

APPENDIX 1

Member Code of Conduct: Consideration of a Complaint

Complaint by: Councillor Mutton

Complaint against: Councillor Williams

Enclosures to this memo are:-

- (a) Complaint dated 5th March 2018
- (b) Transcript of radio interview
- (c) Tweet by Councillor Williams

Introduction

Under the Council's Complaints Protocol, Stage 1 of the Protocol relates to how a complaint made against an elected member should be dealt with. The review must be carried out by the Monitoring Officer and the Chief Executive (or their respective nominees) as appropriate in consultation with the Group Leader of the Subject Member's party or in the case of an Independent Member the City Council's independent person.

1. Summary of Complaint

Councillor Mutton alleges that Councillor Williams tweeted a comment on social media that was a deliberate misrepresentation of what Councillor Mutton said during a radio interview and used this to assert that Councillor Mutton was ignorant of the facts.

2. Background and detail regarding the Complaint

On the 13th February 2018, in the run up to the Council's budget setting meeting, Councillor Mutton, whose portfolio includes Strategic Finance and Budget

Setting, was invited to speak on the BBC CWR breakfast show to discuss the proposed rise in Council Tax.

As part of this interview Trish Adudu (TA the presenter) and Councillor Mutton (JM) had the following exchange about Council Tax rises for band D properties.

“TA.....; but try telling that to a family who is struggling as it is er on to pay their charges or their money, and they’re gonna see the Council Tax rise to £90, an extra £90

JM: No no no, that’s for a band D

TA: Yeah well...

JM: No I’m sorry Trish...

TA: Yeah but I’m sorry...

JM: I have to correct you, that’s for a band D

TA: Yes, okay

JM: The majority of houses in this city are band A and B which means, erm, roughly £50 a year. One pound a week increase.

TA: Okay but there are people listening who live in a Band D home.”

Following this interview Councillor Williams tweeted the comment:

“Socialist Cllr Mutton displays all his class envy to @AduduTrish by suggesting people in Band D properties must be wealthy, Such ignorance !“

In response to this comment Councillor Mutton raised his concern with me that a fellow councillor had deliberately misrepresented what he had said in a public arena and accused him of ignorance as a result.

In attempt to resolve this issue informally I listened to the shows recording and emailed Councillor Williams to confirm that the reference made to band D housing by Cllr Mutton is that the majority of houses in Coventry are not in band D but in band A and B and he did not make any suggestion that band D property owners must be wealthy. I asked Councillor Williams to consider removing the tweet and clarifying any misunderstanding to Cllr Mutton.

Councillor William’s responded to say

“I have also listened to the recording three or four times since you sent me this email, in case I had made a mistake. My opinion has actually strengthened.

When questioned by the presenter about people struggling to pay the extra rise, Cllr Mutton aggressively interrupted her and said “no, no, no, that’s for a band D property.” He did go on to say that most properties in Coventry are A & B, which I don’t dispute, but it was very clear to me from his tone that he regards those in band D or above as wealthy and wouldn’t be struggling with their Council Tax. He then went on to describe pensioners as ‘well off’.

This is of course, just my opinion. Cllr Mutton is entitled to robustly challenge me and I welcome any debate with him. He is not entitled to try and silence me and I will not be silenced.

I cannot see which part of the Code of Conduct has been breached, so therefore I am not deleting my Twitter post."

As a result Councillor Mutton made a formal complaint that Councillor Williams had breached the Code of Conduct for elected members.

As part of the investigation a transcript of the radio interview was obtained and I met with Councillor Williams to discuss this complaint with him.

Councillor Williams maintains his position that his interpretation of the interview was that Councillor Mutton was suggesting that those people living in Band D properties were wealthy and not struggling as a result of the proposed Council Tax rise. He did accept that this may have been his own interpretation.

3. Analysis of Complaint

In his complaint Councillor Mutton identifies the following alleged breach to the Code of Conduct:

Part 4a of the constitution - Code of Conduct for Elected and Co-opted members.

(i) Value my colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good Local Government.

(j) Always treat people with respect including the organisations and public I engage with and those I work alongside.

Councillor Williams was acting in his capacity as a Councillor and the Code of Conduct for Elected and Co-opted Members therefore applies to his actions which are subject of this complaint.

I have listened to the radio interview and read the transcript of the interview and I have not identified any reference to Councillor Mutton suggesting that people living in band D properties must be wealthy. Councillor Williams is relying on the reference in the interview by TA of families struggling and Councillor's Mutton interjection "no, no, no " before making reference to Band D properties. However this interpretation by Councillor Williams is difficult to follow and not a logical interpretation; Councillor Mutton is clearly correcting TA in her assertion that Council Tax is rising by £90.00 when that increase only related to band D properties.

I accept however that this may be Councillor Williams's interpretation and he is adamant that he did not deliberately misrepresent what he heard.

I therefore find that whilst Councillor Williams's comments on Twitter were misleading I do not find that his misinterpretation was deliberate. I therefore recommend no further action in this matter. However I would caution Councillor Williams to consider more carefully what he is tweeting and be clear on the factual basis before posting comments.

4. Options Available

4.1 The options for dealing with the complaint are:

- (a) referring the matter to an internal or external Investigating Officer for investigation
- (b) taking no further action on the complaint;
- (c) resolving the matter by informal resolution; or
- (d) any other way deemed appropriate.

4.2 The factors to be taken into account when determining how to deal with a complaint may include, but are not limited to, whether:

- (a) the complaint relates to an existing member of the Council or Parish Council;
- (b) the member was in office at the time and bound by the Code of Conduct at the time;
- (c) the member was acting in his or her official capacity;
- (d) the complaint is considered serious or significant in substance
- (e) the complaint would be in the public interest to pursue
- (f) the complaint is vexatious, malicious, politically motivated or inappropriate;
- (g) the complaint is substantially similar to a complaint already made to Standards for England, the Ethics Committee (or its predecessor the Standards Committee) or any other regulatory authority;
- (h) the complaint is unreasonable;
- (i) the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible.

5. Recommended Action

This stage 1 investigation has found that the comments made by Councillor Williams were misinformed but not malicious and no further action is recommended.

6. Consultation with Group Leaders/Independent Persons

(As there is no Group Leader of the party to which the Subject Member belongs this matter has been referred to one of the City Councils Independent Persons.)

I have read the above report and I agree with the recommended action.

Signed:

Independent Person

Dated:

..... Martin Reeves, Chief Executive

.....Julie Newman, Acting Monitoring Officer

Date: