

Divisions: N/A

COUNCIL – 23 MARCH 2021

MEMBERS CODE OF CONDUCT – DECISION NOTICE

Report by the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

The Council is RECOMMENDED to note the decision of the Interim Monitoring Officer with regard to a Members' Code of Conduct Complaint concerning Cllr Liam Walker.

Executive summary

1. This report notifies Full Council of a decision by the then Interim Monitoring Officer on the outcome of a Member Code of Conduct complaint, following the meeting of a Members' Advisory Panel in December last year.

Background

2. On 19 October 2020, Cllr Walker, then also Cabinet Member for Highways Improvement, endorsed an offensive tweet during the course of an exchange on social media about cycling. The Interim Monitoring Officer at the time received 11 complaints from members of the public and so engaged the Council's *Arrangements for Dealing with Complaints Against Members*. This was to ascertain whether the Members' Code of Conduct had been breached and, if so, what remedy, permitted by the *Arrangements*, was appropriate.

Outcome

3. In giving advice to the Interim Monitoring Officer (summarised in the Annex), a two-person Members' Advisory Panel confirmed their view that a breach of the Code had occurred and additionally recommended to the Monitoring Officer that the Leader be asked remove Cllr Walker from the Cabinet and that Full Council be informed of the outcome of the matter.
4. The Interim Monitoring Officer's Decision Notice, accepting the Panel's view, (and that of the Independent Person), is given in the Annex to this report. The decision was that:
 - 1) Cllr Walker's actions in endorsing the tweet were a breach of the Members' Code of Conduct;
 - 2) The breach was rendered particularly serious given Cllr Walker's status as Cabinet Member for Highways; and given that Cllr Walker had previously been found in breach of the Code for a misuse of social media;

- 3) Accordingly, the Leader of the Council be recommended to remove Cllr Walker from the Cabinet with effect from 1 January 2021; and that Full Council receive note of the Panel's view.
5. Following the issuing of the Decision Notice, Cllr Walker resigned from the Cabinet.

Legal, Financial and Equalities Implications

6. The Council is under a legal duty to promote high standards of conduct among members and co-opted members, to maintain a Member Code of Conduct and to operate procedures for addressing any complaints about a potential breach of the Code. This report reflects on the outworking of a complaint made under the Code and the *Arrangements* for addressing them. The recommendations in the report are not themselves considered to raise any legal, financial or equalities implications.

Conclusion

7. This was the first time, under the current standards regime, that the convening of a Members' Advisory Panel was considered appropriate. The Council's *Arrangements for Investigating Complaints Against Councillors* proved effective in achieving a resolution, both in terms of their availability to the public wishing to make a complaint, and to their intended purpose of maintaining high standards of conduct. Creating public confidence in the Council's commitment to such standards is essential.

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