

Southend-on-Sea City Council
Decision Notice
Of a Hearing of the
Standards Committee
On
8th March 2023
6:30pm

Standards Complaint Ref: 22/001 and 22/002
Complaints of Mrs Tracey White and Miss Kim Abbott (“the Complainants”) against
Councillor Ron Woodley

1. Introduction

1.1 This matter stems from:

1.1.1 A complaint (reference 22/001) received by the then Monitoring Officer from Mrs Tracey White (a member of the public) on the 25th January 2022 alleging that Councillor Ron Woodley (“Cllr Woodley”) had breached the Members’ Code of Conduct at part 5(a) of the Council’s Constitution (“the Code”); and,

1.1.2 a second complaint (reference 22/002) from Miss Kim Abbott (a member of the public) dated the 23rd February 2022 alleging Cllr Woodley and a second Councillor had breached the Code.

1.2 The issue underlying the complaints was the proposed scheme to implement a 20mph zone in Thorpe Ward comprising various street furniture (“the 20mph Scheme”). More specifically, the complaints relate to (i) Cllr Woodley’s conduct at a meeting of Cabinet on 13 January 2022; (ii) Cllr Woodley’s broader conduct towards the public (including the Complainants) regarding the progress of the 20mph Scheme, and (iii) allegations around Cllr Woodley’s general conduct towards the complainants specifically.

1.3 On the 23rd March 2022 the Council’s Standards Committee (“the Committee”) considered a report of the then Monitoring Officer to request that the Committee undertake an initial review of the complaints and determine next steps. The Committee resolved that the two complaints, 22/001 and 22/002, be investigated and the third complaint to not be progressed to investigation.

1.4 The Council engaged an Investigating Officer (“the Investigator”) who was an experienced senior legal officer in such matters from a Local Authority outside of Essex. The Investigator interviewed the Complainants and Cllr Woodley as well as

reviewing a transcript of the meeting of Cabinet of the 13th January 2022 and the complaint forms and supporting emails as well as the responses from Cllr Woodley.

- 1.5 A draft of the investigation report (“the Investigation Report”) was sent to the Complainants and Cllr Woodley on 2 December 2022 to allow for comments prior to finalising the report. The complainants both responded, but no response was received from Cllr Woodley. Whilst the then Investigator left the employ of the Local Authority asked to investigate matters a new investigator was appointed to present the report at the Hearing and is referred to hereafter still as “the Investigator.”
- 1.6 A further hearing of the Committee (“the Hearing”) was conducted in accordance the Complaints against Members Rules (“the Rules”) on the 8th March 2023 to consider the Investigation Report.
- 1.7 At the Hearing the Chair of the Committee outlined the procedure of how the Hearing would progress and then the Investigator and Cllr Woodley were invited to outline their positions.
- 1.8 Both the Investigator and Councillor Woodley were asked to present their case and call any witnesses. The Committee also asked Councillor Woodley some questions to which the Councillor responded.
- 1.9 The Investigator summed up the Investigation Report and Cllr Woodley was asked to sum up his case and then Cllr Woodley asked questions of one of the Complainants, Miss Abbott.
- 1.10 The Committee retired to fully consider the matter. The Committee carefully considered and deliberated upon all of the information before them, including the Investigation Report, the comments of the Investigator, Cllr Woodley’s responses to questions posed to him and comments he made. The Committee also sought and took into consideration the views of the Independent Persons prior to making its decision.

2. Purpose of the Decision Notice

- 2.1 Following the Committee meeting the Monitoring Officer is required to prepare a formal decision notice in consultation with the Chair of the Committee to be issued within 7 working days with a copy sent to the Complainants and Cllr Woodley.

3. Summary of Reasons

3.1 In summary, the allegations of the Complainants were categorised by the Investigator into 5 elements in that Cllr Woodley:

- a. Failed to exclude himself from the business of the 13 January 2022 Cabinet Meeting due to his interest in the 20mph Scheme (because he is a resident of one of the affected roads) (the **Members' Interest Complaints**);
- b. Promoted the 20mph Scheme to the public in a misleading way, in breach of his obligations as a Councillor (the **Public Misrepresentation Complaints**);
- c. Misrepresented to the Council the level of support for the 20mph Scheme (the **Council Misrepresentation Complaints**);
- d. Behaved offensively in the 13 January 2022 Cabinet Meeting (the **Meeting Conduct Complaints**);
- e. Behaved offensively towards members of the public in settings outside of Council meetings (the **Personal Conduct Complaints**).

3.2 The Investigator's findings, in summary, in respect of each of the allegations above were as follows:

- a. **The Members' Interest Complaints: Breach found:** Cllr Woodley should not have participated in the 13 January 2022 Cabinet Meeting, due to the operation of paragraph 10.3 of the Code.
- b. **The Meeting Conduct Complaints: Breach found:** Cllr Woodley's conduct fell below the standards required by the Code.
- c. With regards the **Public Misrepresentation Complaints, The Council Misrepresentation Complaints** and **The Public Conduct Complaints** the Investigator was not able to make a positive finding on the evidence provided.

3.3 The Committee agreed and accepted the Investigator's findings concerning the three allegations that were not proven.

3.4 The Committee determined that the conduct of Cllr Woodley upon two of the five matters investigated did amount to a breach of the Code, as follows:

3.4.1 Cllr Woodley should not have participated in the 13 January 2022 Cabinet Meeting, due to the operation of Paragraph 10.3 of the Code in force at the time.

3.4.2 Cllr Woodley's conduct fell below the standards required by the Code, in force at the time, in his dealings with the objectors. This is with regards to the Cabinet Meeting of

the 13th January 2022 in calling people “small minded nimbies” and this plainly falls short of the Code standard namely 3.1 (treating others with respect).

4. Decision

4.1 The Committee, in considering the actions available upon a finding of breach of the Code, and on the basis that it was a proportionate action to take, determined that it should issue a reprimand against Cllr Woodley to make clear its severe disapproval in relation to the breach. The Committee also determined that the findings should be reported to Full Council and that the Monitoring Officer should be asked to offer appropriate training to all Councillors with regards declaring interests.

5. Right of appeal

5.1 Part 9.1 of the Rules provides that there is no right of appeal against this decision.

6. Public Inspection

6.1 This decision notice is available for public inspection as provided for at part 9.2 of the Rules.