

CODE OF CONDUCT INVESTIGATION

Ref: MC Feb 2 2023

CONFIDENTIAL

To: The Monitoring Officer, Bolsover District Council (BDC)
From: Louise Arnold, Deputy Monitoring Officer
Draft Date: 18.05.2023
Final Approved Date: 09/06/2023

Subject of complaint	Cllr Ross Walker
Complainant(s)	Cllr Maxine Dixon Cllr Sharon Gregory Cllr Natalie Hoy
Subject of investigation	Allegation that Cllr Walker breached the Clowne Parish Council Code of Conduct by posting disrespectful messages on Facebook, i.e. not treating Councillors and members of the public with respect

Purpose of Investigation

1. The purpose of this investigation was to make enquiries in relation to an allegation that Cllr Walker (RW) had posted a comment on Facebook which breached the Parish Council's Code of Conduct.
2. The investigation was carried out in accordance with BDCs Councillor Complaints Procedure. The remit of my investigation was to establish facts and to make recommendations.

Steps in Investigation

3. In conducting the investigation I spoke with the following (interview notes are attached):
 - (i) Cllr M Dixon (MD)
 - (ii) Cllr S Gregory (SG)

I attempted to engage with the other complainant, Cllr N Hoy (NH) and also tried to engage with RW – neither responded to my requests for a discussion.

4. I also considered the following documents / information:

- (i) The initial investigation summary from Jim Fieldsend – BDC Monitoring Officer
- (ii) The Facebook post of RW on 18 February 2023
- (iii) The Facebook page of RW
- (iv) Clowne Parish Council's Code of Conduct
- (v) BDC's Councillor Complaints Procedure
- (vi) The Local Government Associations Model Code of Conduct

Focus of Investigation

5. All three of the complaints suggested that RWs Facebook post of 18 February breached the Clowne Parish Council's Code of Conduct at;

"1.1 Behaviour

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations:

- They shall behave in such a way that a reasonable person would regard as respectful"

6. The Facebook post of RW dated 18 February states;

"So I've been dealing with some stuff. Whilst I've been doing this a person I shall refer to as the witch has been casting her spells.

Well here are some FACTS !!!

When the witch last spoke to me. She said "You I will destroy you !!!"

It then began casting spells to everyone she cornered in the street and at council. it even along with her medal carried a file of lies about me which she would show to everyone who was to polite to walk away.

Water off a ducks back to me.

But now to get at me it's trying again to stop and hold back Clowne.

Just carry on casting spells and playing the victim your narcissist bitch.

You need help" [SIC]

Information arising from the Investigation

7. RW has made several posts on Facebook about fellow Councillors. This particular post makes specific reference to the Council and to Clowne and the comments relate to Councillors and the Council. RW's post therefore infers that the post is being made in his capacity as a Councillor.
8. MD and SG felt strongly about the comments made on social media by RW, both had been upset and intimidated by them and the comments that they in turn had attracted, which RW further engaged with.
9. The Facebook post being investigated here attracted a number of comments, naming NH specifically – which RW replies with a denial. There follows comments from third parties with MD and SG's initials.
10. The relationships between the Councillors on the Parish Council appears to have broken down, and have been broken for some time – MD and SG refer to never speaking with RW due to ongoing issues of a similar nature.
11. Since the post being investigated here RW has made further comments about individual Councillors on his Facebook page.
12. SG referred to her friends and neighbours being concerned for her welfare and safety as they knew about the post and had concerns about the responses and strength of views posted by some people in relation to SG, MD and NH.
13. Given the comments made by both MD and SG - that they have not spoken to RW for some time and in the absence of information from RW himself, I am unclear and unable to comment on the assertion in RW's post that the post is in response to a comment to him that 'I will destroy you'.

Investigation Conclusions

I have reached the following conclusions,

14. I have looked to the Local Government Associations model code of conduct for a definition of / assistance in regard to what 'Respect' means in relation to a code of conduct. Respect is *"politeness and courtesy in behaviour. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack."*¹

¹ <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#1-respect>

15.The Facebook post in my view has subjected MD SG and NH to personal attack. The post is not polite, courteous nor civil. The post falls outside of the scope of ‘every day politics’ and ‘disagreement / debate’ with fellow Councillors. The language used, particularly the repeated word of ‘witch’ is disrespectful.

16.RW’s lack of engagement with this process undermines the Nolan Principle of ‘Accountability’ (also referred to in the Council’s Code of Conduct) – that holders of a public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this’.

17.RW has further undermined this Principle, and belittled this process, by posting on Facebook (on 20 April) a photo of the confidential letter to him from the Monitoring Officer about this complaint.

Recommendations

In my view the Monitoring Officer could consider the following recommendations / considerations:

18.RW should consider apologising to MD, NH and SG for acting disrespectfully

19.That RW undergo social media training. In the very least RW should access and evidence that he has read the Social Media Guidance for Councillors² provided by the LGA – particularly the ‘Guide to using Facebook’

20.The Council in their Code of Conduct refer to having a ‘Social Media Guide’ – the Council should ensure this document is up to date and circulate a copy to all Councillors.

Investigation Officers signature:



Name:

Louise Arnold

Date of draft:

18.5.2023

Date of finalised report:

09/06/2023

² <https://www.local.gov.uk/our-support/communications-and-community-engagement/social-media-guidance-councillors>