the chamber! ... This man is a philistine and a product of a bygone age! He is not fit to serve in office."*

#### *Alleged breach of the Code*

5. The complaints alleged that Cllr Williams had breached a number of provisions of the Council's Code of Conduct for Members ("the Code"). For the sake of clarity, I will focus on just one of those provisions – paragraph 3(j) – which I consider most accurately reflects the concerns expressed by the complainants.

#### *Investigation*

6. I have been appointed by the Council's Monitoring Officer to investigate the complaints. I am a self-employed barrister with a specialism in local government standards. I am also a member of the Equality and Human Rights Commission's panel of counsel. I have conducted a number of similar investigations for local authorities across England.
7. I provides a copy of my draft report in confidence to Cllr Williams and the complainants for their comment. I did not hear anything further from any of them.

#### *Cllr Williams' admission and apology*

8. On 30 January 2020, I received a phone call from Cllr Williams. He explained to me that he considered he was in breach of the Code and told me about a meeting he had attended on 22 January 2020, with representatives of Coventry Pride, No Outsiders (an LGBTQ+ education programme) and two fellow councillors. That meeting had resulted in Cllr Williams filming a public apology for his statement which is the subject of these complaints.<sup>1</sup>

#### The Code

##### *Paragraph 3(j)*

9. The Code applies to members of the Council when they are undertaking their duties as elected members. Paragraph 3(j) of the Code provides as follows:

*"As a Member of Coventry City Council ... I will:*

*Always treat people with respect, including the organisations and public I engage with and those I work alongside."*

##### *Freedom of speech and political speech*

10. All of us have the right of freedom of expression, which is protected by well-established common law principles and under Article 10 of the European Convention on Human Rights ("ECHR").
11. However, the law attaches particular significance, and therefore greater protection, to the speech of elected representatives. Indeed, the European Court of Human Rights has held that *"there is little scope ... for restrictions on political speech or of debate on question of*

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<sup>1</sup> <https://www.coventrytelegraph.net/news/coventry-news/councillor-issues-public-apology-lgbt-17612181>

*public interest*”.<sup>2</sup> In this context, political speech means speech on matters of public concern and should be given a very broad interpretation.<sup>3</sup>

12. Given the fundamental importance of freedom of speech, and the enhanced protection afforded to political speech, even intolerant or offensive statements made by politicians may be protected by law. The words of Lord Justice Sedley in the case of *Redmond-Bate v Director of Public Prosecutions*<sup>4</sup> are often cited in this context:

*“Free speech includes not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative. ... Freedom only to speak inoffensively is not worth having. ...”*

13. A similar view was expressed by the European Court of Human Rights in *Handyside v United Kingdom*<sup>5</sup>:

*“Freedom of expression constitutes one of the essential foundations of such a society, one of the basic conditions for its progress and for the development of every man. ... it is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’.”*

14. The reason why even intolerant or offensive speech on matters of public concern can be protected by law is because freedom of expression is fundamental to our system of democracy. In the later case of *R v Shaylor*<sup>6</sup>, Lord Bingham explained that:

*“The reasons why the right to free expression is regarded as fundamental are familiar, but merit brief restatement in the present context. Modern democratic government means government of the people by the people for the people. But there can be no government by the people if they are ignorant of the issues to be resolved, the arguments for and against different solutions and the facts underlying those arguments. The business of government is not an activity about which only those professionally engaged are entitled to receive information and express opinions. It is, or should be, a participatory process. But there can be no assurance that*

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<sup>2</sup> *Lombardo v Malta* (2009) 48 EHRR 23, [55]

<sup>3</sup> *Thorgeirson v Iceland* (1992) 14 EHRR 843, [64]

<sup>4</sup> (1999) 7 BHRC 375, [20]

<sup>5</sup> (1979-80) 1 EHRR 737, [49]

<sup>6</sup> [2003] 1 AC 247, [21]

*government is carried out for the people unless the facts are made known, the issues publicly ventilated.”*

15. This principle applies as much to local government as it does national government. In commenting on statements made by a community councillor which were found to have breached the community council’s code of conduct, the High Court endorsed the principle that “...*some margin should be allowed for invective and exaggeration, even if that means that some apparently worthless comments are as fully protected as a carefully balanced argument*”.<sup>7</sup> Council meetings, in particular, have been identified as a forum in which “*robust political debate may reflect lack of respect for political opponents or may result in views being expressed which many might regard as offensive*.”<sup>8</sup>
16. This means that political speech may only be restricted where there is a compelling justification for doing so.<sup>9</sup>
17. This is not to say that politicians can say whatever they like, no matter how offensive, and get away with it. Personally abusive or insulting statements cannot claim the benefit of enhanced protection, even if made by a politician. For example, when the former Mayor of London, Ken Livingstone, asked a Jewish journalist whether he was a German war criminal and likened him to a concentration camp guard, the High Court found that Mr Livingstone was “*not to be regarded as expressing a political opinion which attracts the high level of protection*” but “*indulging in offensive abuse of a journalist ...*”.<sup>10</sup>
18. Furthermore, the European Court of Human Rights has stressed that the right to express ideas, protected by Article 10(1) of the ECHR, is subject to certain obligations, one such obligation being, “*as far as possible, to avoid statements that are unwarrantably offensive to others, constituting an assault on their rights*.”<sup>11</sup> That observation was made in a case involving a criminal conviction of a group of Swedish leaflet distributors, who had left leaflets in the lockers of students in a secondary school that, among other things, described homosexuality as a “*deviant sexual proclivity*” that had “*a morally destructive effect on the substance of society*” and accused the “*homosexual lobby*” of trying to play down paedophilia. In that case, the European Court of Human Rights found that the group’s convictions (resulting in suspended prison sentences) was a proportionate interference with their right of free expression.

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<sup>7</sup> *R (Calver) v Adjudication Panel for Wales* [2012] EWHC 1172, [55]

<sup>8</sup> *Sanders v Kingston (No. 1)* [2005] EWHC 1145 (Admin), [77]

<sup>9</sup> *Reynolds v Times Newspapers Ltd* [2001] 2 AC 127, 200D

<sup>10</sup> *Livingstone v Adjudication Panel for England* [2006] EWHC 2533 (Admin), [36]

<sup>11</sup> *Vejdeland v Sweden* (1813/07)

19. It will be clear from the discussion above that there is no bright line distinction between acceptable and unacceptable political speech. Nonetheless, it is clear that, in this case, considerable caution needs to be taken when considering whether political speech has failed to show respect to others and therefore breached paragraph 3(j) of the Code.

#### Whether Cllr Williams' statement breached the Code

20. I am in no doubt that Cllr Williams' statement was ignorant, prejudiced and offensive. I agree with the views expressed by the complainants that, in the statement, he wrongly associated homosexuality with promiscuity and implied that homosexual relationships are intrinsically inferior to heterosexual relationships. In addition, I note that Cllr Williams had not actually viewed the content of the video in question for himself, nor had he sat in on the lesson he was referring to, and therefore was not in a position to offer an informed critique.

21. However, I have concluded that Cllr Williams' statement was not in breach of the Code. My reasons are as follows.

22. Firstly, the statement amounted to political speech, in that Cllr Williams was commenting on an issue of policy: the content of the relationships education curriculum. He is entitled to disagree with its content and to express scepticism or concern about it. He is also entitled to believe that heterosexual relationships are superior to homosexual relationships and to express that belief, even though most of us would consider that belief to not only be wrong but offensive.<sup>12</sup> The underlying political nature of his statement is most clearly expressed in the final sentence: "...we should have is a policy that promotes traditional family values, not how to be promiscuous, but how to respect traditional family values". As his statement was political speech, it attracts enhanced protection under the law.

23. Secondly, given that it was political speech, there is a very high threshold which must be crossed before such speech can be found to have breached the Code by failing to show "respect" to others. In my opinion, Cllr Williams' statement did not cross that very high threshold:

(a) the statement was made in the course of a full Council meeting, where greater tolerance has to be shown for "*robust political debate ... [which] may result in views being expressed which many might regard as offensive*"<sup>13</sup>;

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<sup>12</sup> To be fair, Cllr Williams subsequently told me, with the benefit of some reflection and the constructive meeting with Warwickshire Pride and No Outsiders, that he believes that a "stable and loving relationship between a man and a woman" is "the best but not the only way" to raise a child.

<sup>13</sup> See *Calver* (paragraph 15 above).

- (b) the statement was not gratuitously offensive and, while it singled out a particular minority group, did not target any member of that group in particular. The content of the statement did not contain any inflammatory language or personal abuse (such as in the Livingstone and Swedish examples above). Having said that, I do acknowledge and agree with the concerns of some of the complainants: comments such as this, which demean homosexual people, contribute to a culture of intolerance which facilitates prejudice and hate crime. It is for that reason that the public reaction to Cllr Williams' statement is encouraging: he has rightly been called out for his intolerance;
- (c) although made in a meeting of full Council, Cllr Williams was not speaking on behalf of the Council itself – something which was made abundantly clear by the admirable joint statement condemning Cllr Williams' statement, made by the Leader and Opposition Leader.<sup>14</sup> Nor was Cllr Williams exercising any particular function of the Council in making his statement: he has no formal responsibility for the content of the curriculum or for education in Coventry more generally.

#### *Accountability*

24. In my opinion, the more appropriate method for holding Cllr Williams to account for his statement is in the public arena and not by way of the Code of Conduct process. As a matter of fact, this is what has happened in this case. The process of accountability began almost immediately. As the *Coventry Telegraph* reported, Cllr Williams' statement

*“... led to heavy criticism across the chamber.*

*Cllr Christine Thomas described the comments as 'wholly inappropriate', while Cllr Gary Ridley said: 'There's nothing to be ashamed about your sexuality and absolutely no reason children should not be taught that at all.'*

*Another, Cllr Becky Gittins, added: 'Can my fellow members support me in ensuring that the message that comes from this meeting is unlike Cllr Williams we do not equate homosexuality with sexual promiscuity but rather homosexuality as a legitimate sexual orientation as part of one's gender identity and sexual orientation?'"*

25. I also understand from a subsequent *Coventry Telegraph* report that the rainbow flag was flown above the Council House in direct response to Cllr Williams' statement.

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<sup>14</sup>[https://www.coventry.gov.uk/news/article/3184/joint\\_statement\\_following\\_cllr\\_glenn\\_williams\\_comments\\_at\\_full\\_council](https://www.coventry.gov.uk/news/article/3184/joint_statement_following_cllr_glenn_williams_comments_at_full_council)

26. As well as being reported in the Coventry press, it was also reported by Pink News, which carried a very unflattering profile of Cllr Williams.<sup>15</sup> This scrutiny is a vital part of the democratic process and is very much to be welcomed.

27. Perhaps most importantly, Cllr Williams has made a public apology for his statement. In the many investigations I have carried out into councillors accused of misconduct, I have never previously come across a councillor not only prepared to admit wrongdoing but to make a public apology for it. Cllr Williams deserves credit for being prepared to do so. He told me about the meeting he had had with Coventry Pride and No Outsiders and that it had been both emotional and educational, particularly with respect to the link between homophobic statements such as his and hate crime. He also told me that he has committed to continue to work with these organisations and other members of the LGBTQ+ community to “*build bridges*”. This is a very positive outcome – and probably not one which could have been achieved by the Code of Conduct process.

### Conclusion

28. For these reasons, despite finding that Cllr Williams’ statement was ignorant, prejudiced and offensive, I do not find that it amounted to a failure to show respect in breach of paragraph 3(j) of the Code. There is a very high threshold to be crossed before political speech – even intolerant and offensive political speech – can be found to have breached the Code. In this case, I find that that threshold was not crossed.

**Matt Lewin**

Cornerstone Barristers

8 March 2020

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<sup>15</sup> <https://www.pinknews.co.uk/2020/01/23/women-kissing-pornography-homophobic-glenn-williams-apology-coventry-andrew-moffat/>