



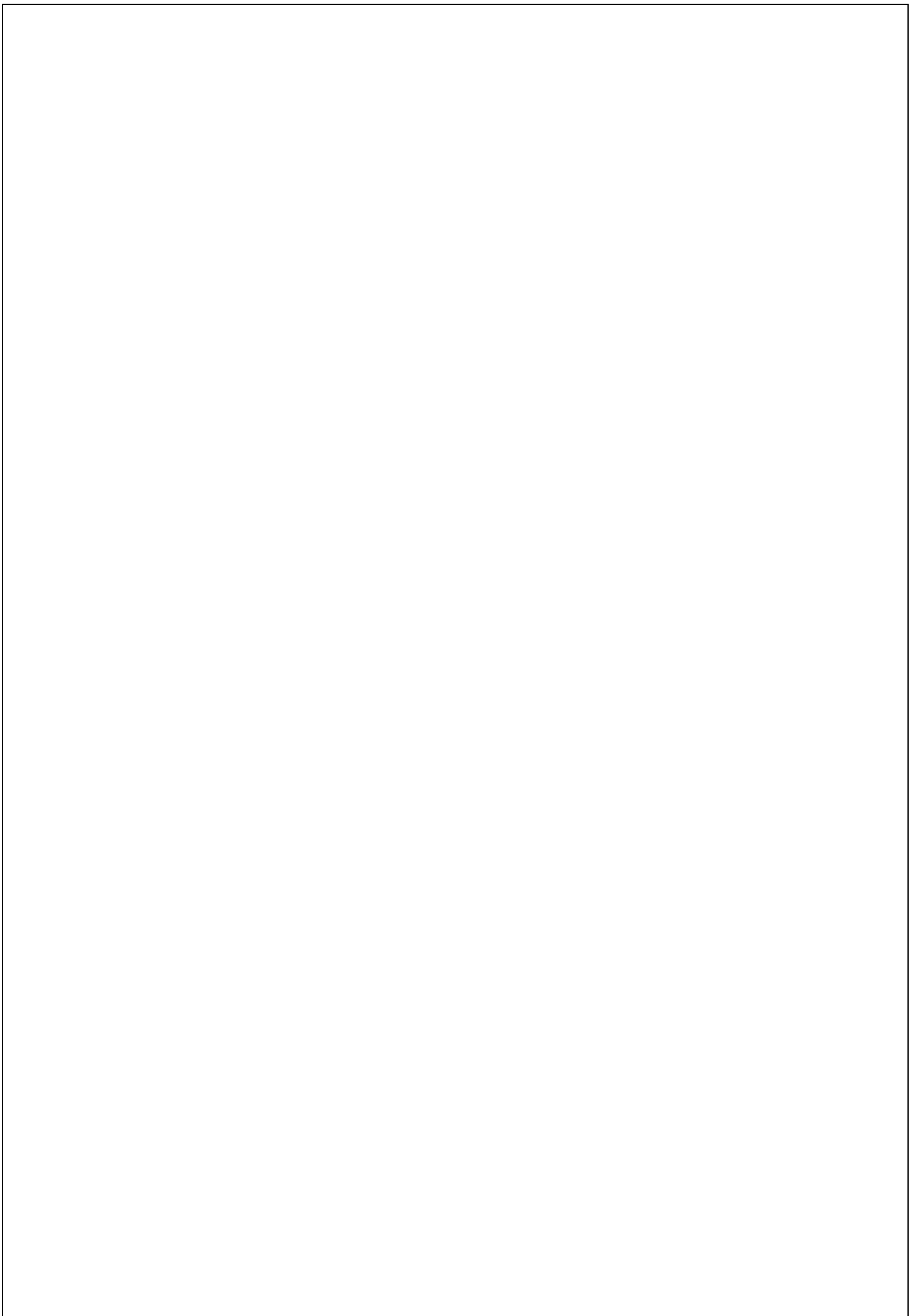


**Brighton & Hove
City Council**

Standards Panel

Title:	Standards Panel
Date:	6 October 2014
Time:	10.00am
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Lepper, Littman and A Norman Independent Person & Co-opted Member: Dr David Horne (Chair)
Contact:	Lisa Johnson Senior Democratic Services Officer 01273 291228 lisa.johnson@brighton-hove.gov.uk

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AGENDA

1 PROCEDURAL BUSINESS

(a) **Declaration of Substitutes:** Where Councillors are unable to attend a meeting, a substitute Member from the same Audit & Standards Committee, speak and vote in their place for that meeting.

(b) **Declarations of Interest:**

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: *Any item appearing in Part Two of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

STANDARDS PANEL

- 2 HEARING OF AN ALLEGATION THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT FOR MEMBERS - CASE BHC-015722** **1 - 18**

Contact Officer: Brian Foley *Tel:* 291229
Ward Affected: All Wards

- 3 HEARING OF AN ALLEGATION THAT A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT FOR MEMBERS - CASE BHC-015726** **19 - 46**

Contact Officer: Brian Foley *Tel:* 291229
Ward Affected: All Wards

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For further details and general enquiries about this meeting contact Lisa Johnson, (01273 291228), email lisa.johnson@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk.

Date of Publication – Monday 29 September 2014

Subject:	Hearing of an allegation that a Councillor has failed to comply with the Code of Conduct for Members – Case BHC-015722		
Date of Meeting:	06 October 2014		
Report of:	The Monitoring Officer		
Contact Officer:	Name:	Brian Foley	Tel: 29-3109
	Email:	Brian.foley@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The Standards Hearing Panel is asked to determine the allegation that Councillor Ben Duncan has failed to comply with the Council's Code of Conduct for Members

2. RECOMMENDATIONS:

- 2.1 That the Standards Hearing Panel finds there has been a breach of:
- Paragraph 3(1): You must treat others with respect.
- 2.2 That the Standards Hearing Panel finds there has been a breach of:
- Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 2.3 That should the Standards Hearing Panel find that a breach of the Code of Conduct did occur, the Panel determines what sanctions, if any, are applicable.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On 01 July 2014 Mr Sunny Choudhury in his capacity as President of the Brighton District Bangladeshi Shomity wrote to Caroline Lucas MP with a copy to Councillor Jason Kitcat and Penny Thompson, Chief Executive of Brighton & Hove City Council to complain about a tweet posted by Councillor Duncan on 16 June 2014.
- 3.2 The tweet said "*Blasphemous 7yo wants 'Islam book' to press flowers in (it's big and heavy). Should I stone her to death when I get home from work?*"
- 3.3 Mr Choudhury explained that as a Muslim he found the comments deeply distasteful and hurtful to himself and other Muslims.

- 3.4 He stated that comments such as this are not befitting of a Brighton and Hove City Councillor and do more to divide our community than bring people together.
- 3.5 In response to the complaint Councillor Duncan removed the tweet and closed his twitter account.
- 3.6 He has explained that he didn't intend to offend or upset anyone, even less to "divide communities and create hate and unrest".
- 3.7 Councillor Duncan explained that he did "not believe, and never has believed that Islam is a violent religion". He said his tweet was "aimed at a small minority of extreme adherents of Islam who practise violence in the name of their religious beliefs".
- 3.8 The facts of the complaint are not in question.
- 3.9 The report in Appendix 2 describes how the Investigating Officer has on a balance of probabilities reached the conclusion that there has been a breach of paragraph 3(1) of the Code of Conduct for Members: 'You must treat others with respect', and a breach of paragraph 5: 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.
- 3.10 It will be for the Hearing Panel of the Standards Committee to reach their findings in respect of the information presented: and, should they find that a breach of the Code of Conduct for Members did occur, to determine what sanctions, if any are applicable.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 A full consideration of the complaint is set out in the Investigation Report (Appendix 2).

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 None

6. CONCLUSION

- 6.1 The reasons for the recommendations are set out in the Investigation Report.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 None

Finance Officer Consulted: James Hengeveld

Date: 26/09/2014

Legal Implications:

- 7.2 The legislative framework under which the allegation has been investigated and referred to the Standards Panel for determination is Part 1, Chapter 7 of the Localism Act 2011. Section 28(6) of the Act requires local authorities to put in place arrangements under which allegations of member misconduct can be investigated, and decisions on allegations made. Arrangements applicable to Brighton & Hove City Council for these procedures have been agreed by the Audit & Standards Committee and applied for the investigation and preparation for the hearing arrangements which are the subject of this report.

Lawyer Consulted:

Oliver Dixon

Date: 26/09/2014

Equalities Implications:

- 7.3 None

Sustainability Implications:

- 7.4 None

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. Other Implications Paragraphs
2. Standards Committee Final Report – Investigation into a complaint about Councillor Duncan’s tweet saying “Blasphemous 7yo wants ‘Islam book’ to press flowers in (it’s big and heavy). Should I stone her to death when I get home from work?”.

Documents in Members’ Rooms

1. None

Background Documents

1. None

Other Implications Paragraphs:

Crime & Disorder Implications:

- 1.1 None

Risk and Opportunity Management Implications:

- 1.2 None

Public Health Implications:

- 1.3 None

Corporate / Citywide Implications:

- 1.4 It is essential that comments of the type reported are not allowed to undermine the council's corporate values and priorities.

FINAL REPORT

Case References: BHC-015722

Date of incident: 16 June 2014

Subject Member: Councillor Ben Duncan

Complainant: Mr S Choudhury, President of the Brighton District Bangladeshi Shomity

This Report represents the findings of an investigation carried out under the Brighton & Hove City Council arrangements for dealing with allegations of breaches of the Members' Code of Conduct under the Localism Act 2011.

The investigation has been carried out by Brian Foley, Standards and Complaints Manager, on behalf of the Monitoring Officer for Brighton & Hove City Council into an allegation concerning Councillor Ben Duncan and is to be presented to a Hearing Panel of the Audit and Standards Committee.

DATE: 24 September 2014

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1.0 Executive Summary

- 1.1 On 01 July 2014 Mr Sunny Choudhury in his capacity as President of the Brighton District Bangladeshi Shomity wrote to Caroline Lucas MP with a copy to Councillor Jason Kitcat and Penny Thompson, Chief Executive of Brighton & Hove City Council to complain about a tweet posted by Councillor Duncan on 16 June 2014.
- 1.2 The tweet said *“Blasphemous 7yo wants ‘Islam book’ to press flowers in (it’s big and heavy). Should I stone her to death when I get home from work?”*
- 1.3 Mr Choudhury explained that as a Muslim he found the comments deeply distasteful and hurtful to himself and other Muslims.
- 1.4 He stated that comments such as this are not befitting of a Brighton and Hove City Councillor and do more to divide our community than bring people together.
- 1.5 In response to the complaint Councillor Duncan removed the tweet and closed his twitter account.
- 1.6 He has explained that he didn't intend to offend or upset anyone, even less to 'divide communities and create hate and unrest'.
- 1.7 Councillor Duncan explained that he did “not believe, and never has believed that Islam is a violent religion”. He said his tweet was aimed at a small minority of extreme adherents of Islam who practise violence in the name of their religious beliefs.
- 1.8 The facts of the complaint are not in question.
- 1.9 The following report describes how the Investigating Officer has reached the conclusion that there has been a breach of paragraph 3(1) of the Code of Conduct for Members: ‘You must treat others with respect’, and a breach of paragraph 5: ‘You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute’.

2.0 Relevant legislation and the paragraphs of the Code of Conduct which may apply

- 2.1 The council has adopted a Code of Conduct for members, in accordance with the Localism Act 2011.
- 2.2 This investigation is carried out under Brighton & Hove City Council arrangements for dealing with allegations of breaches of the Code of Conduct for Members.
- 2.3 On 01 July 2014 Mr Sunny Choudhury, President of Brighton District Bangladeshi Shomity, wrote to Caroline Lucas MP to complain about a tweet that had been written by Councillor Ben Duncan on 16 June 2014. Mr Choudhury copied Penny Thompson, the Chief Executive of Brighton & Hove City Council, into that letter because he felt it was important she was aware of the issue.
- 2.4 In accordance with the local arrangements, the complaint was passed to the Monitoring Officer for Brighton & Hove City Council for consideration. After taking due regard of the views of an Independent Person, the Monitoring Officer held that, if proven, the allegation against Councillor Duncan could potentially amount to a breach of the Members' Code of Conduct in force at the time the alleged misconduct took place.
- 2.5 The Monitoring Officer decided the complaints should be investigated and instructed the Council's Standards and Complaints Manager to carry out that investigation.
- 2.6 The paragraphs of the code of conduct which are engaged by the allegation are:

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.

3.0 Summary of the complaint

- 3.1 Mr Choudhury reported that Councillor Duncan's tweet on 16 June 2014 read:

"Blasphemous 7yo wants 'Islam book' to press flowers in (it's big and heavy). Should I stone her to death when I get home from work?"
- 3.2 Mr Choudhury explained that as a Muslim and one of the founding members of the Brighton Muslim Community Centre he found the comments deeply distasteful and hurtful to himself and other Muslims.
- 3.3 He stated that comments such as this are not befitting of a Brighton & Hove City Councillor and do more to divide our community than bring people together. He explained that the local Muslim community is hurt and angry that such profane language was used by the Green Party Councillor Ben Duncan.

- 3.4 Mr Choudhury described how he believed that Councillor Duncan's Tweet reinforces the false notion that Islam is a violent religion when love and prosperity are at the centre of its teachings. He stated that there are over 1600 million Muslims worldwide.
- 3.5 Mr Choudhury felt that an elected public representative making such a derogatory tweet was totally unacceptable. He states that the Qur'an is a divine book and that no one has the right to insult it.
- 3.6 Mr Choudhury made the point that nowhere in Islam does it say that if a flower is pressed in to an Islamic book, that, that person should be stoned to death.
- 3.7 Mr Choudhury was asking for the resignation of Ben Duncan from his position as a councillor on Brighton & Hove City Council.
- 3.8 The Investigating Officer met with Mr Choudhury and a friend of his.
- 3.9 Mr Choudhury said that he had been made aware of the tweet during Ifftar where friends and family from the Muslim community were gathered to break their fast. Mr Choudhury said that 34 people signed a petition requesting that action should be taken against Councillor Duncan.
- 3.10 The petition said:
- We the undersigned local Muslim, are deeply hurt and concern that the distasteful comment posted on twitter on 16th of June 2014. Such offensive comment will divide communities, and create hate and unrest. Such irresponsible person should not be in public office.*
- 3.11 Mr Choudhury and his friend were emphatic that there was no reference within the Qur'an that a child could be stoned. Mr Choudhury's friend was horrified that Councillor Duncan should infer that this would be the case. He said that members of the community were deeply hurt and very angry by the implications of what Councillor Duncan had tweeted.
- 3.12 Mr Choudhury also explained that in Islam a child is seen as a flower, therefore to press a flower between the pages of the Qur'an gives rise to the suggestion that Islam wishes to suppress children and make life unbearable for them. He said this was deeply hurtful.
- 3.13 Mr Choudhury emphasised how dangerous the tweet was in that it gave a wrong impression of the Muslim community and was potentially very damaging for community relations.
- 3.14 He explained that this came at a time when he and influential members of the BME and Muslim Community were discussing with Senior Officers in the Council, the Police and Home Office ways of reducing the likelihood of young Muslim men going to Syria to fight.

4.0 Councillor Duncan's response to the complaints

4.1 Councillor Duncan was notified of the complaint on 7 July 2014 and following the meeting between Mr Choudhury and his friend with the Investigating Officer details of the complaint were sent to Councillor Duncan on the 22 July 2014.

4.2 On 18 August 2104 the Investigating Officer received Councillor Duncan's response to the complaint raised by Mr Choudhury.

4.3 Councillor Duncan said he wanted to make it clear that he felt most of the substance of the complaint was based on a misunderstanding of the tweet in question. But he stated:

"nonetheless, I certainly didn't intend to offend or upset anyone, even less to 'divide communities and create hate and unrest'."

4.4 Councillor Duncan confirmed that he had deleted the 'tweet' in question, and the whole account on which it was posted.

Councillor Duncan explained his position that he did
"not believe, and never have, that Islam is a violent religion."

4.5 He said his off-the-cuff comments related more to the small minority of extreme adherents of Islam who do practise violence in the name of their religious beliefs; he gave as examples *"the government of Saudi Arabia, or the leaders of IS currently the subject of appalling military action in Iraq."*

4.6 Councillor Duncan said he agreed that the Qur'an is a holy book, and he said he was referring to an entirely different book: 'Islam: Art and Architecture'.

4.7 Furthermore he said he also agreed with Mr Choudhary *[as written]* that nowhere in the Qur'an does it proscribe *[as written]* stoning as an appropriate punishment for flower pressing. He said that at no stage had he sought to imply otherwise.

4.8 Councillor Duncan said

"I was referring to an actual incident in which an actual child pressed actual flowers in an actual book."

4.9 He further stated that he accepts that if it was capable of misunderstanding by Mr Choudhary *[as written]* it was probably capable of being misunderstood by others, so he had now removed it from the public record.

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

5.1 The paragraphs of the Code of Conduct which relate to this complaint:

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.

5.2 Paragraph 3(1) A Member must treat others with respect

The principle we have operated within the Council with regard to determining whether an action or statement may be considered disrespectful (reflecting previous Standards Board guidance) is that in general a negatively expressed statement about a line of argument will not be considered disrespectful even if it is forcefully expressed. However, a statement made about a person delivered with the same force might be deemed to be disrespectful if it passes a certain threshold.

What that threshold is or should be is a matter that has not been precisely defined and is therefore open to interpretation.

Set out below are arguments that may help reach a conclusion on whether the comment within the tweet was disrespectful.

Arguments against Councillor Duncan having failed to treat others with respect

5.3 Councillor Duncan said his tweet was an off the cuff remark aimed at extreme adherents of Islam who practise violence in the name of their religious beliefs.

5.4 Councillor Duncan said he certainly didn't intend to offend or upset anyone, even less to 'divide communities and create hate and unrest'.

5.5 Councillor Duncan said he did "not believe, and never have, that Islam is a violent religion".

5.6 Councillor Duncan says he was not referring to the Qur'an in his tweet but a book called 'Islam: Art and Architecture'. However, that was not clear at the time the tweet was posted.

Arguments for Councillor Duncan having failed to treat others with respect

5.7 In this complaint there is no dispute about the accuracy or authenticity of the tweet written on 16 June 2014 by Councillor Duncan.

5.8 The comment made by Councillor Duncan was placed in the public domain.

5.9 A significant number of people from the Muslim Community have stated that they found the statement deeply offensive and disturbing.

- 5.10 Their petition stated that the tweet could cause division among communities and create hate and unrest.
- 5.11 Mr Choudhury explained that offence was caused by the proposition that any member of Muslim Community would press a flower into the Holy Book.
- 5.12 Further offence was caused by the statement that a father would consider stoning his daughter.
- 5.13 The petitioners said that such an irresponsible person should not be in public office.

Balance of arguments for and against:

- 5.14 On balance the Investigating Officer has come to the conclusion that the tweet was offensive, it was disrespectful and there has been a breach of the Code of Conduct paragraph 3(1) 'A Member must treat others with respect'.

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

- 5.16 In deciding if Councillor Duncan has conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute the investigation has to distinguish between conduct causing damage to his reputation as an individual and that which reaches the threshold sufficient to damage his reputation as a member.

Arguments against Councillor Duncan having brought his office into disrepute:

- 5.17 Councillor Duncan is entitled to his views and to express them as he wishes; Article 10 of the Human Rights Act gives Councillor Duncan the right to freedom of expression.
- 5.18 Councillor Duncan said he certainly didn't intend to offend or upset anyone, even less to "divide communities and create hate and unrest".
- 5.19 Councillor Duncan has explained that his tweet was misunderstood.
- 5.20 Councillor Duncan has removed the offensive tweet and closed his twitter account.

Arguments for Councillor Duncan having brought his office into disrepute:

- 5.21 The complaint received about the tweet clearly stated that members of the Muslim Community were offended.
- 5.22 Mr Choudhury expressed a fear that the tweet could cause division, unrest and create hatred towards members of the Muslim Community.
- 5.23 Mr Choudhury explained that the tweet was dangerous in that it gave a very wrong impression of the Muslim Community and it was potentially very damaging

for community relations. He explained that this came at a time when he and influential members of the BME and Muslim Communities were discussing with Senior Officers in the Council, the Police and Home Office ways of reducing the likelihood of young Muslim men going to Syria to fight.

- 5.24 The complaint about Councillor Duncan went further than complaining about his conduct. It was focused on the impact Councillor Duncan's words could have on community relations at a very difficult time.
- 5.25 Mr Choudhury said it was therefore not appropriate for Councillor Duncan to remain in public office and his letter to Caroline Lucas MP called for him to resign his position as a councillor on Brighton and Hove City Council.
- 5.26 The letter was also copied to Natalie Bennett the Leader of the Green Party, and Jason Kitkat the Leader of Brighton and Hove City Council.
- 5.27 34 members of the local Muslim Community signed a petition stating that the petition could divide communities and could cause hatred and unrest.
- 5.28 Councillor Duncan, recognised on reflection the damage his off the cuff remark had done.
- 5.29 The tweet had been in the public domain for two weeks before it was removed.
- 5.30 A person's right to freedom of expression under Article 10 of the Convention is qualified. The exercise of the right may be subject to certain formalities, conditions, or restrictions as are necessary – among other things – for the protection of the rights and reputation of others. This, in part, explains why Members are subject to the requirement under their Code of Conduct to show respect for others.

Balance of arguments for and against:

- 5.31 The Investigating Officer has considered the arguments for and against a finding of a breach of paragraph 5 of the Code (bringing the Council or your office into disrepute.)
- 5.32 Whilst Councillor Duncan is entitled to his own views and to express his views as he wishes he has in the process of doing so caused offence to members of the Muslim Community and possibly others.
- 5.33 Furthermore it has been stated that Councillor Duncan has risked undermining the work of Community Leaders in finding ways to reduce the likelihood of young Muslim men going to fight in other countries.
- 5.34 The Investigating Officer is of the view that the tweet by Councillor Duncan has brought his office into disrepute.
- 5.35 Consequently the view of the Investigating Officer is that there has been a breach of the Code of Conduct in respect of paragraph 5 'You must not conduct yourself

in a manner which could reasonably be regarded as bringing your office or authority into disrepute’.

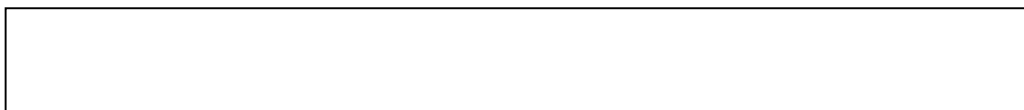
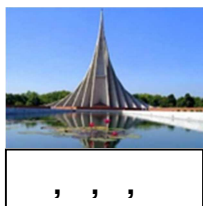
6.0 Findings

- 6.1 The Investigating Officer’s view is that there has been a breach of the Code of Conduct in respect of paragraph 3(1): ‘a member must treat others with respect’ for the reasons set out above.
- 6.2 The Investigating Officer’s view is that there has been a breach of the Code of Conduct in respect of paragraph 5: ‘you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute’ for the reasons set out above.

APPENDIX 1 Councillor Duncan’s Tweet

“Blasphemous 7yo wants ‘Islam book’ to press flowers in (it’s big and heavy). Should I stone her to death when I get home from work?”

APPENDIX 2 Complaint from member of the public



Dear Ms Caroline Lucas

I am writing to you as the President of the Brighton District Bangladeshi Shomity (BDDBS) regarding the tweets of Councillor Ben Duncan, the Green Party Councillor for Queen's Park, on the 16th June 2014.

The Tweet said **"Blasphemous 7yo wants 'Islam book' to press flowers in (it's big and heavy). Should I stone her to death when I get home from work?"** As a Muslim and one of the founding members of the Brighton Muslim Community Centre I find these comments deeply distasteful and hurtful to me and other Muslims. Comments such as this are not befitting of a Brighton and Hove City Councillor and do more to divide our community than bring people together. The local Muslim community is hurt and angry that such profane language was used by the Green Party Councillor Ben Duncan.

Cllr Duncan's Tweet reinforces the false notion that Islam is a violent religion when love and prosperity are at the centre of its teachings. Islam is not a joke and there are over 1600 million Muslims worldwide.

An elected public representative making such a derogatory Tweet is totally unacceptable. The Quran is a divine book. No one has the right to insult. Nowhere in Islam does it say that if a flower is pressed in to an Islamic book, that, that person should be stone to death.

I am writing to you as the Green MP for Pavilion to call for the resignation of Ben Duncan from his position as a councillor on Brighton and Hove District City Council.

I am also copying this letter to Natalie Bennett the leader of the Green Party, Green Party Convenor and Leader of Brighton and Hove City Council Jason Kitkat and Penny Thompson Chief Executive of Brighton and Hove City Council so they are aware of the concerns in the Muslim community at Councillor Duncan's actions and Tweets.

Will you reply to me as a matter of urgency, such an irresponsible person should not be a holder of public office, therefore I urge you to take immediate action, remove him from the Green Party whip and encourage to the honourable thing of resigning from his council position.

Due to the seriousness of the issue I will be putting the letter into the public domain.

Yours sincerely Sunny Choudhury, President, BDDBS

01/07/2014

APPENDIX 3 Councillor Duncan's response to the complaint

From: Ben Duncan [mailto:banja2002@hotmail.com]
Sent: 17 August 2014 9:36 AM
To: Ben Duncan; Brian Foley
Subject: RE: Complaint from Mr Choudhury

Dear Brian

Thank you for forwarding the detail of the complaint against me from Sunny Choudhary, ref: BHC-015722. The complaint contains several points, which I will address in turn.

But first, I wish to make clear that I feel most of the substance of the complaint is based on a misunderstanding of the tweet in question: nonetheless, I certainly didn't intend to offend or upset anyone, even less to 'divide communities and create hate and unrest'. Lest either of these outcomes should come to fruition, I have deleted the 'tweet' in question – and indeed the whole account on which it was posted.

Let me be clear: I do not believe, and never have, that Islam is a violent religion. My off-the-cuff comments related more to the small minority of extreme adherents of Islam who do practise violence in the name of their religious beliefs: the government of Saudi Arabia for example, or the leaders of IS currently the subject of appalling military action in Iraq.

I agree that the Quran is a holy book, and was referring to an entirely different book: 'Islam: Art and Architecture'.

I also agree with Mr Choudhary that nowhere in the Quran does it proscribe stoning as an appropriate punishment for flower pressing. At no stage had I sought to imply otherwise.

When Mr Choudhary says the no-one would press a flower in the Quran my heart sinks: surely pressing flowers in a heavy book is an activity which should be encouraged? I wish my kids would press wild flowers with the gusto they show towards computer games. Perhaps I'm just a blasphemous Luddite?

Nonetheless it may be true: however I was referring to an an actual incident in which an actual child pressed actual flowers in an actual book.

But I accept that if it was capable of misunderstanding by the Mr Choudhary it was probably capable of being misunderstood by others, so I have now removed it from the public record.

I hope that helps.

Ben Duncan
Cllr Ben Duncan

Independent Green, Queen's Park ward
Brighton and Hove City Council

Deputy Chair, Licensing Committee

Subject:	Hearing of an allegation that a Councillor has failed to comply with the Code of Conduct for Members – Case BHC-015726		
Date of Meeting:	06 October 2014		
Report of:	The Monitoring Officer		
Contact Officer:	Name:	Brian Foley	Tel: 29-3109
	Email:	Brian.foley@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Standards Hearing Panel is asked to determine the allegation that Councillor Ben Duncan has failed to comply with the Council's Code of Conduct for Members.

2. RECOMMENDATIONS:

- 2.1 That the Standards Hearing Panel finds there has been a breach of:
- Paragraph 3(1): You must treat others with respect.
- 2.2 That the Standards Hearing Panel finds there has been a breach of:
- Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 2.3 That should the Standards Hearing Panel find that a breach of the Code of Conduct did occur, the Panel determines what sanctions, if any, are applicable.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Between 30 June 2014 and 04 July 2014 Brighton & Hove City Council received 60 complaints from members of the public regarding a tweet issued by Councillor Ben Duncan on Saturday 28 June 2014 about the Armed Forces Day celebrations taking place in the city.
- 3.2 28 June 2014 was Armed Forces Day and in Brighton & Hove this was marked with a Freedom of the City Parade by the Princess of Wales's Royal Regiment (1PWRR).

3.3 The event was part of a programme of civic and community events going on during the summer as Brighton & Hove along with towns and cities across the country commemorated the 100th anniversary of the World War One.

3.4 Councillor Duncan's tweet brought much criticism. It said:

Armed Forces Day has certainly brought the hired killers onto the streets of #Brighton today. Hard to explain to my son!

3.5 On 30 June 2014 Councillor Duncan issued an apology. It said:

Apols for offence caused by tweet re soldiers on streets. Many will hav been remembering loved ones who died & was insensitive to their loss

3.6 The complaints received by the council were highly critical of Councillor Duncan.

3.7 The facts of the complaint are not in question.

3.8 The report in Appendix 2 describes how the Investigating Officer has on a balance of probabilities reached the conclusion that there has been a breach of paragraph 3(1) of the Code of Conduct for Members: 'You must treat others with respect', and a breach of paragraph 5: 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.

3.9 It will be for the Hearing Panel of the Standards Committee to reach their findings in respect of the information presented: and, should they find that a breach of the Code of Conduct for Members did occur, to determine what sanctions, if any are applicable.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 A full consideration of the complaint is set out in the Investigation Report (Appendix 2).

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 None

6. CONCLUSION

6.1 The reasons for the recommendations are set out in the Investigation Report.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 None

Finance Officer Consulted: James Hengeveld

Date: 26/09/2014

Legal Implications:

- 7.2 The legislative framework under which the allegation has been investigated and referred to the Standards Panel for determination is Part 1, Chapter 7 of the Localism Act 2011. Section 28(6) of the Act requires local authorities to put in place arrangements under which allegations of member misconduct can be investigated, and decisions on allegations made. Arrangements applicable to Brighton & Hove City Council for these procedures have been agreed by the Audit & Standards Committee and applied for the investigation and preparation for the hearing arrangements which are the subject of this report.

Lawyer Consulted:

Oliver Dixon

Date: 26/09/2014

Equalities Implications:

- 7.3 None

Sustainability Implications:

- 7.4 None

Any Other Significant Implications:

- 7.5 None

SUPPORTING DOCUMENTATION

Appendices:

1. Other Implications Paragraphs
2. Standards Committee Final Report – Investigation into a complaint about Councillor Duncan’s tweet saying about ‘Armed Forces Day’.

Documents in Members’ Rooms

1. None

Background Documents

1. None

Other Implications Paragraphs:

Crime & Disorder Implications:

- 1.1 None

Risk and Opportunity Management Implications:

- 1.2 None

Public Health Implications:

- 1.3 None

Corporate / Citywide Implications:

- 1.4 It is essential that comments of the type reported are not allowed to undermine the council's corporate values and priorities.

FINAL REPORT

Case References: BHC-015726

Date of incident: 28 June 2014

Subject Member: Councillor Ben Duncan

Complainants: 60 members of the public

This report represents the findings of an investigation carried out under the Brighton & Hove City Council arrangements for dealing with allegations of breaches of the Members' Code of Conduct under the Localism Act 2011.

The investigation has been carried out by Brian Foley, Standards and Complaints Manager, on behalf of the Monitoring Officer for Brighton & Hove City Council into an allegation concerning Councillor Ben Duncan and is to be presented to a Hearing Panel of the Audit and Standards Committee.

DATE: 24 September 2014

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1.0 Executive Summary

- 1.1 Between 30 June 2014 and 04 July 2014 Brighton & Hove City Council received 60 complaints from members of the public regarding a tweet issued by Councillor Ben Duncan on Saturday 28 June 2014 about the Armed Forces Day celebrations taking place in the city.
- 1.2 The 28 June 2014 was Armed Forces Day and in Brighton and Hove this was marked with a Freedom of the City Parade by the Princess of Wales's Royal Regiment (1PWRR).
- 1.3 The event was part of a programme of civic and community events going on during the summer as Brighton and Hove along with towns and cities across the country commemorated the 100th anniversary of the World War One.
- 1.4 Councillor Duncan's tweet brought much criticism. It said:

Armed Forces Day has certainly brought the hired killers onto the streets of #Brighton today. Hard to explain to my son!
- 1.5 On 30 June 2014 Councillor Duncan issued an apology. It said:

Apols for offence caused by tweet re soldiers on streets. Many will hav been remembering loved ones who died & was insensitive to their loss
- 1.6 The complaints received by the council were highly critical of Councillor Duncan.
- 1.7 The facts of the complaint are not in question.
- 1.8 The following report describes how the Investigating Officer has reached the conclusion that there has been a breach of paragraph 3(1) of the Code of Conduct for Members: 'You must treat others with respect', and a breach of paragraph 5: 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.

2.0 Relevant legislation and the paragraphs of the Code of Conduct which may apply

- 2.1 The council has adopted a Code of Conduct for Members, in accordance with the Localism Act 2011.
- 2.2 This investigation is carried out under Brighton & Hove City Council arrangements for dealing with allegations of breaches of the Code of Conduct for Members.
- 2.3 Between 30 June 2014 and 04 July 2014 Brighton & Hove City Council received 60 complaints from members of the public regarding the tweet issued by Councillor Ben Duncan on Saturday 28 June 2014 about the Armed Forces Day celebrations that took place in the city. Of those complainants 33 people gave their authority to use their complaint in this report, nonetheless all have been anonymised.
- 2.4 In accordance with the local arrangements, the complaints were considered by the Monitoring Officer for Brighton & Hove City Council. After taking due regard of the views of an Independent Person the Monitoring Officer held that, if proven, the allegation against Councillor Duncan could potentially amount to a breach of the Members' Code of Conduct in force at the time the alleged misconduct took place.
- 2.5 The Monitoring Officer decided the complaints should be investigated and instructed the Council's Standards and Complaints Manager to carry out that investigation.

The paragraphs of the code of conduct are engaged by the allegation are:

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.

3.0 Background information about Armed Forces Day

- 3.1 Armed Forces Day, formerly Veterans' Day, is an annual event to commemorate the service of men and women in the British Armed Forces.
- 3.2 On Saturday June 28 2014 Armed Forces Day was marked in Brighton & Hove with a Freedom of the City Parade by the Princess of Wales's Royal Regiment.
- 3.3 The event was part of a programme of civic and community events going on during the summer as Brighton & Hove commemorated the 100th anniversary of the World War One.
- 3.4 Soldiers from the 1st Battalion PWRR and the Band of the Blues and Royals marched from the Peace Statue on Hove seafront at 11:00a.m. and followed a route along the seafront, West Street and North Street before arriving in New Road around 11.20a.m..

3.5 This was followed by a Veterans and Cadets parade and inspection in New Road.

3.6 Further events continued in New Road during the day.

4.0 Councillor Duncan's tweets and response to the complaints

4.1 On Saturday 28 June 2014 Councillor Duncan tweeted

Armed Forces Day has certainly brought the hired killers onto the streets of #Brighton today. Hard to explain to my son!

— Ben Duncan (@KemptownBen) June 28, 2014

4.2 On Monday 30 June 2014 Councillor Duncan tweeted an apology

Apols for offence caused by tweet re soldiers on streets. Many will hav been remembering loved ones who died & was insensitive to their loss

— Ben Duncan (@KemptownBen) June 30, 2014

4.3 On 03 July 2014 the Monitoring Officer took the decision that the complaints received about Councillor Duncan's tweets should be considered as a potential breach of the Code of Conduct for Members and he referred the matter for investigation by the Council's Standards and Complaints Manager.

4.4 On 03 July 2014 the Standards and Complaints Manager wrote to Councillor Duncan describing the themes of the complaints and invited him to respond offering his reasoning and explanation for the tweets so the this matter could be dealt with.

4.5 On 11 July the Standards and Complaints Manager wrote to Councillor Duncan again but this time with the detailed complaints from those people who had confirmed they were willing to have their names provided to Councillor Duncan. Councillor Duncan was asked to respond by 28 July 2014.

4.6 On 28 July 2014 Councillor Duncan wrote:

Dear Brian
Re: Tweet on Armed Forces Day

Having considered your email and all the complaints I have concluded that the only sensible course of action is to avoid any attempt to explain my tweet, which could be perceived as some sort of attempted justification, and just apologise unreservedly to anyone offended in any way. I sincerely hope all complainants will accept that apology.

Ben
Cllr Ben Duncan

5.0 Summary of the complaints

- 5.1 The main themes that were expressed by the people who complained about Councillor Duncan's tweets can be summarised as:
- a. The remarks were offensive and show a lack of judgement and understanding.
 - b. His comments are unjustified and go beyond common decency and they are deplorable and disrespectful about men and women who have lost their lives in trying to make the world a safer place for us to live in.
 - c. People who serve their country are not hired killers, members of the armed forces protect the lives and rights of everyone in this country.
 - d. This country owes a massive debt of gratitude to the armed forces that have given this individual the right of free speech, he should be reminded of this fact.
 - e. Some have given the ultimate sacrifice in order that others have the ability and privilege of being able to express their views.
 - f. His actions have been deeply hurtful and in no way should be tolerated. He is entitled to his opinion but this entitlement does not allow him to sully the very memory of people who fought to allow him the privilege to have them.
 - g. Cllr Duncan's apology simply aggravated his grievous insult.
 - h. I do not accept his words of apology as they mean nothing and are merely an act of trying to get away with this.
 - i. Cllr Duncan should stand down or be removed.
 - j. I plead with you to take this complaint seriously and remove this person from office, and do not stain the name of a good council.
 - k. Let us hope he can find enough integrity from somewhere to stand down immediately.
 - l. You bring not only yourself and your party into disrepute but it also reflects badly on the city of Brighton & Hove.
 - m. His tweet has now been reported across the nation, bringing discredit to the City Council.

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

- 6.1 Part 1 Section 2.1 of the Code of Conduct states that a Member must comply with the Code whenever they act in their capacity as a Member or co-opted Member of the authority.

- 6.2 The content of the complaints received demonstrate that a significant majority of the members of the public who raised complaints believed that Councillor Duncan was acting in his capacity as an elected Member when he made his comments about Armed Forces day on twitter.
- 6.3 Given that Councillor Duncan was commenting in a public sphere on a high profile event which was supported by and in part organised by Brighton & Hove City Council the Investigating Officer is of the view that Councillor Duncan can be viewed as linked to the event and was acting in his capacity as an elected Member.

6.4 The paragraphs of the Code of Conduct which relate to this complaint:

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.

6.5 Paragraph 3(1) A Member must treat others with respect

The principle we have operated within the Council with regard to determining whether an action or statement may be considered disrespectful (reflecting previous Standards Board guidance) is that in general a negatively expressed statement about a line of argument will not be considered disrespectful even if it is forcefully expressed. However, a statement made about a person delivered with the same force might be deemed to be disrespectful if it passes a certain threshold.

Precisely what that threshold is or should be is a matter that has not been precisely defined and is therefore open to interpretation.

I have set out the arguments that may help reach a conclusion on whether the comment within the tweet was disrespectful.

Arguments against Councillor Duncan having failed to treat others with respect

- 6.6 In this particular complaint there is no dispute that the tweets written on 28 and 30 June and by Councillor Duncan were posted in the public domain. They have however been subsequently removed and the twitter account has been closed.
- 6.7 On 28 July 2014 Councillor Duncan wrote to the Investigating Officer to say that he did not wish to try to explain his tweet which may be seen as an attempted justification but instead he wished to apologise unreservedly to anyone offended in any way. He stated that he sincerely hoped all complainants will accept his apology.

Arguments in support of the view that Councillor Duncan failed to treat others with respect

- 6.8 Where a significant number of people have stated that they find a matter offensive or distasteful a reasonable person taking a dispassionate view may deduce that the actions or statements referred to have been disrespectful.
- 6.9 Councillor Duncan commented on a programme of civic and community events which commemorated the 100th anniversary World War One. Although Councillor Duncan did not refer to any particular group of persons in his tweet the suggestion that ‘hired killers’ were on the streets of Brighton & Hove during the commemorative events was undoubtedly offensive.
- 6.10 In the main it was the tweet written on the 28 June that generated the greatest number of complaints. However four people additionally stated that they found Councillor Duncan’s apology written on 30 June insincere and said that it simply aggravated the original insult.
- 6.11 The comments from complainants set out in paragraph 5.1 explain how the tweet was viewed as disrespectful and offensive.

Balance of Arguments For and Against

- 6.12 The view of the Investigating Officer is that the tweets posted by Councillor Duncan referred to in 4.1 and 4.2 without doubt caused considerable offence. The tweet posted two days later as an apology was not viewed as sincere.
- 6.13 Councillor Duncan has recognised that his tweets caused offence. He has apologised unreservedly and removed the tweets and closed the twitter account.
- 6.14 The view of the Investigating Officer is that Councillor Duncan was perceived to be acting in his capacity as an elected Member.
- 6.15 The conclusion therefore is that even though Councillor Duncan has subsequently apologised for his comments he can be considered to have acted in a way that can be regarded as disrespectful.
- 6.16 The Investigating Officer’s view is that there has been a breach of the Code of Conduct in respect of paragraph 3(1) ‘a member must treat others with respect’.
- 6.17 Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.**
- 6.18 In deciding if Councillor Duncan has conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute the investigation has to distinguish between conduct causing damage to his reputation as an individual and that which reaches the threshold sufficient to damage his reputation as a member.

Arguments against Councillor Duncan having brought his office or authority into disrepute:

- 6.19 Councillor Duncan is entitled to his views and to express them as he wishes; Article 10 of the European Convention on Human Rights gives Councillor Duncan the right to freedom of expression.
- 6.20 Councillor Duncan has not sought to justify his tweet but has apologised unreservedly to anyone offended in anyway.
- 6.21 Councillor Duncan has subsequently removed the offensive tweet and closed his twitter account.

Arguments in support of the view that Councillor Duncan brought his office or authority into disrepute:

- 6.22 The Council received 60 complaints about the comment posted by Councillor Duncan. The Council has not previously received such a quantity of complaints about the actions or comments of a single member.
- 6.23 The tone and nature of the complaints as set out in the Appendix demonstrate that Councillor Duncan's reputation as a Member is seriously called into question.
- 6.24 Furthermore, several complaints contained within the Appendix comment on how Councillor Duncan's comments will damage the reputation of the Council if the Council does not take action against Councillor Duncan.
- 6.25 The timing of the tweet was grossly insensitive to the loss that many thousands of people would have been feeling throughout the country at the time of the commemorative event.
- 6.26 The vast majority of the complaints received about the tweets issued by Councillor Duncan questioned his suitability as an elected Member.

A person's right to freedom of expression under Article 10 of the Convention is qualified. The exercise of the right may be subject to certain formalities, conditions, or restrictions as are necessary – among other things – for the protection of the rights and reputation of others. This, in part, explains why Members are subject to the requirement under their Code of Conduct to show respect for others.

Balance of Arguments For and Against

- 6.27 When Councillor Duncan was made aware of the complaints he removed the tweets and closed his twitter account.
- 6.28 He has made known to the Investigating Officer that he wishes to apologise unreservedly for the comments he made.

- 6.29 However, judging from text of the complaints and the media coverage the tweeted apology does not seem to have been generally accepted as being sincere in that it did not match the level of anger and disgust expressed by those people who complained about the original tweet.
- 6.30 The impact of Councillor Duncan's comment was significant and caused hurt and anger among many members of the public. Councillor Duncan admits that there can be no justification for the comment he made.
- 6.31 Consequently the view of the Investigating Officer is that there has been a breach of the Code of Conduct in respect of paragraph 5 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.

7.0 Findings

- 7.1 The Investigating Officer's view is that there has been a breach of the Code of Conduct in respect of paragraph 3(1) 'a member must treat others with respect' for the reasons set out in paragraphs 6.6 to 6.16 above.
- 7.2 The Investigating Officer's view is that there has been a breach of the Code of Conduct in respect of paragraph 5 'you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute' for the reasons set out in paragraphs 6.19 to 6.32 above.

Appendix 1: Councillor Duncan's tweets

4.1 On Saturday 28 June 2014 Councillor Duncan tweeted

Armed Forces Day has certainly brought the hired killers onto the streets of #Brighton today. Hard to explain to my son!

— Ben Duncan (@KemptonBen) June 28, 2014

4.2 On Monday 30 June 2014 Councillor Duncan tweeted an apology

Apols for offence caused by tweet re soldiers on streets. Many will hav been remembering loved ones who died & was insensitive to their loss

— Ben Duncan (@KemptonBen) June 30, 2014

Appendix 2: Complaints where members of the public confirmed they were prepared to have their complaint shared with Councillor Duncan

1

complaintcomment: Councillor Ben Duncan tweeted the following: Armed Forces Day has certainly brought out the hired killers onto the streets of Brighton today. Hard to explain to my son. As a member of a council that supports equality and diversity, as demonstrated by the information requests at the bottom of this form, I find it beggars belief that a Councillor can be so ignorant and outspoken. If he had made a comment that was racially inappropriate I'm sure the council would have no hesitation in bringing disciplinary action as he had contravened the Councillor's Code of Conduct. As a former serviceman, I am completely disgusted and upset by his comment, as are a great many that have seen it. I am all for freedom of speech, but how can any serviceman or woman who settles in his ward be assured of fair and equitable treatment.

action: I think the council should investigate the comments and take disciplinary action against the Councillor; insisting that he retract the statement and publicly apologize.

2

Dear Complaints Committee,

I wish to make a formal complaint about councillor Ben Duncan.

On his twitter sight he says he notice how all the hire Killers where on the street on forces day.

I personally served 12 years in the Royal Navy and lost some good friends too, I find this very offensive and in fact traitorous in its implication.

I am there for asking that Ben Duncan is investigated and when found guilty he is 'sacked', from the Brighton -Hove Council.

3

I wish to make a formal complaint about remarks made by one of your councillors ,Ben Duncan green party councillor on Armed Forces Day he publically tweeted a message stating that the armed forces were Quote "hired killers" this is now in the public domain and needs a positive action by the council which I and many other veterans believe the only outcome is for Mr Duncan be removed from his post and a full and sincere apology to given ,this will escalate the longer it is allowed to progress without some kind of positive feedback from B&H council as I said it is now on all the social media websites and will cause a lot of distress to all serving and retired members of HMForces

4

I am writing to request that Ben Duncan be dismissed if he has not already resigned. His comments on twitter about our Armed Forces being "hired killers" are completely disgraceful, and not befitting someone holding public office. The only reason that Ben Duncan is free and happy, and able to post ludicrous comments online is because we have a strong and trustworthy Armed Forces.

5

Please explain your complaint: Having read that the above councilor had allegedly posted on line the comment "Armed Forces Day has certainly brought the hired killers onto the streets of Brighton today. Hard to explain to my son!" If true I feel this amounts to a serious allegation and he should be made to explain exactly what he meant as my understanding of this is he is accusing those who fought for their had indeed his country of a crime, and sadly millions of them are not here to defend themselves

6

Sir,

I am happy with the below request. (to supply his details)

Not only can the Councillor in question have my name and address, but he may feel it correct to send an apology direct.

Please feel free to add my details to public record.
For good orders sake they are:

The fact I do not live in your council area has no bearing on the complaint, as the Councillor in question made his comment out in the public domain (to whit, the Internet via Twitter).

The standards I would expect of a local officer where i reside, are identical to those any member of the public should expect of them within their own council area.

7

Dear Sir/Madam,

It is with some considerable disgust that I read a Tweet from a Green party Councillor " Armed Forces Day certainly brought the hired killers onto the streets #Brighton today. Hard to explain to my son!"

As one of the purported "hired killers" I find this comment deeply insulting, and disrespectful to all who have served this country, some giving the ultimate sacrifice in order that others, such as this Green Party representative, have the ability and privilege of being able to express their views.

Whilst I fully support and uphold this gentleman's right to express his opinion, I would also call upon you, as the representative body he has a seat on, to publically remove yourselves from such comment.

Regards

8

I wish to register my utter disgust that a councillor is allowed to post offensive and disgusting tweets about our armed forces. I do hope the Council do the right thing and sack this pathetic person as quickly as possible, because if they do not then they are complicit in his views and are just as bad in my opinion.

9

His recent Twitter comments describing our Armed Forces as 'hired killers' Highly offensive and insulting to the countless men & women who have given their lives to protect the democracy which allows this idiot to be so obnoxious. If he disagrees with any conflict the Army is deployed to by the Government in power he should take it up with the politicians who make the decision-not abuse the soldiers He should be sacked.

10

The sender gave their name as:

Dear Sir/Madam. I would like to raise a complaint about the comments made on Armed Forces Day 28th June 2014 by Councilor Ben Duncan. The comments he made via twitter referring to Soldiers as Hired Killers, is utterly offensive, deeply upsetting, a act of treason and behaviour far below what is expected from a Councilor. I do not except his words of apology as the mean nothing and are merely a act of trying to get away with this. This is not the first time, nor shall it be the last if you do not act now. For him not to be sacked or asked to resign will leave the path for other council members to be drawn in for protecting him in the future. If Mr Duncan has a problem with history of this Great Nation that I would be glad to enlighten him, after all if it was not for hired killers he would be making those comments in German. But as I was a hired killer for 23 years I also Speke German so I can use either. That way I can Remind him of World War One and World War Two. Not to mention other conflicts where the army has been used in peace keeping roles and laid down their lives, including my best friend and many other friends. He has also forgotten the acts of terrorist that were within his own City. Also he needs reminding of the role played by those hired killers during industrial action by the ambulance and fire service and their excellent work during the recent floods, or shall we explain the arduous task of recovering bodies and wreckage from the Panam flight over Lockerbie. Just to finalise without boring anyone the work and sacrifices that continue as you read this all over the world that gives us all the freedom we live in. I Therefore plead with you to take this complaint seriously and remove this person from office, and do not stain the name of a good council. Yours sincerely

11

Please explain your complaint: Tweeting the following - Armed Forces Day has certainly brought the hired killers onto the streets of #Brighton today. Hard to explain to my son! — Ben Duncan This is an appalling comment to make for those people who have chosen to serve and protect us in whatever means required. Also the "apology" 2 days later was insincere "Apols for offence caused by tweet re soldiers on streets. Many will hav been remembering loved ones who died & was insensitive to their loss". He should be forced to resign as he is yet again in breach of the code of conduct he has signed

12

Ben Duncan,

Your comments posted on Twitter, that 'Armed Forces day has certainly brought hired killers onto the streets' is deeply offensive to me!

I have served my country for 20 years as a member of the UK Government's armed forces, and luckily I have never been required to kill anybody. I have however lost numerous colleagues who, at the governments direction, have perform their duty with honour and paid the ultimate sacrifice for doing so.

You are a member of government (albeit local government, luckily) and as such should be able to grasp that without the fine members of the armed forces, you would not be able to go about your business and be free to call us names.

You should be ashamed of yourself.

Lieutenant Royal Navy

13

I wish to make a formal complaint about Cllr Duncan's public comment on Armed Forces Day that the armed forces are ' Hired Killers ' This is deeply offensive to all those in the armed services who serve this country and keep us in a safe environment. I feel this councillor should be removed from office with immediate effect.

14

I am appalled that this man could think - and especially declare on social media - such negative and insulting remarks about our brave and heroic armed forces. Surely he should not remain in public office with such extreme and deeply offensive views

15

From:
Sent: 30 June 2014 13:22
To: info
Subject: Armed Forces Day

Sir/Madam,

I am writing this as a FORMAL COMPLAINT about the actions of one of your Councillors.

I am, ,a retired Staff Sergeant of the 3rd Battalion the Parachute Regiment, and saw active service in Northern Ireland, Cyprus, the Falklands Conflict, the First Gulf War and Sierra Leon.

I am proud to have served my Queen and Country and am proud to be the recipient of the Long Service and Good Conduct Medal.

I lost my Best friend (who died in my arms after having his guts ripped open by Mortar bomb fragments) in the Falklands, and several good friends in Northern Ireland and the Gulf War.

It was Armed Forces day across this Great Nation of ours last Saturday 28th June 2014....A day to celebrate and remember past, present and fallen members of Her Majesties Armed Forces.....Yet BEN DUNCAN,

I wont call him Mr out of my contempt for him, tweeted "Armed Forces Day has certainly brought the hired killers onto the streets of #Brighton today. Hard to explain to my son!"

I consider this to be a comment of utter contempt to those that the day was supposed to be honouring.

I consider this to be a personal insult and request in the strongest possible terms that this man be brought to task over this crass, ignorant comment.

You may or may not be aware, but the Forces Veterans are currently taking action over comments made by Stan Colleymore about the Falkland Islands, and the mood is very volatile at the moment within this group towards Idiots in the public that make these derogatory and inflammatory comments.

I hope that this complaint and this situation will be taken seriously by you, and I hope to have a reply from you about me complaint in the very near future.

Sincerely and angrily,

16

name: Ben Duncan

Remarks made about the armed forces who actually keep this cowardly little individual safe from harm. Sack him now!

17

name: Cllr Ben Duncan

Pleaseexplainyourcomplaint: This is a formal complaint about the conduct of Cllr Duncan in that he tweeted "Armed Forces Day has certainly brought the hired killers onto the streets of Brighton today. Hard to explain to my son!" at 5.40 am on Saturday, 28 June 2014, Armed Forces Day. It was offensive for him to do so on that day and to use twitter to communicate his "thoughts" on the matter and use (I assume) council equipment to do so. Apart from a fulsome apology, Cllr Duncan should (a) suffer disciplinary action from his Party and the Council and (b) also donate "a day's pay" to one of the many Supporting Charities of Armed Forces Day.

18

Name:

I trust that Brighton Council will not hide behind the statement of the comments made by Ben Duncan are his and his alone !

If the councillor had made a vile racist statement on Twitter, he would undoubtedly be feeling the long arm of the law on his collar !

So, I trust that the Leader of Brighton Council and the party Ben Duncan represents will insist on his resignation for the recent Twitter remark made on Armed Forces Day with respect to "hired killers on our streets"

My family have served for 101 years over 3 generations, (my father during WW2). I am outraged by the comment made and find it deeply offensive!

Yours,

19

I am writing to complain about the comment made by your councillor Ben Duncan regarding the recent Armed Forces Day.

I find his comment extremely offensive!

How dare he refer to our country's Armed Forces as 'Hired Killers'!

He needs reporting to the Police.

Sack this man immediately!

20

A Councillor should be more aware of not making remarks that are offensive and shameful on Tweets or any other form. He was elected to represent his Ward and not use that platform for any other reason. He should also be sacked as a councillor as he brings in to disrepute the position he holds. Let us hope he can find enough integrity from somewhere to stand down immediately. If not hopefully the Green Party will act.

21

Name

Regardless of his "views my own" statement on his published website, he holds a position in your establishment and as such I view his public opinion as a representation of your council. That a member of your body has such a grossly offensive view of Her Majesties Armed Forces can not, in my view, be conducive to his continued employment in a governing body.

I absolutely support every individuals right to an opinion, however when that individual has a public profile they have a responsibility to the public from that position. That he feels it appropriate to entice others to this view of the military is disgraceful. Following his grossly upsetting transmission Mr Duncan has posted an apology that is almost as insulting by it's flippant nature. You will observe that he has not seen fit to remove the offensive message which is still displayed.

That he chose to make his comment on Armed Forces day is doubly insulting, personally I believe nothing less than his instant dismissal or resignation would satisfy his obligation to public decency, though I expect politics to get in the way of professional duty.

I don't know who is in charge in your council but I expect to hear from him with his opinion on this issue and an explanation of the actions your council intends to carry out. I do know that I have provided security service cover to the political events held in Brighton. I am a decorated and disabled veteran, I am content that when I make my anger known to members I have met at these events they will take an interest in how you attempt to resolve this issue.

Lastly I would like to offer for any investigation that I feel that the veteran community receive less than their fair share of representation. Homelessness, lack of rehabilitation and a reliance on charities for support are commonplace amongst the community. We are often blamed for the decisions of government and rarely seen as the individual behind the uniform. I believe that just as we support the national interest at the orders of the Government, members of governing bodies, from Whitehall down to local Government have a responsibility to respect our sacrifice. You will find many of the military are in a better position to advocate a pacifist stand than those who have never been to war.

22

I would like to formally complain regarding the comments made by Councillor Ben Duncan tweeting about the 'hired killers'. To do this at all is beyond belief - to do it on Armed Forces Day is an absolute disgrace. This person showed scant regard for the people who paid the ultimate price for this country, but in saying what he did he also completely ignored the feelings of relatives and comrades around the country. His actions have been deeply hurtful and in no way should be tollerated. He is entitled to his opinion but this entitlement does not allow him to sully the very memory of people who fought to allow him the privilege to have them. Yours most disgustedly

23

Subject: Mr Ben Duncan's offensive comments

Dear Sir/madam,

The recent comments by this individual has caused me great offence and I wish to register this with your organisation.

The fact that this was on armed forces day has caused maximum distress to myself and my colleagues who are all ex forces.

This country owes a massive dept of gratitude to the armed forces that have given this individual the right of free speech, he should be reminded of this fact.

If this is the views of your council then I am saddened that an elected organisation cannot understand the sacrifice we have made to allow all people to be treated with respect and not vilified by the very people who are elected to represent them.

24

complaintcomment: I am deeply saddened by the disgusting tweet made by cllr Ben Duncan. Personal feelings however misguided or cowardly should not be given a platform by someone who is elected to serve in office. His words are an insult to every man and woman who has proudly served their country and has worn their uniform in the full knowledge that their life may well be the cost. I hope that the people of Brighton & Hove will re think their choice of councillor.

action: A full written apology by Cllr Duncan and also a statement from the council distancing themselves from his revolting rhetoric.

25

name: BEN DUNCAN

Pleaseexplainyourcomplaint: THE REMARK THAT BEN DUNCAN MADE ON ARMED FORCES DAY WAS DEEPLY OFFENSIVE. THERE ARE BRITISH SOLDIERS DYING FOR THEIR COUNTRY AND TO MAKE A REMARK LIKE THIS IS IDIOTIC AND INSENSIBLE. WHEN YOU HOLD A PUBLIC OFFICE YOU SHOULD MAINTAIN A STANDARD OR YOU BRING NOT ONLY YOURSELF AND YOUR PARTY INTO DISREPUTE BUT IT ALSO REFLECTS BADLY ON THE CITY OF BRIGHTON & HOVE.

26

name: Ben Duncan

Pleaseexplainyourcomplaint: Green Councillor Ben Duncan, who represents Queen's Park ward on Brighton & Hove City Council, sent the tweet yesterday while the city celebrated war heroes with Armed Forces Day. "Armed Forces Day has certainly brought the hired killers onto the streets of Brighton today. Hard to explain to my son!" — Ben Duncan (@KemptownBen) June 28, 2014 I gave 34 years service to Queen and Country and find his "Hired killer" remark personally offensive, and a discredit to Brighton & Hove.

27

name: BEN DUNCAN GREEN PARTY

Pleaseexplainyourcomplaint: Mr Duncan made the Offensive and Disrespectful Tweet on Line on the Day of the Armed Forces Day Parade which took Place Sat 28th June as below: "ARMED FORCES DAY has Certainly brought HIRED KILLERS onto the Streets of Brighton Today" No apology will be acceptable, he should RESIGN, Many People

who attended this Parade have Lost Family or Friends in Combat/Action for our Country. Even if these are he's Personal thoughts, I am afraid he's tweet Remarks are an utter Disgrace, disrespectful, and unforgivable, And I understand this is NOT the first time he has made a fool of himself, and shown up the Council.

28

Sir/Ma'am,

I was on my Twitter feed today and a tweet from the above mentioned councillor came across my 'timeline'. Please find this image attached to this email.

I am very disappointed to see a scathing attack on men and women who routinely place their lives on the line so men and women who live in this country may live freely and safely.

Whilst I do not disagree with free speech, I believe that councillors should hold a high moral standing. In my view the above mentioned councillor has fallen short of those expectations.

I hope you will take the time to investigate this and I eagerly await your reply.

29

Name

i would like to know what action you will be taking against the man in the attachment, i find it deeply offensive that a member of your council can say that. I'm a veteran, if he would like to say that to my face i will forward my details. i suggest you get this dealt with promptly, as its very upsetting to know that football fans get banned from grounds for insulting your town, so what is a council worker from your town going to get for insulting thousands of soldiers and former soldiers. look forward to your explanation.

30

I want to make a formal complaint:

name: Mr Duncan

Please explain your complaint: I like a lot of people have seen the twitter comment that Mr Duncan made about the armed forces march in Brighton. His comments are unjustified and go beyond common decency and they are deplorable and disrespectful about men and women who have lost their lives in trying to make the world a safer place for us to live in. It is not only disrespectful to those who have lost their lives but to their friends and family's also the armed services personnel who put their lives on the line on a daily basis not just in the UK but for any one who is involved in fighting for the safety and freedom that we in the UK have come to know and enjoy. His comments are not becoming that of a councillor for Brighton & Hove and ALL councillors should stand up and be counted condemning Mr Duncan for his comments. As far as I am concerned Mr Duncan's position is untenable and regardless of what an ethics committee think he should resign with immediate effect and should he fail to resign he should be found guilty of bringing the name of Brighton & Hove City Council and its residents in to disrepute.

31

name:

complaintcomment: Dear sir I have just seen a tweet that was sent by a councillor Ben Duncan stating his displeasure at armed forces day and how he would struggle to explain why it exists as the armed forces are just a bunch of hired killers! Having recently been medically discharged from Her Majesty's Armed Forces for injuries suffered in Afghanistan (hearing loss , PTSD , depression , hyper vigilance disorder , anxiety and panic attacks) I find this statement extremely hard to stomach. If this gentleman feels so strongly (of which is his right) then may I suggest that he denounces his position in public office. What he said , to me , is extremely offensive and tantamount to racism and I find it abhorrent in the extreme.

action: I suggest that , as stated he resigns immediately and issues an apologetic statement to all the families of serving soldiers as well as veterans of whom all lost dear friends defending our country

32

Subject: Employee complaint.

Dear Sir/Madam,

I wish to lodge a formal complaint regarding a post made on social media by an employee of the council.

The post was made on Twitter by Mr Ben Duncan.

I have attached a copy of the post.

The reference to members and veterans of the armed forces as "hired killers" is grossly offensive to all members of the armed forces community.

The British armed forces are without doubt the best in the world, their contract with the UK Government includes a blank cheque up to and including giving your life to defend the United Kingdom.

How someone in public service can struggle to "explain this to my son" beggars belief that someone cannot explain the purpose of the armed forces and yet serve on a local council in my opinion makes him unfit to serve in public office.

I gather that he has made an apology, but I would like you consider this, take your favourite wine glass/coffee cup and smash it with a hammer, gather the pieces up and say sorry to them. Do you have your glass/cup back in one piece???

Everyone is entitled to their opinion and the right to free speech, but with that right comes a degree of responsibility, in my opinion, a Councillor, or any public servant, should know how to use social media responsibly.

I will leave the matter in your hands, but I do expect you to take this matter seriously as various veteran groups on Facebook are getting very upset by his comments.

Kind Regards

33

name: Ben Duncan

Please explain your complaint: His tweet on the "hired killers" on Armed Forces Day was grossly offensive & has now been reported across the nation, bringing discredit to the City Council

END OF COMPLAINTS

Appendix 3 – Councillor Duncan’s response to the complaints

From: Ben Duncan
Sent: 28 July 2014 9:48 AM
To: Brian Foley
Subject: Complaint re 'Armed Forces Day tweet'

Dear Brian

Re: Tweet on Armed Forces Day

Having considered your email and all the complaints I have concluded that the only sensible course of action is to avoid any attempt to explain my tweet, which could be perceived as some sort of attempted justification, and just apologise unreservedly to anyone offended in any way. I sincerely hope all complainants will accept that apology.

Ben

Cllr Ben Duncan

Cllr Ben Duncan

Independent Green, Queen's Park ward

Brighton & Hove City Council

Deputy Chair, Licensing Committee,

