

## **Appendix 5: Written Opinion of the Independent Person**

When contacted by the Monitoring Officer, I agreed to be the Independent Person for this Complaint and that I would make myself available for contact from Cllr Williams, should he wish to discuss the matter with me. Cllr Williams has not contacted me.

I have had sight of the report would comment that:

- The conclusion that Cllr Williams' use of the term 'swarms' aims to 'dehumanise' is a fine one and I am not sure that it should be seen as antagonistic; although, from my previous knowledge of Cllr Williams - in a private meeting and from his attendance at the Ethics Committee - it is likely that Cllr Williams intended his intervention to be provocative.
  
- Taken together, I have reservations about the view that the two comments are 'incendiary', although they are very likely to 'offend' the average person.
  
- Where I think that there is a more major breach is the fact that he is - unreasonably - electing not to engage with the complaints process; which puts him in potential breach of sections 2(d) and 3(f) of the Code, in that he is not accepting accountability and scrutiny of his actions. As explained in the report, and as evidenced by his email response (which should be shared with the Committee), he does not have good reason not to cooperate.
  
- I think that the history of previous Complaints against Cllr Williams and the decisions made by the Ethics Committee in relation to his behaviour is relevant also and should be taken into account in considering this latest Complaint, as a pattern has been established. Although the sanctions available to the Ethics Committee, should it decide to take action, are limited, it is not in the interest of the Council's reputation that such continued breaches are perceived to be condoned.

My recommendation is that Cllr Williams has committed a breach in his use of language (albeit not major) - as he has done before - but that, having done so, he has committed a much greater and clearer breach by his non-cooperation with the investigation into the Complaint; thereby compounding the level of his non-compliance with the Code of Conduct.

I hope that these comments are helpful to the Ethics Committee in its deliberation on this Complaint.

**Steve Atkinson**  
**Independent Person**  
**24 September 2020**