

Meeting of the Standards Sub-Committee

Thursday, 12th November, 2020 at 10.00am

On Microsoft Teams

[Click on this link to access the meeting](#)

Agenda - Public Session

(Meeting open to the public and press)

1. Apologies for absence.
2. To report the appointment of any substitute Members for this meeting of the Sub-Committee.
3. To receive any declarations of interest under the Members' Code of Conduct.
4. To confirm and sign the minutes of the meeting held on 27th February, 2018 as a correct record.
5. Standards Investigation (Pages 1 - 81).
6. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 4th November, 2020



Distribution:

Councillor A Taylor (Chair)
Councillor J Roberts (Vice-Chair)
Councillor J Cowell

Please note the following:

- This meeting will be held virtually by using Microsoft Teams. The meeting will be held live via the Internet link.
- This is a formal Sub-Committee meeting and it will assist the conduct of business if participants speak only when invited by the Chair.
- The Chair reserves the right to adjourn the meeting, as necessary, if there is any disruption or technical issues.
- All participants should mute their microphones and video feed when they are not speaking.
- Please remember to unmute your microphone and switch on your video feed when it is your turn to speak. Speak clearly and slowly into your microphone.
- Members of the public can view the proceedings by clicking on the link provided on the agenda.
- The Council reserves the right to record meetings. Recording/reporting is only permitted during the public session of the meeting.
- Information about the Council and our meetings can be viewed on the website www.dudley.gov.uk
- Any agendas containing reports with exempt information should be treated as private and confidential. It is your responsibility to ensure that information containing private and personal data is kept safe and secure at all times. Confidential papers should be securely disposed of. If you choose to retain the documents you should ensure that the information is securely stored and destroyed within six months.
- Elected Members can submit apologies by contacting Democratic Services. The appointment of any Substitute Member(s) should be notified to Democratic Services at least one hour before the meeting starts. Contact Democratic Services by Telephone 01384 815238 or E-mail Democratic.Services@dudley.gov.uk



Minutes of the Standards Sub-Committee

Tuesday 27th February, 2018 at 10.30am
in Committee Room 3, The Council House, Dudley

Present:

Councillor M Evans (Chair)
Councillors A Aston and H Rogers

Officers:

M Farooq (Monitoring Officer), J Austin (Investigating Officer), Rt. Revd G Usher, Bishop of Dudley (Independent Person), S Griffiths (Democratic Services Manager) and L Jury (Democratic Services Officer)

Also in Attendance:

Councillor P Lowe (Complainant)

1. **Declarations of Interest**

No member made a declaration of interest in accordance with the Member's Code of Conduct.

2. **Standards Investigation**

Following introductions, the Chair referred to the procedure to be followed at the meeting, copies of which were circulated.

The Sub-Committee considered whether the meeting should be held in public or private session under the provisions of the Local Government Act 1972. The Sub-Committee agreed that the meeting should be conducted in public.

The Sub-Committee considered the outcome of a Standards Investigation undertaken in respect of Councillor B Etheridge in accordance with the Members' Code of Conduct and the local standards arrangements set out in the Council's Constitution.

Councillor B Etheridge had been invited to attend or be represented at the meeting, however, he had indicated that he wished to take no part in the proceedings.

The Sub-Committee considered the Standards Investigation in accordance with the procedure as follows:

The Monitoring Officer presented his report to the Sub-Committee and referred to the information set out in the Appendices. The Monitoring Officer also distributed a copy of Councillor B Etheridge's signed declaration of acceptance of Office as a Councillor and a letter sent to him by the former Chief Executive, which enclosed a copy of the Member's Code of Conduct.

The Sub-Committee noted that following consultation with the Independent Person, informal resolution of the complaint had been offered by way of an apology. Councillor B Etheridge had refused the offer. An independent Investigator had then been instructed to investigate the complaint formally.

The Monitoring Officer referred to the Investigating Officer's report. A copy of the report had been sent to Councillor P Lowe and Councillor B Etheridge and a further offer of informal resolution had been made at that stage. The offer was again refused by Councillor B Etheridge and the matter was subsequently referred to the Standards Sub-Committee. During the Monitoring Officer's presentation, the Sub-Committee viewed two Facebook videos posted by Councillor B Etheridge on 9th and 10th October, 2017.

In conclusion, the Monitoring Officer outlined the action that the Sub-Committee could take should they find that the Member had breached the Code of Conduct.

The Independent Person confirmed that in his opinion, and to the best of his knowledge, the standards procedures had been followed in relation to this complaint.

The Investigating Officer presented his report and referred to interviews that had taken place with Councillor P Lowe, M Farooq and Councillor B Etheridge. During the presentation, the Investigating Officer invited Councillor P Lowe to address the Sub-Committee.

In conclusion, the Investigating Officer found that there had been evidence that Councillor B Etheridge had breached specific provisions of paragraph 3 of the Member's Code of Conduct.

The Chair invited questions from Members of the Sub-Committee. The Independent Person was also invited to address the Sub-Committee.

The Investigating Officer was asked to make any representations to support the findings of fact in the report.

The Sub-Committee adjourned to consider findings of fact.

The meeting re-adjourned and the Chair reported that having considered the evidence presented, the Sub-Committee had made the following findings:

- Councillor B Etheridge had posted the videos on-line.
- Councillor B Etheridge had used the various words, as set out in paragraph 7.6 of the Investigation report.
- Councillor B Etheridge had admitted that his comments were deliberately disrespectful and scornful.
- The Constitution stated that the ruling of the Mayor was final.
- The Mayor complied with the Constitution as to how the Council meeting was conducted.
- Councillor B Etheridge's comments, with regard to the Council procession, included reference to officers.
- The Mayor was the first citizen of the Borough and Councillor B Etheridge's attitude towards the Mayor was both disrespectful and a personal attack.

The Chair stated that the meeting would now adjourn and when the meeting reconvened the Sub-Committee considered whether Councillor B Etheridge had failed to follow the Members' Code of Conduct.

The meeting reconvened and the Chair invited representations from the Investigating Officer. The Sub-Committee also viewed a further Facebook video post made by Councillor B Etheridge.

The Sub-Committee adjourned to consider the representations and evidence as to whether Councillor B Etheridge had failed to comply with the Code of Conduct.

The meeting reconvened and the Chair announced that having taken account of all the evidence, information, written and verbal submissions that were presented to the meeting, the Standards Sub-Committee decided:

- That Councillor B Etheridge was acting in his capacity as a Member of the Council when he posted the two videos on social media on 9th and 10th October, 2017;
- That Councillor B Etheridge had breached the following standards provisions of the Members' Code of Conduct:
 - Valuing colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government.
 - Always treating people with respect, including the organisations and public you engage with and those you work alongside, and not bullying any person.
 - Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

- That the actions and words of Councillor B Etheridge, as evidenced in the two video posts and the report of the Investigating Officer, were in breach of the above standards of conduct and this was reinforced by the more recent video posted on Social Media.

The Chair reported that as the Sub-Committee had decided that Councillor B Etheridge had failed to follow the Code, it would now consider any verbal or written representations from the Investigating Officer as to whether the Sub-Committee should take any action and what form that action should take.

Following comments from the Investigating Officer, the Chair announced that the Sub-Committee would adjourn to consider whether to take any action in respect of Councillor B Etheridge.

The meeting reconvened and the Chair announced that the Sub-Committee had considered:

- The seriousness of Councillor B Etheridge's failure to comply with the Members' Code of Conduct
- The public interest in maintaining the standards required by the Members' Code of Conduct
- The impact on various individuals relating to Councillor B Etheridge's failure to comply with the Members' Code of Conduct
- The complete lack of mitigation, regret and apology by Councillor B Etheridge.

Consequently, and recognising that the powers of the Standards Sub-Committee were limited, it was:

Resolved

- (1) That the findings of the Sub-Committee be reported to the Council meeting on 9th April, 2018.
- (2) That, a Motion of Formal Censure be put forward to the next Council meeting in words to be agreed by the Monitoring Officer in consultation with the Standards Sub-Committee.
- (3) That the Council be recommended that all Councillors are required upon election to sign an undertaking that they will comply with the Members' Code of Conduct.

The meeting ended at 3.10 p.m.

CHAIR

SSC/4

Standards Sub-Committee – 12th November, 2020

Report of the Monitoring Officer

Standards Investigation - Councillor C Elcock

Purpose of Report

1. To consider and determine the outcome of a standards investigation undertaken in respect of Councillor C Elcock in accordance with the Members Code of Conduct and the local Standards Arrangements set out in the Council's Constitution.

Recommendation

2. That the Sub-Committee determine the matter in relation to Councillor C Elcock based on the investigation referred to in this report.

Background

3. In January, 2020, four formal complaints were received in relation to posts on Councillor C Elcock's social media (Twitter) account. The complaint forms (attached as Appendix 1) were received from K Pedley, S Lowe, M Binnersley and Councillor C Bayton.
4. The complainants alleged that the social media posts amounted to breaches of various provisions of the Members Code of Conduct. The Council's Standards arrangements, including the Members Code of Conduct, are set out in Appendix 2.
5. Following the complaints made concerning alleged breaches of the Code of Conduct, the Monitoring Officer consulted the Independent Person appointed under the provisions of the Localism Act 2011. Having discussed the complaint with Revd. A Hadley, the Independent Person, it was agreed that the matter merited further formal independent investigation. The matter was referred for independent investigation to Mr Peter Oldham QC. Councillor C Elcock was informed that this investigation would take place.



6. Mr Oldham, having liaised with Councillor C Elcock and the four complainants, has concluded that there is evidence to show a potential breach of a number of parts of the Members Code of Conduct. Mr Oldham's reports on each complaint are set out in Appendix 3.
7. The Monitoring Officer has forwarded Mr Oldham's reports to Councillor C Elcock. Following consultation with Revd. A Hadley, the Independent Person, it was considered that, as the reports find a potential breach of the Members Code of Conduct, this would merit a referral for a local hearing by the Standards Sub-Committee.
8. The Sub-Committee is requested to determine the appropriate course of action in this case. It is for the Sub-Committee to decide whether there has been a breach of the Code of Conduct. The Sub-Committee is reminded that any action, in the event of a finding of a breach of the Code of Conduct, must be proportionate taking account of the facts and circumstances of each individual case. The Sub-Committee has no power to suspend or disqualify a Member from office. The Standards Arrangements, as contained in the Constitution state that the Sub-Committee may consider the following (although this is not an exhaustive list):-
 - Reporting the findings to Council.
 - Formal letter from the Council or the Chair of the Audit and Standards Committee to the Member in question.
 - Formal censure through a motion.
 - Withdrawal of facilities (eg: ICT).
 - Arrange training for the Member.

Finance

9. The cost of the investigation has been met from within existing Directorate resources.

Law

10. The Members' Code of Conduct and the Standards Arrangements have been adopted by the Council under the provisions of the Localism Act 2011 and associated guidance. These documents are set out in Part 6 of the Council's Constitution.

Equality Impact

11. The procedure for Standards hearings takes account of and is consistent with the Council's Equality and Diversity Policies.



Human Resources/Organisational Development

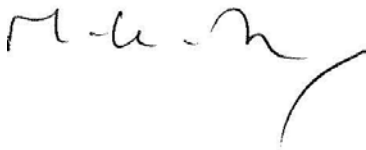
12. There are no issues arising from this report.

Commercial/Procurement

13. There are no issues arising from this report.

Health, Wellbeing and Safety

14. The Council is committed to building stronger, safer and more resilient communities in line with the Dudley Vision and to protecting our residents' physical and emotional health for the future.



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Mohammed Farooq
Monitoring Officer

Background Papers

Dudley MBC Constitution - Members' Code of Conduct and Standards Arrangements



Complaint Form – Code of Conduct for Members

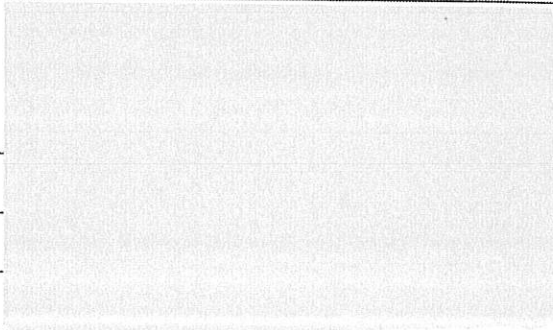
Important: Please read Dudley Council's arrangements for dealing with standards allegations under the Localism Act 2011 before completing this form. This document includes the Members' Code of Conduct and is published on our website and available from the Monitoring Officer (contact details are shown below).

Received 10/1/20

To: The Monitoring Officer, Dudley MBC

A. Your details

Please provide us with your name and contact details. The Council will not investigate anonymous complaints, unless there is a clear public interest in doing so.

Title:	MR
First name:	KYLE
Last name:	PEDLEY
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	09.01.2020

There is a presumption that a complainant will not be allowed to claim confidentiality unless there are exceptional circumstances.

If you want to keep your name, address or personal contact details confidential, please indicate this in Section C together with the reasons for doing so.

If you complete Section C of this form, we will not immediately disclose your name and other information to the Member against whom you make the complaint, without your prior consent and/or without taking further advice based on the circumstances of the case.

B. Making your complaint

Please provide us with the name of the Member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name
MR	COLIN	ELCOCK

Please explain below (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. You should identify the specific provision(s) that you feel the Member has breached. If you are complaining about more than one member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is important that you provide all the evidence you wish to have taken into account when we make a decision as to whether to take any action on your complaint or not.

For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

on the evening of Wednesday, 8th January 2020, it was drawn to my attention a number of Tweets that Councillor Elcock had publicly made on his Twitter handle.

These included comments of remarkable ignorance asking if all Iranians are 'on the dole', and then a blanket statement that Islam is 'domination, not integration'. Councillor Elcock made these comments further targeted by using the hashtag '#' device on the word Islam.

In addition to this, Councillor Elcock has, in the past week, publicly replied to lewd and crude images of girls exposing parts of their body or other sexually explicit content, publicly liking it, and, in some cases, even tweeting responses, including one of 'bloody hell wow! hello' to photos of a woman's bare buttocks.

Not only does this constitute PUBLIC conduct, visible to all, that is far below the standard expected of councillors and elected officials, but Mr Elcock did all of this with the title 'Cllr' present in his name and handle for all of this conduct.

His tweets are shocking in their flagrant ignorance and offensiveness, and come off the back of very recent issues I have had with Stourbridge Conservatives and Islamophobic attitudes.

Perhaps most concerningly, it was a concerned resident who drew my attention to his tweets and conduct, and after my noticing and pointing it out for its inappropriateness, a considerable number of Dudley residents have been appalled and shocked by both the Islamophobic and misogynistic nature of Councillor Elcocks behaviour.

Mr Elcock has since deleted the tweets, but has publicly admitted the comments made about Iran and Islam were of his making.

Even deleted, it does not excuse the fact that some of them had been published for several days before being removed, and it was only my drawing attention to their disgracefulness that prompted their removal.

I have already submitted screenshots of some of the offending tweets and reactions - please do advise if these need to be re-submitted.

(Continue on separate sheet(s), as necessary)

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

In the interests of fairness and the rules of natural justice, we believe that Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against them. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reason to believe that you have justifiable grounds. For example that you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same).

If you complete this Section, we will not immediately disclose your name and other information without your prior consent. The Monitoring Officer may, however, need to take further advice based on the circumstances of the case before coming to a decision. If your request for confidentiality is not granted, the Monitoring Officer will usually allow you the opportunity of withdrawing your complaint.

However, it is important to understand that, in exceptional circumstances, where the matter complained about is very serious - we may have to proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name, contact information and/or the details of your complaint:

Given that I have very recent, very public history with speaking out about Islamophobia and other issues within the local Conservative Party, and have already publicly called out Councillor Elcock's tweets, I do not believe there will be any mystery surrounding my involvement.

(Continue on separate sheet(s), as necessary)

D. Remedy sought

Please refer to the separate document on Dudley Council's arrangements for dealing with standards allegations under the Localism Act 2011. This document sets out examples of the action that might be considered in cases where it is found that a Member has failed to comply with the Code of Conduct.

It is important to note that a Member cannot be suspended or disqualified from office and allowances cannot be withdrawn from Members pending or following an investigation under the Council's Code of Conduct.

Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint:

Given the seriousness of this infraction and behaviour, I believe the Monitoring Officer ought refer the situation and report to the Standards Sub-Committee, so that suitable discussion and consequential remediation can be debated and settled upon.

(Continue on separate sheet(s), as necessary)

E. Additional information

Complaints must be submitted in writing. This includes electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

In line with the requirements of the Disability Discrimination Act 1995 and the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language. If you need any support in completing this form, please contact the Monitoring Officer.

The Monitoring Officer will consider your complaint and advise you of the outcome of his initial consideration of the matter and the proposed action (if any).

Please send all completed complaint forms to: Mohammed Farooq, Monitoring Officer, Dudley MBC, The Council House, Dudley, West Midlands DY1 1HF (Tel: 01384 815305)

E-mail: mohammed.farooq@dudley.gov.uk;

Complaint Form – Code of Conduct for Members

Important: Please read Dudley Council's arrangements for dealing with standards allegations under the Localism Act 2011 before completing this form. This document includes the Members' Code of Conduct and is published on our website and available from the Monitoring Officer (contact details are shown below).

To: The Monitoring Officer, Dudley MBC

A. Your details

Please provide us with your name and contact details. The Council will not investigate anonymous complaints, unless there is a clear public interest in doing so.

Title:	MRS
First name:	Suzanne
Last name:	lowe
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	9.1.19

There is a presumption that a complainant will not be allowed to claim confidentiality unless there are exceptional circumstances.

If you want to keep your name, address or personal contact details confidential, please indicate this in Section C together with the reasons for doing so.

If you complete Section C of this form, we will not immediately disclose your name and other information to the Member against whom you make the complaint, without your prior consent and/or without taking further advice based on the circumstances of the case.

B. Making your complaint

Please provide us with the name of the Member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name
Mr	Colin	Elcock Councillor

Please explain below (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. You should identify the specific provision(s) that you feel the Member has breached. If you are complaining about more than one member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is important that you provide all the evidence you wish to have taken into account when we make a decision as to whether to take any action on your complaint or not.

For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

I would like to report Islamophobia by
Dudley Cllr Elcock from his twitter
account on 8.12.20. I sent you a
screenshot electronically by my initial
email.
The Cllr needs to be formally
challenged on gross stereotyping

and prejudice against persons of a particular religion. (Islam)

As a serving Cllr I cannot see how any muslim constituent would feel confident in approaching this Cllr for support now he holds such views. I hope the matter can be dealt with within the rules and standards required to hold public office.

I also hope the equality act and use of communications systems are given due consideration.

(Continue on separate sheet(s), as necessary)

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

In the interests of fairness and the rules of natural justice, we believe that Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against them. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reason to believe that you have justifiable grounds. For example that you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same).

If you complete this Section, we will not immediately disclose your name and other information without your prior consent. The Monitoring Officer may, however, need to take further advice based on the circumstances of the case before coming to a decision. If your request for confidentiality is not granted, the Monitoring Officer will usually allow you the opportunity of withdrawing your complaint.

However, it is important to understand that, in exceptional circumstances, where the matter complained about is very serious - we may have to proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name, contact information and/or the details of your complaint:

N/A

(Continue on separate sheet(s), as necessary)

D. Remedy sought

Please refer to the separate document on Dudley Council's arrangements for dealing with standards allegations under the Localism Act 2011. This document sets out examples of the action that might be considered in cases where it is found that a Member has failed to comply with the Code of Conduct.

It is important to note that a Member cannot be suspended or disqualified from office and allowances cannot be withdrawn from Members pending or following an investigation under the Council's Code of Conduct.

Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint:

<p>Our must properly acknowledge that his tweet broadcast was Islamophobic and therefore discriminatory and not compatible with representing all members of the community of Dudley MBC.</p>
--

(Continue on separate sheet(s), as necessary)

E. Additional information

Complaints must be submitted in writing. This includes electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

In line with the requirements of the Disability Discrimination Act 1995 and the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language. If you need any support in completing this form, please contact the Monitoring Officer.

The Monitoring Officer will consider your complaint and advise you of the outcome of his initial consideration of the matter and the proposed action (if any).

Please send all completed complaint forms to: Mohammed Farooq, Monitoring Officer, Dudley MBC, The Council House, Dudley, West Midlands DY1 1HF (Tel: 01384 815305)

E-mail: mohammed.farooq@dudley.gov.uk



Tweet



Cllr. Colin Elcock
@ColinElcock

#Islam in my humble opinion - Domination not Integration!

14:24 · 08/01/2020 · Twitter for iPhone



Tweet your reply



Complaint Form – Code of Conduct for Members

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Received 10/1/20

To: The Monitoring Officer, Dudley MBC

A. Your details

Please provide us with your name and contact details. The Council will not investigate anonymous complaints, unless there is a clear public interest in doing so.

Title:	Mr
First name:	Mark
Last name:	Binnersley
Address:	
Contact telephone:	
Email address:	
Signature:	Mark Binnersley
Date of complaint:	9/1/20

There is a presumption that a complainant will not be allowed to claim confidentiality unless there are exceptional circumstances.

If you want to keep your name, address or personal contact details confidential, please indicate this in Section C together with the reasons for doing so.

If you complete Section C of this form, we will not immediately disclose your name and other information to the Member against whom you make the complaint, without your prior consent and/or without taking further advice based on the circumstances of the case.

B. Making your complaint

Please provide us with the name of the Member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name
Mr	Colin	Elcock

Please explain below (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. You should identify the specific provision(s) that you feel the Member has breached. If you are complaining about more than one member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is important that you provide all the evidence you wish to have taken into account when we make a decision as to whether to take any action on your complaint or not.

For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Dear Sir

I hereby make a formal complaint against Dudley Council Norton ward councillor Colin Elcock.

In addition to alleged Islamophobic comments made by Mr Elcock on social media and which have been reported by the Stourbridge News, the councillor has also made the following comments (attached to this complaint) on social media.

He described:

Politician Michael Heseltine as a "dickhead".

BBC presenter Emily Maitlis as a "gob-shite".

Politician Hilary Benn as a "bastard".

Politician Jeremy Corbyn as a "prat".

House of Commons speaker John Bercow as a "toss-pot".

BBC presenter Louise Minchin as a "silly woman".

Presenter Robert Peston as a "dickhead".

BBC presenter Kirsty Wark as "pig ignorant" and told her to "shut up".

The above breaches Dudley Council's Code of Conduct requirement: **Always treating people with respect, including the organisations and public I engage with and those I work alongside, and not bullying any person.**

Mr Elcock also nodded in agreement with Suzanne Webb MP when she described residents worried about green belt development in Norton of scaremongering. He clearly knew this to be a false statement. This can be seen on [facebook.com/SuzanneWebb66](https://www.facebook.com/SuzanneWebb66) in a post made on December 2, 2019.

The above breaches Dudley Council's Code of Conduct requirement: **Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.**

I am certain the above conduct is in breach of Dudley Council's Code of Conduct for Members under the Localism Act 2011.

I attach relevant screenshots of Mr Elcock's Twitter feed.

I look forward to hearing from you with details of the appropriate action taken against Mr Elcock.

Mark Binnersley
Co-Chair, Dudley Green Party

(Continue on separate sheet(s), as necessary)

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

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If you complete this Section, we will not immediately disclose your name and other information without your prior consent. The Monitoring Officer may, however, need to take further advice based on the circumstances of the case before coming to a decision. If your request for confidentiality is not granted, the Monitoring Officer will usually allow you the opportunity of withdrawing your complaint.

However, it is important to understand that, in exceptional circumstances, where the matter complained about is very serious - we may have to proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name, contact information and/or the details of your complaint:

(Continue on separate sheet(s), as necessary)

D. Remedy sought

Please refer to the separate document on Dudley Council's arrangements for dealing with standards allegations under the Localism Act 2011. This document sets out examples of the action that might be considered in cases where it is found that a Member has failed to comply with the Code of Conduct.

It is important to note that a Member cannot be suspended or disqualified from office and allowances cannot be withdrawn from Members pending or following an investigation under the Council's Code of Conduct.

Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint:

I believe Mr Elcock should be dismissed as a councillor and make a public apology for his conduct.

(Continue on separate sheet(s), as necessary)

E. Additional information

Complaints must be submitted in writing. This includes electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

In line with the requirements of the Disability Discrimination Act 1995 and the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability

that prevents you from making your complaint in writing. We can also help if English is not your first language. If you need any support in completing this form, please contact the Monitoring Officer.

The Monitoring Officer will consider your complaint and advise you of the outcome of his initial consideration of the matter and the proposed action (if any).

Please send all completed complaint forms to: Mohammed Farooq, Monitoring Officer, Dudley MBC, The Council House, Dudley, West Midlands DY1 1HF (Tel: 01384 815305)

E-mail: mohammed.farooq@dudley.gov.uk;



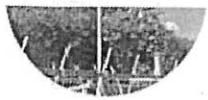
@ColinElcock

#GetReadyForBrexit Hilary Benn you are the churlish bastard, you Father must be turning in his grave at your ignominious stance - delaying the will of the great majority. You will be remembered but for all the wrong reasons!!!!!!!!!!!!!!

23:21 · 19 Oct 19 · Twitter for iPhone



Show more replies



@ColinElcock

#Peston 🧐 Whaaaaaat has dickhead
got round his neck???

23:26 · 11 Dec 19 · Twitter for iPhone



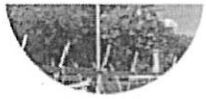


@ColinElcock

#GeneralElectionNow Heseltine
what a dickhead!

9:58 · 26 Nov 19 · Twitter for iPhone



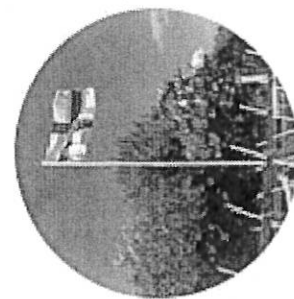


@ColinElcock

#GetReadyForBrexit I hate to say this but Maitlis is a gob-shite trying to put her words in people's mouths and trick them but she's been caught out!!!!

23:20 · 14 Oct 19 · Twitter for iPhone





Cllr. Colin Elcock @ColinElco... · 19 Dec 19 >

#Newsnight.

Wark, why don't

you shut up and listen - you Bloody BBC
people are pig ignorant!



Complaint Form – Code of Conduct for Members

Important: Please read Dudley Council's arrangements for dealing with standards allegations under the Localism Act 2011 before completing this form. This document includes the Members' Code of Conduct and is published on our website and available from the Monitoring Officer (contact details are shown below).

Received 9/1/20

To: The Monitoring Officer, Dudley MBC

A. Your details

Please provide us with your name and contact details. The Council will not investigate anonymous complaints, unless there is a clear public interest in doing so.

Title:	Councillor
First name:	Cathryn
Last name:	Bayliss
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	9-1-20

There is a presumption that a complainant will not be allowed to claim confidentiality unless there are exceptional circumstances.

If you want to keep your name, address or personal contact details confidential, please indicate this in Section C together with the reasons for doing so.

If you complete Section C of this form, we will not immediately disclose your name and other information to the Member against whom you make the complaint, without your prior consent and/or without taking further advice based on the circumstances of the case.

B. Making your complaint

Please provide us with the name of the Member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name
Cllr Mr	Colin	Elcock

Please explain below (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. You should identify the specific provision(s) that you feel the Member has breached. If you are complaining about more than one member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is important that you provide all the evidence you wish to have taken into account when we make a decision as to whether to take any action on your complaint or not.

For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

14th Jan ~ Colin Elcock responded to a 'soft Porn' Tweet from @sbrinanich in appropriately - links have already been provided.

6-1-20 #TehranIran Mr Elcock tweeted Does Anybody work in that country or are they all on the dole? ~ Referring to Iran.

8-1-20 - Colin Elcock tweets #Islam in my humble opinion - Domination NOT integration.

(Continue on separate sheet(s), as necessary)

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

In the interests of fairness and the rules of natural justice, we believe that Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against them. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reason to believe that you have justifiable grounds. For example that you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same).

If you complete this Section, we will not immediately disclose your name and other information without your prior consent. The Monitoring Officer may, however, need to take further advice based on the circumstances of the case before coming to a decision. If your request for confidentiality is not granted, the Monitoring Officer will usually allow you the opportunity of withdrawing your complaint.

However, it is important to understand that, in exceptional circumstances, where the matter complained about is very serious - we may have to proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name, contact information and/or the details of your complaint:

(Continue on separate sheet(s), as necessary)

D. Remedy sought

Please refer to the separate document on Dudley Council's arrangements for dealing with standards allegations under the Localism Act 2011. This document sets out examples of the action that might be considered in cases where it is found that a Member has failed to comply with the Code of Conduct.

It is important to note that a Member cannot be suspended or disqualified from office and allowances cannot be withdrawn from Members pending or following an investigation under the Council's Code of Conduct.

Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint:

for the standards committee to assess the seriousness of Islamophobic and sexist behavior on social media. To assess the attitudes held and to decide on appropriate action given the public profile and the requirement to uphold the standards in public life as laid down in the Nolan Principles.

(Continue on separate sheet(s), as necessary)

E. Additional information

Complaints must be submitted in writing. This includes electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

In line with the requirements of the Disability Discrimination Act 1995 and the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language. If you need any support in completing this form, please contact the Monitoring Officer.

The Monitoring Officer will consider your complaint and advise you of the outcome of his initial consideration of the matter and the proposed action (if any).

Please send all completed complaint forms to: Mohammed Farooq, Monitoring Officer, Dudley MBC, The Council House, Dudley, West Midlands DY1 1HF (Tel: 01384 815305)

E-mail: mohammed.farooq@dudley.gov.uk;

STANDARDS ARRANGEMENTS

(INCLUDING MEMBERS' CODE OF CONDUCT)

Arrangements for Dealing with Standards Allegations under the Localism Act 2011

1. Context

The Localism Act 2011 requires the Council to adopt “arrangements” to deal with allegations that a Member or co-opted Member has failed to comply with the local Members’ Code of Conduct. These arrangements set out how any such complaints or allegations will be investigated and dealt with.

The Council has appointed Independent Person(s). An Independent Persons’ views must be sought before a decision is taken on any allegation that the Monitoring Officer has decided shall be investigated. An Independent Persons’ views can be sought by the Council at any other stage, or by a Member against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Members’ Code of Conduct, which is attached as Annex 1. The document is also available on the website and from the Council on request.

3. Making a complaint

It is a requirement of the Localism Act 2011 that any complaint or allegation that a Member has failed to comply with the Council’s code of conduct must be in writing.

If you wish to make a complaint against a Member or co-opted Member, you will need to complete our complaint form, which is available on the website and on request from the Council. You should send the completed form to:-

The Monitoring Officer
Dudley Metropolitan Borough Council
The Council House, Priory Road, Dudley DY1 1HF
E-mail: mohammed.farooq@dudley.gov.uk
Telephone: 01384 815301

The Monitoring Officer has statutory responsibility for maintaining the register of Members’ interests and is responsible for administering the system in respect of complaints about the conduct of Members.

The following points should be noted before you make a complaint:

- You will need to provide us with your name and a contact address or email address, so that the Monitoring Officer can acknowledge receipt of your complaint and keep you informed of its progress.
- The Council will not investigate anonymous complaints, unless there is a clear public interest in doing so.
- There is a presumption that a complainant will not be allowed to claim confidentiality unless exceptional circumstances exist. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent.

4. **Will your complaint be investigated?**

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. He may consult an Independent Person as appropriate. Where the Monitoring Officer has taken a decision, he will inform you of this and the reasons for it.

If the Monitoring Officer requires additional information before coming to a decision, he may ask you to provide such information. He may also request information from the Member against whom your complaint is directed.

The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. Where the Member or the Council makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies potential criminal conduct or breach of other regulations by any person, the Monitoring Officer has the power to inform the Police and/or any other regulatory agencies.

5. **How is the investigation conducted?**

The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Annex 2.

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak with you to understand the nature of your complaint. It will also allow you to explain your understanding of events and suggest what documents the Investigating Officer needs to see, and whom the Investigating Officer needs

to interview. However the conduct of the investigation is in the total discretion of the Investigating Officer.

The Investigating Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint. He/she will ask the Member to provide his/her explanation of events, and to identify what documents if any he/she needs to see, and whom he/she needs to interview.

In exceptional cases, where it is appropriate to keep your identity confidential, or where disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently. The Monitoring Officer shall keep the issue of confidentiality under review throughout the complaints process.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned. This will allow you and the Member an opportunity to identify any matter in the draft report that you disagree with, or which you consider requires more consideration.

Having received and taken into account any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6. **What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and consult an Independent Person as necessary. If he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that he is satisfied that no further action is required, providing you both with a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or is insufficient to determine the complaint, he may ask the Investigating Officer to reconsider his/her report.

7. **What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and either seek local resolution or refer the matter for a local hearing before the Standards Sub-Committee.

8. **Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with an Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution that also helps to ensure higher

standards of conduct for the future. Such resolution may include the Member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action. If the Member complies with the suggested resolution, the Monitoring Officer will take no further action.

9. **Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or the Member concerned is not prepared to undertake any proposed remedial action (such as giving an apology), then the Monitoring Officer will refer the Investigating Officer's report to the Standards Sub-Committee. The Sub-Committee will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action.

The Council has agreed a procedure for local hearings, which is attached as Annex 3.

The Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chair of the Sub-Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The Member will have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of advice from an Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code of Conduct.

In doing this, the Sub-Committee will give the Member an opportunity to make representations and will consult an Independent Person, but will then decide what action, if any, to take in respect of the matter.

10. **What action can the Sub-Committee take where a Member has failed to comply with the Code of Conduct?**

The Council has given delegated powers to the Standards Sub-Committee to determine the appropriate course of action in respect of any complaints heard.

The action taken by the Sub-Committee, following a finding of a Member breach of the Code of Conduct, must be proportionate taking account of the facts and circumstances of each individual case. The Sub-Committee has no power to suspend or disqualify the Member from office or to withdraw Members' allowances.

The Sub-Committee may consider the following (although this is not an exhaustive list):

- Reporting the findings to Council.
- Recommending to the Member's Group Leader that the Member in question be removed from the Cabinet, any or all Committees or Sub-Committees of the Council or Other Bodies subject to statutory and constitutional requirements.
- Formal letter from the Council or the Chair of the Audit and Standards Committee to the Member in question.
- Formal censure through a motion.
- Withdrawal of facilities (eg: ICT).
- Arrange training for the Member.

11. **What happens at the end of the hearing?**

At the end of the hearing, the Chair will announce the decision to all parties present along with any other actions that the Sub-Committee decides to take.

As soon as reasonably practicable, the Monitoring Officer will send a copy of the decision letter to you and to the Member concerned. The minutes of the Sub-Committee will be placed on the Council's website and submitted to the next convenient ordinary meeting of the Council for information.

12. **Appeals**

There is no right of appeal for you as complainant or for the Member against any of the decisions made by the Monitoring Officer or by the Sub-Committee in accordance with these arrangements.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Annex 1: Dudley MBC - Members' Code of Conduct

Annex 2: Procedure for Investigations

Annex 3: Procedure for Local Hearings



Members' Code of Conduct

1. Application of the Code

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I acknowledge that this Code of Conduct applies whenever I am acting in my capacity as a Member, including

- At formal meetings of the Council, the Cabinet, Committees, Sub-Committees and Working Groups.
- When acting as a representative of the Council.
- In taking any decisions as a Cabinet Member or Ward Councillor.
- In discharging functions as a Ward Councillor.
- At briefing meetings with Officers.
- At site visits.
- When corresponding with the Council other than in a private capacity.

2. General Principles

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity, I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Council.

The seven principles of public life

Principle	Revised Description
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, Non Departmental Public Bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and

stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing
Honesty	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3. **Standards of Conduct**

As a Member of Dudley Metropolitan Borough Council my conduct will address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework,

the interests of the borough or the good governance of the Council in a proper manner.

- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member or Co-opted Member of this Council.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including on the use of the Council's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside, and not bullying any person.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.
- Respecting the confidentiality of information received as a Member by:
 - not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - not obstructing third parties' legal rights to access information.

4. **Members' Interests**

The Localism Act 2011 provides for registration and disclosure of interests and in Dudley Metropolitan Borough Council this will be done as follows:

Disclosable Pecuniary Interests

Members must:

- Comply with the statutory requirement to register, disclose and withdraw from participating in respect of any matter in which they have a disclosable pecuniary interest.
- Ensure that the register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change(s) in respect of disclosable pecuniary interests.
- Make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

“Meeting” means any meeting organised by or on behalf of the Council, including:

- Any meeting of the Council, the Cabinet or any Committee, Sub-Committee or Working Group.
- In taking a decision as an individual Ward Member or Cabinet Member.
- Any briefing with officers.
- Any site visit associated with any business of the Council.

Other Interests

In addition to the requirements above, if Members attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or a non-pecuniary interest” in that item, you must make a verbal declaration of the existence and nature of the interest at or before the consideration of the item or as soon as the interest becomes apparent.

You have a “non-disclosable pecuniary interest or a non-pecuniary interest” in an item of business where:-

- A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax Payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council’s administrative area; or
- It relates to or is likely to affect any of the interests set out in the form attached to this Code, but in respect of a member of your family (other than a relevant person referred to on the form) or a person with whom you have a close association;

and that interest is not a disclosable pecuniary interest.

It is the responsibility of Members to disclose interests and to withdraw from participating in meetings as and when necessary in accordance with both the requirements of this Code and the Council's Constitution.

Sensitive interests

“Sensitive interests” mean those that contain information, the details of which if disclosed publicly, could lead to a Member or a person connected with a Member, being subjected to violence or intimidation.

Where a Member considers that the details of a disclosable pecuniary interest contains sensitive information, and the Monitoring Officer agrees, the Monitoring Officer shall not include details of the interest on the public version of the register, but may include a statement that an interest exists but the details are withheld.

Dispensations

The Council may grant a dispensation, but only in limited circumstances, to enable a Member to participate and vote on a matter in which they have a disclosable pecuniary interest.

Members do not have disclosable pecuniary interests in any business of the Council where that business relates to functions of the Council in respect of-

- housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
- school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of the school, unless it relates particularly to the school which the child attends;
- statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- an allowance, payment or indemnity given to Members;
- any ceremonial honour given to Members; and
- setting the Council Tax or a precept under the Local Government Finance Act 1992 as amended.

Gifts and Hospitality

Members must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 that has been accepted from any person or body other than the Council. The Monitoring Officer will include the notification in the public register.

LOCALISM ACT 2011 - Section 30(3)

The Relevant Authority (Disclosable Pecuniary Interests) Regulations 2012

REGISTER OF MEMBER'S DISCLOSABLE PECUNIARY AND OTHER INTERESTS

NAME

A Member of

PLEASE NOTE that you are required to register the disclosable pecuniary interests of "relevant persons" which includes:

- (a) yourself as the Member or Co-opted Member;
- (b) the interests of the following persons in so far as you are aware of the existence of the interests of the other person(s):
 - your spouse or civil partner;
 - a person with whom you are living as husband and wife
 - a person with whom you are living as if you were civil partners

PLEASE STATE "NONE" WHERE APPROPRIATE

DISCLOSABLE PECUNIARY INTERESTS

- (a) Employment, office, trade, profession or vocation carried on for profit or gain

- (b) Sponsorship – any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a Member, or towards election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

- (c) Contracts - Description of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council (a) under which goods or services are to be provided or works to be executed; and (b) which has not been fully discharged.

--

- (d) Land - Any beneficial interest in land, which is within the area of the Council

--

- (e) Licences - Any licence (alone or jointly with others) to occupy land in the area of the Council

--

- (f) Any tenancy where (to my knowledge) (a) the landlord is the Council; and (b) the tenant is a body in which the relevant person has a beneficial interest

--

- (g) Securities - Any beneficial interest in securities of a body where (a) that body (to my knowledge) has a place of business or land in the area of the Council; and (b) either

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

--

OTHER INTERESTS

- (h) Gifts and Hospitality - Details of the interests of any person from whom a gift or hospitality has been received with an estimated value of at least £100.

--

- (i) I am a member or in a position of general control or management of the following body/ies one of whose principal purposes include the influence of public opinion or policy (including any Political Party or Trade Union)

--

Signed

Dated



Investigations Procedure

Standards Allegations under the Localism Act 2011

1. Purpose

The purpose of this procedure is to ensure that investigations are carried out as quickly and thoroughly as possible in line with the principles of fairness, natural justice and other legal issues.

There are many factors that can affect the time it takes to complete an investigation. Most investigations should be carried out, and a report on the investigation completed, within six months of the original complaint being received by the Monitoring Officer. The timescale for holding a hearing to consider the outcome of an investigation should normally be no longer than three months from completion of the investigation. The Monitoring Officer will oversee the process to minimise delays wherever possible.

All decisions will be made under this procedure in accordance with the following principles:

- proportionality (i.e. the action must be proportionate to the desired outcome, including consideration as to cost);
- due consultation and taking of professional advice;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- taking account and explaining the options considered and the reasons for the decision taken;
- due regard to the Members' Code of Conduct.

2. Procedure for Code of Conduct Investigations

1. A written complaint is received by the Monitoring Officer.
2. The Monitoring Officer acknowledges receipt and notifies the Member of the details of the complaint.
3. The Monitoring Officer decides whether or not further information is required. Both parties to the complaint will be notified if this is necessary.

4. The Monitoring Officer carries out an initial assessment of the complaint and consults with the Independent Person as necessary.

5. The possible outcomes of the Initial Assessment are:

- **No case to answer** - The Monitoring Officer will notify the Member and the complainant of the outcome of the initial assessment.
- **Informal resolution** – The Monitoring Officer may seek to resolve the complaint informally in consultation with an Independent Person as necessary. The Monitoring Officer will contact the complainant and the Member to discuss the proposal to resolve the complaint informally.

If both parties to the complaint accept informal resolution, the Monitoring Officer will notify them accordingly. If the Complainant refuses a reasonable offer of informal resolution, the Monitoring Officer will take this into account in deciding whether or not the complaint merits formal investigation. The Monitoring Officer may choose to dismiss the complaint.

If the Member agrees to informal resolution, and subsequently fails to comply with any agreed action to informally resolve the matter, the Monitoring Officer may refer the matter to the Standards Sub-Committee.

The Monitoring Officer will advise both parties of the outcome of the agreed informal resolution, thereby concluding the complaint.

- **The Monitoring Officer decides that the complaint requires formal investigation.**

The Monitoring Officer will consult an Independent Person as necessary and advise the complainant and the Member of this decision.

The Monitoring Officer will appoint an Investigating Officer – who may be another senior officer of the Council, a senior officer from another Authority, or an external investigator.

The Investigator will advise the Complainant and the Member of the scope of the investigation, including proposed timescales, the witnesses to be interviewed and the documents required. The Investigator has sole discretion as to how to conduct the investigation and conclude the investigation report.

At the conclusion of the investigation, the Investigation Officer will produce a draft report, to be forwarded to the complainant, the Member and the Monitoring Officer.

The Complainant and the Member will have an opportunity to comment on the draft report, and identify aspects of the report they disagree with. However the Investigator has sole discretion as to whether or not to amend or alter the report as a result of any comments made. The Investigating Officer will forward the final report to the Monitoring Officer with any amendments following his/her consideration of any comments received.

The Monitoring Officer will review the Investigating Officer's report and will decide whether or not the report is sufficient. If the report is deemed to be insufficient, the Monitoring Officer will ask the Investigating Officer to reconsider the report.

If the report is sufficient, the Monitoring Officer will send a final copy of the report to the complainant and the Member, and indicate the course of action that he will take in relation to the complaint.

The courses of action will be as follows:

- **The report finds no breach of the Members' Code of Conduct** – the Monitoring Officer will advise the complainant and the Member that the matter is concluded.
- **The report finds a breach or potential breach of the Members' Code of Conduct** – the Monitoring Officer will write to the parties confirming this and propose one of the two following options:
 - (i) Informal Resolution following consultation with an Independent Person. In this event the same procedure as set out above will apply for informal resolution.
 - (ii) Referral for a local hearing by the Standards Sub-Committee.



Procedure for Standards Sub-Committee Meetings

1. Interpretation

‘Subject member’ means the Member of the Council who is the subject of the allegation being considered by the Sub-Committee, unless stated otherwise. It also includes the Member’s nominated representative.

‘Investigator’ means the Monitoring Officer or his nominated representative.

‘Independent Person’ means a person appointed to undertake this role by the Council pursuant to the provisions of the Localism Act 2011.

2. Representation

The subject Member may be represented or accompanied during the meeting by a person of their choice.

3. Advice

The Sub-Committee may take advice, in private if necessary, from officers at any time during the hearing or while they are considering the outcome. The substance of any advice given to the Sub-Committee should be shared with the subject Member and the investigator if they are present.

4. Independent Person

The Independent Person involved in the case shall be entitled to attend the meeting to give advice and views to the Sub-Committee at any stage of this procedure.

5. Setting the scene

After everyone has been formally introduced, the Chair should explain how the Sub-Committee is going to run the hearing.

6. Exclusion of the Public and Press

The Sub-Committee will consider whether the meeting should be considered in public or private session under the provisions of the Local Government Act 1972.

7. **Preliminary Procedural Issues**

The Sub-Committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

8. **Making findings of fact**

After dealing with any preliminary issues, the Sub-Committee should then move on to consider whether there are any significant disagreements about the facts contained in the investigator's report.

If there is no disagreement about the facts, the Sub-Committee can move onto the next stage of the hearing.

If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Sub-Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Sub-Committee may give the subject Member an opportunity to challenge any evidence put forward by any witness called by the investigator.

The subject Member should then have the opportunity to make representations to support their version of the facts and, with the Sub-Committee's permission, to call any necessary witnesses to give evidence.

At any time, the Sub-Committee may question any of the people involved or any witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Member.

If the subject Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Sub-Committee will consider whether it would be in the public interest to continue in their absence.

After considering the Member's explanation for not raising the issue at an earlier stage, the Sub-Committee may then:

- continue with the hearing, relying on the information in the investigator's report;
- allow the subject member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary;
- postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if they are not already.

The Sub-Committee will usually adjourn to consider the representations and evidence in private.

The Chair will announce the Sub-Committee's findings of fact.

9. **Did the subject Member fail to follow the Code of Conduct?**

The Sub-Committee then needs to consider whether, based on the facts it has found, the subject Member has failed to follow the Members' Code of Conduct.

The subject Member should be invited to give relevant reasons why the Sub-Committee should decide that he/she have not failed to follow the Code.

The Sub-Committee should then consider any verbal or written representations from the investigator.

The Sub-Committee may, at any time, question anyone involved on any point they raise on their representations.

The subject Member should be invited to make any final relevant points.

The Sub-Committee will then adjourn to consider the representations.

The Chair will announce the Sub-Committee's decision as to whether the subject Member has failed to follow the Code.

10. **If the subject Member has not failed to follow the Code of Conduct**

If the Sub-Committee decides that the subject Member has not failed to follow the Code, the Sub-Committee can move on to consider whether it should make any recommendations to the Council.

11. **If the subject Member has failed to follow the Code of Conduct**

If the Sub-Committee decides that the subject Member has failed to follow the Code, it will consider any verbal or written representations from the investigator and the subject Member as to:-

- Whether the Sub-Committee should take any action.
- What form that action should take.

The Sub-Committee may question all parties and take any advice, to make sure they have the information they need in order to make an informed decision.

The Sub-Committee will then deliberate in private to consider whether to take any action in respect of the subject Member and, if so, what action to take.

The Sub-Committee may also consider whether it should make any other recommendations to the Council.

The Chair will announce the Sub-Committee's decision.

12. **The written decision**

The Sub-Committee will announce its decision on the day. The Monitoring Officer will arrange for a decision letter to be sent to all parties as soon as possible after the meeting to confirm the decision.

A COMPLAINT BY KYLE PEDLEY UNDER DUDLEY MBC'S STANDARDS PROCEDURES

The request to investigate and the scope of my duties

1. Dudley MBC's Monitoring Officer has asked me to conduct an investigation into Mr Kyle Pedley's Standards Allegations complaint against Cllr Elcock dated 9th January 2020. I am therefore the Investigating Officer for the purpose of the procedure set out in a document entitled "Investigations Procedure – Standards Allegations under the Localism Act 2011".

2. The scope of my duties under the Investigations Procedure document is as follows. Page F18 refers to the Investigating Officer finding a "breach or potential breach of the Members' Code of Conduct". The courses of action available to the Monitoring Officer on receipt of my report are as follows:-

" – The report finds no breach of the Members' Code of Conduct – the Monitoring Officer will advise the complainant and the Member that the matter is concluded.

- The report finds a breach or potential breach of the Members' Code of Conduct – the Monitoring Officer will write to the parties confirming this and propose one of the two following options:

(i) Informal Resolution following consultation with an Independent Person. In this event the same procedure as set out above will apply for informal resolution.

(ii) Referral for a local hearing by the Standards Sub-Committee."

3. Two things follow from this. First, the Investigating Officer has the power to find no breach. Second, if the Investigating Officer finds "a breach or potential breach" then there may be either informal resolution or a local hearing by the Standards Sub-Committee. This suggests that the Investigating Officer may have the power to find an actual, rather than potential, breach. However, the Council's constitution provides:-

"Arrangements for Dealing with Standards Allegations

...

9 ... The [Standards] Sub Committee will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action."

4. Since the Constitution provides for the Standards Sub-Committee to be the decision maker as to whether there has been a failure to comply with the Code, I think that it must follow that the Investigating Officer is not empowered to reach that view i.e. is not empowered to find an actual breach, but only to decide whether there has been no breach of the Code, or that there has been a “potential breach” of it.

The Members’ Code of Conduct

5. This forms Annex 1 to the Constitution. It states:-

“1. Application of the Code

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I acknowledge that this Code of Conduct applies whenever I am acting in my capacity as a Member, including

- At formal meetings of the Council, the Cabinet, Committees, Sub Committees and Working Groups.*
- When acting as a representative of the Council.*
- In taking any decisions as a Cabinet Member or Ward Councillor.*
- In discharging functions as a Ward Councillor.*
- At briefing meetings with Officers.*
- At site visits.*
- When corresponding with the Council other than in a private capacity*

2 General Principles

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity , I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Council.

The seven principles of public life

...

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3. Standards of Conduct

As a Member of Dudley Metropolitan Borough Council my conduct will address the statutory principles of the code of conduct by:

- *Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.*

...

- *Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.*
- *Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.*
- *Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.*
- *Behaving in accordance with all our legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including on the use of the Council's resources.*
- *Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.*
- *Always treating people with respect, including the organisations and public I engage with and those I work alongside, and not bullying any person*
- *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.*

... .”

6. Members of course have rights to freedom of expression under Art 10 of the European Convention of Human Rights.

The complaint

7. Mr Pedley's complaint states that on 8th January 2020 his attention was drawn to a number of tweets which Cllr Elcock had made publicly on his Twitter handle. He says that they included a comment “asking if all Iranians are ‘on the dole’”, and a blanket

statement that Islam is “domination, not integration”. Mr Pedley says that the use of the hashtag #Islam was a further targeting device.

8. He says that in addition Cllr Elcock had “publicly replied to lewd and crude images of girls exposing parts of their body or other sexually explicit content, publicly liking it, and in some cases, even tweeting response, including one of ‘bloody hell wow!’ to photos of a woman’s bare buttocks.”

9. He states that Cllr Elcock deleted the tweets but had publicly admitted that the comments about Iran and Islam were of his own making.

10. Mr Pedley’s complaint referred to screenshots. None is appended to the complaint, but I have seen screenshots of the following:-

- tweets, on an account which states that the user is Cllr Colin Elcock, as follows:-

“6.1.20 #Tehraniran Mr Elcock tweeted Does Anybody Work in that country or are they all on the dole? – referring to Iran

8.1.20 Colin Elcock tweets #Islam in my humble opinion – Domination not Integration.”

- a tweet of a photograph of a woman exposing most of her bottom, and a comment in the name of “Cllr Colin Elcock” stating “Bloody hell wow”. Another word or words is or are cut off from the screen shot which I have seen.

11. Cllr Elcock has informed me that the tweets were deleted when he realised that they were insensitive and inappropriate. He has told me that he does not hold any racist or Islamophobic views; that during his working life as a shopkeeper, wine merchant, wholesaler and councillor he has always had a good relationship with people from all races and nationalities; and that he has always supported his constituents, fellow councillors and colleagues, whatever their race or religion, without any prejudice.

12. As regards the ‘soft porn’ issue he tells me as follows:-

“ a colleague who is a soft-ware writer and twitter user, had to explain to me, that my account was hacked at this time and images of a sexual / pornographic nature were posted on my twitter feed without my knowledge.

Whoever hacked my account had also taken time to fabricate a comment from me and make it look as if I had responded to these images.”

13. He also tells me that since the complaint was made:-

“...I made a public apology for my mistakes, to my constituents, my party and anyone who has been affected or offended by this. My apology was published in the Local Media. I left a message of apology on my Twitter and Facebook, to ensure people, who were affected, could see, I knew a mistake had been made by my actions. With the help of a colleague I then closed down both accounts, and finally deleted them. I no longer use Social Media and have no intention of doing so in the future.”

My conclusions

14. As regards the tweet about the woman’s buttocks, it will be for the Standards Sub-Committee to decide whether Cllr Elcock’s account was hacked as he says. That is not a matter which I can decide on the material which I have seen. Currently there is a case to answer that the tweet was his own.

15. The fact that the tweet was in the name of “Cllr Colin Elcock” means that there is also a case to answer that it was made in his capacity as member. The list of situations in the Members Code of Conduct which are stated to be those in which a member will be acting in his or her capacity as such is not in my view intended to be exhaustive, since it begins with the word “including”.

16. In my view there is a case to answer that the tweet is not behaviour consistent with the following principles set out in the Code of Conduct:-

Selflessness – there is a case to answer that the tweet was not made “solely in terms of the public interest”.

Objectivity – there is a case to answer that the tweet was not an act made without discrimination or bias, by reason that it could be viewed as sexist and degrading to women, and/or to the woman who posted the tweet on which Cllr Elcock commented.

Honesty – there is a case to answer that the tweets were not the expression of Cllr Elcock’s honest views.

Leadership – there is a case to answer that the tweet did not exhibit selflessness and objectivity in Cllr Elcock’s behaviour and that it was inconsistent with the promotion and robust support for these principles and a willingness to challenge poor behaviour wherever it occurs.

17. The tweets relating to Iran and Islam were on a twitter account named “Cllr Colin Elcock” so that there is a case to answer that he made them in his capacity of member.

18. There is also a case to answer that the tweets are not behaviour consistent with the following principles set out in the Code of Conduct:-

Selflessness – there is a case to answer that the tweets were not made “solely in terms of the public interest”.

Objectivity – there is a case to answer that the tweets were not acts taken without discrimination or bias, by reason that they could be viewed as discriminatory and/or biased against Iran and/or Islam.

Leadership – there is a case to answer that the tweets did not exhibit selflessness and objectivity in Cllr Elcock’s own behaviour and that they were inconsistent with the promotion and robust support for these principles and a willingness to challenge poor behaviour wherever it occurs.

19. Cllr Elcock’s assertions that he does not hold racist or Islamophobic views and the other points he makes do not change my views that there is a case to answer. The case to answer does not arise from his beliefs but his behaviour, though the tweets may be thought to reflect on his beliefs as well.

20. The fact that Cllr Elcock deleted all of the tweets when he came to the view that they were insensitive and inappropriate does not change my views. The case to answer, on all of the tweets, is that they should not have been made in the first place.

Conclusion

21. Mr Pedley’s complaint shows a potential breach of a number of parts of the Members’ Code of Conduct.

A COMPLAINT BY MRS SUZANNE LOWE UNDER DUDLEY MBC'S STANDARDS
PROCEDURES

The request to investigate and the scope of my duties

1. Dudley MBC's Monitoring Officer has asked me to conduct an investigation into Mrs Lowe's Standards Allegations complaint against Cllr Elcock dated 9th January 2020 (mistakenly dated 2019). I am therefore the Investigating Officer for the purpose of the procedure set out in the document entitled "Investigations Procedure – Standards Allegations under the Localism Act 2011".

2. The scope of my duties under the Investigations Procedure document is as follows. Page F18 refers to the Investigating Officer finding a "breach or potential breach of the Members' Code of Conduct". The courses of action available to the Monitoring Officer on receipt of my report are as follows:-

" – The report finds no breach of the Members' Code of Conduct – the Monitoring Officer will advise the complainant and the Member that the matter is concluded.

- The report finds a breach or potential breach of the Members' Code of Conduct – the Monitoring Officer will write to the parties confirming this and propose one of the two following options:

(i) Informal Resolution following consultation with an Independent Person. In this event the same procedure as set out above will apply for informal resolution.

(ii) Referral for a local hearing by the Standards Sub-Committee."

3. Two things follow from this. First, the Investigating Officer has the power to find no breach. Second, if the Investigating Officer finds "a breach or potential breach" then there may be either informal resolution or a local hearing by the Standards Sub-Committee. This suggests that the Investigating Officer may have the power to find an actual, rather than potential, breach. However, the Council's constitution provides:-

"Arrangements for Dealing with Standards Allegations

...

9 ... The [Standards] Sub Committee will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action."

4. Since the Constitution provides for the Standards Sub-Committee to be the decision maker as to whether there has been a failure to comply with the Code, I think that it must follow that the Investigating Officer is not empowered to reach that view i.e. is not empowered to find an actual breach, but only to decide whether there has been no breach of the Code, or that there has been a "potential breach" of it.

The Members' Code of Conduct

5. This forms Annex 1 to the Constitution. It states:-

"1. Application of the Code

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I acknowledge that this Code of Conduct applies whenever I am acting in my capacity as a Member, including

- At formal meetings of the Council, the Cabinet, Committees, Sub Committees and Working Groups.*
- When acting as a representative of the Council.*
- In taking any decisions as a Cabinet Member or Ward Councillor.*
- In discharging functions as a Ward Councillor.*
- At briefing meetings with Officers.*
- At site visits.*
- When corresponding with the Council other than in a private capacity*

2 General Principles

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity, I am committed to behaving in a manner that is consistent with the following

principles to achieve best value for our residents and maintain public confidence in this Council.

The seven principles of public life

...

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3. Standards of Conduct

As a Member of Dudley Metropolitan Borough Council my conduct will address the statutory principles of the code of conduct by:

- *Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.*

...

- *Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.*

- *Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.*

- *Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.*

- *Behaving in accordance with all our legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including on the use of the Council's resources.*

- *Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.*

- *Always treating people with respect, including the organisations and public I engage with and those I work alongside, and not bullying any person*

.

- *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.*

... .”

6. Members of course have rights to freedom of expression under Art 10 of the European Convention of Human Rights.

The complaint

7. Mrs Lowe's complaint states:-

"I would like to report Islamophobia by Dudley Cllr Elcock from his twitter account on 8.1.2020. I sent you a screen shot electronically by my initial email. ... I cannot see how any Muslim constituent would feel confident in approaching this Cllr for support know[ing] he holds such views."

8. I understand that the screen shot sent was of a tweet is on an account named "Cllr Colin Elcock", and says *"#Islam in my humble opinion – Domination not Integration."*

9. Cllr Elcock has informed me that the tweet was deleted when he realised that it was insensitive and inappropriate.

10. He has told me that he does not hold any racist or Islamophobic views; that during his working life as a shopkeeper, wine merchant, wholesaler and councillor he has always had a good relationship with people from all races and nationalities; and that he has always supported his constituents, fellow councillors and colleague, whatever their race or religion, without any prejudice.

11. He also tells me that since the complaint was made:-

"...I made a public apology for my mistakes, to my constituents, my party and anyone who has been affected or offended by this. My apology was published in the Local Media. I left a message of apology on my Twitter and Facebook, to ensure people, who were affected, could see, I knew a mistake had been made by my actions. With the help of a colleague I then closed down both accounts, and finally deleted them. I no longer use Social Media and have no intention of doing so in the future."

My conclusions

12. The fact that the tweet was in the name of "Cllr Colin Elcock" means that there is a case to answer that it was made in his capacity as member. The list of situations in the Members Code of Conduct which are stated to be those in which a member will be acting in his or her capacity as such is not in my view intended to be exhaustive, since it begins with the word "including".

13. There is also a case to answer that the tweet was not behaviour consistent with the following principles set out in the Code of Conduct:-

Selflessness – there is a case to answer that the tweet was not made “solely in terms of the public interest”

Objectivity – there is a case to answer that the tweet was not an act made without discrimination or bias, by reason that it could be viewed as discriminatory and/or biased against Iran and/or Islam.

Honesty – there is a case to answer that the tweets were not the expression of Cllr Elcock’s honest views.

Leadership – there is a case to answer that the tweet did not exhibit selflessness and objectivity in Cllr Elcock’s own behaviour and that it was inconsistent with the promotion and robust support for these principles and a willingness to challenge poor behaviour wherever it occurs.

14. Cllr Elcock’s assertions that he does not hold racist or Islamophobic views and the other points he makes do not change my views that there is a case to answer. The case to answer does not arise from his beliefs but his behaviour, though the tweet may in fact be thought to reflect on his beliefs as well.

15. The fact that Cllr Elcock deleted the tweet when he came to the view that it was insensitive and inappropriate does not change my views. The case to answer is that it should not have been made in the first place.

Conclusion

16. Mrs Lowe’s complaint shows a potential breach of a number of parts of the Members’ Code of Conduct.

A COMPLAINT BY MARK BINNERSLEY UNDER DUDLEY MBC'S STANDARDS
PROCEDURES

The request to investigate and the scope of my duties

1. Dudley MBC's Monitoring Officer has asked me to conduct an investigation into Mr Binnnersley's Standards Allegations complaint against Cllr Elcock dated 9th January 2020. I am therefore the Investigating Officer for the purpose of the procedure set out in the document entitled "Investigations Procedure – Standards Allegations under the Localism Act 2011".

2. The scope of my duties under the Investigations Procedure document is as follows. Page F18 refers to the Investigating Officer finding a "breach or potential breach of the Members' Code of Conduct". The courses of action available to the Monitoring Officer on receipt of my report are as follows:-

" – The report finds no breach of the Members' Code of Conduct – the Monitoring Officer will advise the complainant and the Member that the matter is concluded.

- The report finds a breach or potential breach of the Members' Code of Conduct – the Monitoring Officer will write to the parties confirming this and propose one of the two following options:

(i) Informal Resolution following consultation with an Independent Person. In this event the same procedure as set out above will apply for informal resolution.

(ii) Referral for a local hearing by the Standards Sub-Committee."

3. Two things follow from this. First, the Investigating Officer has the power to find no breach. Second, if the Investigating Officer finds "a breach or potential breach" then there may be either informal resolution or a local hearing by the Standards Sub-Committee. This suggests that the Investigating Officer may have the power to find an actual, rather than potential, breach. However, the Council's constitution provides:-

"Arrangements for Dealing with Standards Allegations

...

9 ... The [Standards] Sub Committee will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action."

4. Since the Constitution provides for the Standards Sub-Committee to be the decision maker as to whether there has been a failure to comply with the Code, I think that it must follow that the Investigating Officer is not empowered to reach that view i.e. is not empowered to find an actual breach, but only to decide whether there has been no breach of the Code, or that there has been a "potential breach" of it.

The Members' Code of Conduct

5. This forms Annex 1 to the Constitution. It states:-

"1. Application of the Code

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I acknowledge that this Code of Conduct applies whenever I am acting in my capacity as a Member, including

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2 General Principles

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity, I am committed to behaving in a manner that is consistent with the following

principles to achieve best value for our residents and maintain public confidence in this Council.

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...

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

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Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3. Standards of Conduct

As a Member of Dudley Metropolitan Borough Council my conduct will address the statutory principles of the code of conduct by:

- *Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.*

...

- *Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.*

- *Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.*

- *Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.*

- *Behaving in accordance with all our legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including on the use of the Council's resources.*

- *Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.*

- *Always treating people with respect, including the organisations and public I engage with and those I work alongside, and not bullying any person*

.

- *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.*

... .”

6. Members of course have rights to freedom of expression under Art 10 of the European Convention of Human Rights.

The complaint

7. Mr Binnersley complaint states:-

"In addition to Islamophobic comments made by Mr Elcock on social media and which have been reported by the Stourbridge news, the councillor has also made the following comments (attached to this complaint) on social media.

He described

Politician Michael Heseltine as a "dickhead"

BBC presenter Emily Maitlis as a "gob-shite"

Politician Hilary Benn as a "bastard"

Politician Jeremy Corbyn as a "prat"

House of Commons speaker John Bercow as a "prat"

BBC presenter Louise Minchin as a "silly woman"

Presenter Robert Peston as a "dickhead"

BBC presenter Kirsty Wark as "pig ignorant" and told her to "shut up"

8. I have not been sent the article from the Stourbridge News but I understand that the comments reported on were as follows, on 6th and 8th January 2020 respectively:-

"#Tehraniran - Does Anybody Work in that country or are they all on the dole?"

"#Islam in my humble opinion – Domination not Integration."

I have not seen the tweets relating to Michael Heseltine, Jeremy Corbyn, John Bercow or Louise Minchin, but I have communicated with Cllr Elcock and he has not told me that he did not make them.

9. I understand that all of these tweets were made on the account @ColinElcock which has the handle "Cllr Colin Elcock".

10. Cllr Elcock has informed me that the tweets about Iran and Islam were deleted when he realised that they were insensitive and inappropriate. He has told me that he does not hold any racist or Islamophobic views; that during his working life as a shopkeeper, wine merchant, wholesaler and councillor, he has always had a good relationship with people from all races and nationalities; and that he has always

supported his constituents, fellow councillors and colleagues, whatever their race or religion, without any prejudice.

11. As regards the tweets about political figures and reporters, Cllr Elcock told me:-

"I joined Twitter in April 2019 but only used it between October '19, and January '20.

All of my one line tweets were made in the build up to the General Election on December 12th 2019.

M. Heseltine, My tweet in reply to him calling for Anti Conservative vote.

Emily Maitlis, for continually butting in and talking over people.

H. Benn, For delaying the will of the people with his HoC vote.

J Corbyn I disagreed with his judgement.

J Bercow, Delaying the will of the people, Brexit Vote.

Louise Minchin For miss reading and fumbling her words.

R Peston, I disagreed with his judgement

K Wark, Again talking over guest politicians.

I am of course sorry in retrospect for my comments which were all made as part of ongoing discussions on twitter in conjunction with many others.

My mistake is I am an elected councillor."

12. Cllr Elcock also told me that since the complaint was made:-

"...I made a public apology for my mistakes, to my constituents, my party and anyone who has been affected or offended by this. My apology was published in the Local Media. I left a message of apology on my Twitter and Facebook, to ensure people, who were affected, could see, I knew a mistake had been made by my actions. With the help of a colleague I then closed down both accounts, and finally deleted them. I no longer use Social Media and have no intention of doing so in the future."

My conclusions

13. The fact that the tweets in relation to Iran and Islam were in the name of "Cllr Colin Elcock" means that there is a case to answer that they were made in his capacity as member. The list of situations in the Members Code of Conduct which are stated to be

those in which a member will be acting in his or her capacity as such is not in my view intended to be exhaustive, since it begins with the word “including”.

14. There is also a case to answer that the tweets are not behaviour consistent with the following principles set out in the Code of Conduct:-

Selflessness – there is a case to answer that the tweets were not made “solely in terms of the public interest”.

Objectivity – there is a case to answer that the tweets were not acts taken without discrimination or bias, by reason that they could be viewed as discriminatory and/or biased against Iran and/or Islam.

Honesty – there is a case to answer that the tweets were not the expression of Cllr Elcock’s honest views.

Leadership – there is a case to answer that the tweets did not exhibit selflessness and objectivity in Cllr Elcock’s own behaviour and that they were inconsistent with the promotion and robust support for these principles and a willingness to challenge poor behaviour wherever it occurs.

15. Cllr Elcock’s assertions that he does not hold racist or Islamophobic views and the other points he makes do not change my views that there is a case to answer. The case to answer does not arise from his beliefs but his behaviour, though the tweets may be thought to reflect on his beliefs as well.

16. The fact that Cllr Elcock deleted the tweets when he came to the view that they were insensitive and inappropriate does not change my views. The case to answer, on all of the tweets, is that they should not have been made in the first place.

17. As to the tweets relating to politicians and reporters, for the same reasons explained in paragraph 12 above, there is a case to answer that he made them as a member.

18. It is necessary to consider a member’s right to freedom of expression under Art 10 of the European Convention on Human Rights. Particular care will be needed in considering whether comments on political and related matters fall below standards to be expected of members. The law fiercely protects the expression of even very robustly framed political views since that is a key part of democracy. However I think that there remains a distinction between the expression of such views, and purely insulting language and swearwords.

18. On balance I think that there is a case to answer that at least some of these tweets were in breach of the following parts of the Code:-

Selflessness – there is a case to answer that the tweets were not made “solely in terms of the public interest”

Leadership – there is a case to answer that the tweets did not exhibit selflessness and objectivity in Cllr Elcock’s own behaviour and that they were inconsistent with the promotion and robust support for these principles and a willingness to challenge poor behaviour wherever it occurs.

20. In reaching this view, I take into account in particular that the Code of Conduct states:-

“As a Member of Dudley Metropolitan Borough Council my conduct will address the statutory principles of the code of conduct by:

...

Always treating people with respect, including the organisations and public I engage with and those I work alongside, and not bullying any person.”

Conclusion

21. Mr Binnersley’s complaint shows a potential breach of a number of parts of the Members’ Code of Conduct.

A COMPLAINT BY CLLR CATHRYN BAYTON UNDER DUDLEY MBC's STANDARDS
PROCEDURES

The request to investigate and the scope of my duties

1. Dudley MBC's Monitoring Officer has asked me to conduct an investigation into Cllr Bayton's Standards Allegations complaint against Cllr Elcock dated 9th January 2020. I am therefore the Investigating Officer for the purpose of the procedure set out in the document entitled "Investigations Procedure – Standards Allegations under the Localism Act 2011".

2. The scope of my duties under the Investigations Procedure document is as follows. Page F18 refers to the Investigating Officer finding a "breach or potential breach of the Members' Code of Conduct". The courses of action available to the Monitoring Officer on receipt of my report are as follows:-

" – The report finds no breach of the Members' Code of Conduct – the Monitoring Officer will advise the complainant and the Member that the matter is concluded.

- The report finds a breach or potential breach of the Members' Code of Conduct – the Monitoring Officer will write to the parties confirming this and propose one of the two following options:

(i) Informal Resolution following consultation with an Independent Person. In this event the same procedure as set out above will apply for informal resolution.

(ii) Referral for a local hearing by the Standards Sub-Committee."

3. Two things follow from this. First, the Investigating Officer has the power to find no breach. Second, if the Investigating Officer finds "a breach or potential breach" then there may be either informal resolution or a local hearing by the Standards Sub-Committee. This suggests that the Investigating Officer may have the power to find an actual, rather than potential, breach. However, the Council's constitution provides:-

"Arrangements for Dealing with Standards Allegations

...

9 ... The [Standards] Sub Committee will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action."

4. Since the Constitution provides for the Standards Sub-Committee to be the decision maker as to whether there has been a failure to comply with the Code, I think that it must follow that the Investigating Officer is not empowered to reach that view i.e. is not empowered to find an actual breach, but only to decide whether there has been no breach of the Code, or that there has been a "potential breach" of it.

The Members' Code of Conduct

5. This forms Annex 1 to the Constitution. It states:-

"1. Application of the Code

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I acknowledge that this Code of Conduct applies whenever I am acting in my capacity as a Member, including

- At formal meetings of the Council, the Cabinet, Committees, Sub Committees and Working Groups.*
- When acting as a representative of the Council.*
- In taking any decisions as a Cabinet Member or Ward Councillor.*
- In discharging functions as a Ward Councillor.*
- At briefing meetings with Officers.*
- At site visits.*
- When corresponding with the Council other than in a private capacity*

2 General Principles

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity, I am committed to behaving in a manner that is consistent with the following

principles to achieve best value for our residents and maintain public confidence in this Council.

The seven principles of public life

...

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

3. Standards of Conduct

As a Member of Dudley Metropolitan Borough Council my conduct will address the statutory principles of the code of conduct by:

- *Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.*

...

- *Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.*

- *Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.*

- *Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.*

- *Behaving in accordance with all our legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including on the use of the Council's resources.*

- *Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.*

- *Always treating people with respect, including the organisations and public I engage with and those I work alongside, and not bullying any person*

.

- *Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.*

... .”

6. Members of course have rights to freedom of expression under Art 10 of the European Convention of Human Rights.

The complaint

7. Cllr Bayton's complaint states that on 4th January 2020 Cllr Elcock responded to "a 'soft porn' tweet ... inappropriately. Links have already been provided."

8. I understand from a screen shot that I have seen that the links are to a tweet of a photograph of a woman exposing most of her bottom, and a comment on the photograph from "Cllr Colin Elcock" stating "Bloody hell wow". Another word or words is/are cut off from the screen shot which I have seen.

9. Cllr Bayton's complaint also refers to tweets not appended to her complaint but which I understand to have been on an account in the name of "Cllr Colin Elcock". She states that the tweets were as follows:-

"6.1.20 #Tehraniran Mr Elcock tweeted Does Anybody Work in that country or are they all on the dole? – referring to Iran

8.1.20 Colin Elcock tweets #Islam in my humble opinion – Domination not Integration."

10. Cllr Elcock has informed me that the tweets were deleted when he realised that they were insensitive and inappropriate. He has told me that he does not hold any racist or Islamophobic views; that during his working life as a shopkeeper, wine merchant, wholesaler and councillor, he has always had a good relationship with people from all races and nationalities; and that he has always supported his constituents, fellow councillors and colleagues, whatever their race or religion, without any prejudice.

11. As regards the 'soft porn' issue he tells me as follows:-

"a colleague who is a soft-ware writer and twitter user, had to explain to me, that my account was hacked at this time and images of a sexual / pornographic nature were posted on my twitter feed without my knowledge.

Whoever hacked my account had also taken time to fabricate a comment from me and make it look as if I had responded to these images."

12. He also tells me that since the complaint was made:-

"...I made a public apology for my mistakes, to my constituents, my party and anyone who has been affected or offended by this. My apology was published in the Local Media. I left a message of apology on my Twitter and Facebook, to ensure people, who were affected, could see, I knew a mistake had been made

by my actions. With the help of a colleague I then closed down both accounts, and finally deleted them. I no longer use Social Media and have no intention of doing so in the future.”

My conclusions

13. As regards the tweet about the woman’s buttocks, it will be for the Standards Sub-Committee to decide whether Cllr Elcock’s account was hacked as he says. That is not a matter which I can decide on the material which I have seen. Currently there is a case to answer that the tweet was his own.

14. The fact that the tweet was in the name of “Cllr Colin Elcock” means that there is also a case to answer that it was made in his capacity as member. The list of situations in the Members Code of Conduct which are stated to be those in which a member will be acting in his or her capacity as such is not in my view intended to be exhaustive, since it begins with the word “including”.

15. In my view there is a case to answer that the tweet is not behaviour consistent with the following principles set out in the Code of Conduct:-

Selflessness – there is a case to answer that the tweet was not made “solely in terms of the public interest”.

Objectivity – there is a case to answer that the tweet was not an act made without discrimination or bias, by reason that it could be viewed as sexist and degrading to women, and/or to the woman who posted the tweet on which Cllr Elcock commented.

Honesty – there is a case to answer that the tweets were not the expression of Cllr Elcock’s honest views.

Leadership – there is a case to answer that the tweet did not exhibit selflessness and objectivity in Cllr Elcock’s behaviour and that it was inconsistent with the promotion and robust support for these principles and a willingness to challenge poor behaviour wherever it occurs.

16. The tweets relating to Iran and Islam were on a twitter account named “Cllr Colin Elcock” so that there is a case to answer that he made them in his capacity of member.

17. There is also a case to answer that the tweets are not behaviour consistent with the following principles set out in the Code of Conduct:-

Selflessness – there is a case to answer that the tweets were not made “solely in terms of the public interest”

Objectivity – there is a case to answer that the tweets were not acts taken without discrimination or bias, by reason that they could be viewed as discriminatory and/or biased against Iran and/or Islam.

Leadership – there is a case to answer that the tweets did not exhibit selflessness and objectivity in Cllr Elcock’s own behaviour and that they were inconsistent with the promotion and robust support for these principles and a willingness to challenge poor behaviour wherever it occurs.

18. Cllr Elcock’s assertions that he does not hold racist or Islamophobic views and the other points he makes do not change my views that there is a case to answer. The case to answer does not arise from his beliefs but his behaviour, though the tweets may be thought to reflect on his beliefs as well.

19. The fact that Cllr Elcock deleted all of the tweets when he came to the view that they were insensitive and inappropriate does not change my views. The case to answer, on all of the tweets, is that they should not have been made in the first place.

Conclusion

20. Cllr Bayton’s complaint shows a potential breach of a number of parts of the Members’ Code of Conduct.