

Appendix 4: Stage One Report



Member Code of Conduct: Consideration of a Complaint

Complaint by: Martin Yardley

Complaint against: Councillor Williams

Enclosures to this memo are:-

- (a) Complaint dated 19th February 2018
- (b) Tweet images
- (c) Email from Tracy Miller
- (d) Email from Martin Yardley
- (e) Officer/member protocol

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

Martin Yardley (Deputy Chief Executive (Place)) alleges that Councillor Williams tweeted a comment on social media which accused officers of "seeking to corrupt the planning system" and engaging in social media correspondence with an individual who said that an officer should have "his head kicked in".

2. Background and detail regarding the Complaint

On the 30th January 2019 Councillor Williams tweeted the following comment:

“With the deadline for comments on a major planning application in Keresley coming up on Monday, the @coventrycc planning portal has been down for over 12 hours! Is this an attempt to stop people from objecting?? I’ll be asking for an extension to the deadline.”

In response to this tweet Councillor Williams entered into a twitter conversation with a “spoof account” named “[REDACTED]” that commented:

“Just tell head of planning to do it or you’ll kick his head in. Bullying seems to be the preferred approach in CC these days!”

Councillor Williams answered this tweet saying:

“An interesting approach, but she’s a lady and I would never condone any sort of violence towards women.”

Tracy Miller, the Head of Planning, raised her concerns with Councillor Williams about the content of the tweets via email.

On the 1st February 2018 Tracy Miller emailed the Monitoring officer to raise her concerns that the tweets were inappropriate. She commented “it just shows that inappropriate, derogatory and disrespectful posts from Elected Members can result in people feeling they can resort to violence”. She asked that this be considered as a breach of the officer’s/members protocol.

On the same day the Deputy Chief Executive (Place) Martin Yardley wrote to the Councillor Williams copying in the Monitoring Officer raising concerns about the tweets and commented “You have by your actions not only accused my staff of corruption but you have also engaged and encouraged a situation where someone is suggesting that my staff are assaulted”

On the 19th February 2019 Martin Yardley raised a formal complaint that Councillor Williams had breached the Code of Conduct for Elected Members.

Councillor Williams does not accept the concerns raised by Martin Yardley and raised his own concerns about the content of the email from Martin Yardley; this complaint was considered under a separate process and Councillor Williams concerns were found to be unsubstantiated.

3. Analysis of Complaint

In his complaint Martin Yardley 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.

(k) Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council

It is also alleged that Councillor William breached the officer/member protocol

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 am conscious that there has been a history of complaints raised to the Monitoring Officer in respect of Councillor Williams use of social media and that training on the appropriate use of social media has been provided to Councillor Williams.

Councillor Williams's comments on Twitter caused distress to officers of the Council and have given rise to a potential breach of the Code of Conduct for Elected Members. I therefore recommend that this matter moves to an independent investigation at Stage 2 of the complaints process.

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 is recommending that the complaint proceeds to Stage 2 of the complaints process and that an independent investigation is undertaken.

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’ve considered the documentation which you have forwarded concerning the complaint against the above named. On the face of it the Councillor, without first checking his facts, has made, at best, an unsubstantiated allegation, at worst, a deliberately scurrilous allegation against Council officers, which it was foreseeable risked bringing the Council and those officers into disrepute. I believe there is evidence of a prima facie breach of the Code of Conduct of sufficient seriousness and importance as to justify a stage 2 investigation.”

Peter Wiseman

Signed:

[Redacted Signature]

Independent Person

Dated: 24 March, 2019

[Redacted Signature] Martin Reeves, Chief Executive

..... [Redacted Signature] Julie Newman, Monitoring Officer

Date: 24 March, 2019