

Audit & Governance Committee - 13 January 2021

MEMBERS CODE OF CONDUCT – DECISION NOTICE

Report by the Director of Law & Governance and Monitoring Officer

RECOMMENDATION

1. **The Committee is asked to note the decision of the Interim Monitoring Officer with regard to a Members' Code of Conduct Complaint concerning Cllr Liam Walker.**

Introduction

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 received 11 complaints from members of the public and so engaged the Council's *Arrangements for Dealing with Complaints Against Members*. This was to determine whether the Members' Code of Conduct had been breached and, if so, what remedy, permitted by the *Arrangements*, was appropriate.
3. The Interim Monitoring Officer, as envisaged by the Arrangements discussed the matter with the Independent Person retained by the Council for such purposes. He also discussed the matter with Cllr Walker and the Leader of the Council. An investigation report was drawn up. As a result of this and given that Cllr Walker had previously been found in breach of the Code for misuse of social media, the Interim Monitoring Officer convened a hearing of the Members Advisory Panel.
4. A Panel is formed of up to three members of this Committee, with members from at least two political parties. The *Arrangements* are clear that the purpose of the Panel is to advise the Monitoring Officer whether, in their view, the Code has been breached and if so to offer a view on any appropriate remedy. The final decision is that of the Monitoring Officer. The Panel consisted of two members, one each from the Conservative-Independent Alliance and the Labour Groups.
5. This report confirms the Interim Monitoring Officer's decision and fulfils the *Arrangement's* requirement that this Committee be informed of the outcome. This is appropriate given the Committee's overview of member ethical standards and because a Panel is drawn from its membership.

The Decision Notice

6. The *Arrangements for Dealing with Complaints Against Members* require the Monitoring Officer to issue a Decision Notice on a Code of Conduct complaint

following a Members' Advisory Panel. The Decision Notice is **annexed** to this report.

7. The Interim Monitoring Officer's decision was reached on advice from the Members' Advisory Panel and in consultation with the Independent Person. 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.**
8. As envisaged by the *Arrangements*, the decision notice was given to Cllr Walker and to the complainants. It is also being made available to the public.

The outcome

9. Since the decision notice was issued, Cllr Walker has resigned from the Cabinet. The Leader has appointed Cllr Eddie Reeves in his place as Cabinet Member for Highways Improvement.

Conclusion

10. The *Council's Members' Code of Conduct* and the *Arrangements for Investigating Complaints Against Councillors* have proved effective. Both in terms of their availability to the public who wished to make a complaint, and to their intended purpose of contributing to high standards of conduct; and in creating public confidence in the Council's commitment to them. Several of the complainants expressed themselves satisfied with the arrangements and the outcome. This was the first time, under the current standards regime, that the convening of a Members' Advisory Panel was considered appropriate. The contribution made by it to the Interim Monitoring Officer's decision was useful.

Report of Anita Bradley, Director of Law & Governance and Monitoring Officer

Contact Officer:

Glenn Watson, Principal Governance Officer, glenn.watson@oxfordshire.gov.uk
07776 997946

January 2021.