



**EAST CAMBRIDGESHIRE DISTRICT COUNCIL FINANCE AND ASSETS (ETHICAL
GOVERNANCE) SUB-COMMITTEE
DECISION NOTICE**

SUB-COMMITTEE DATED: 29 JULY 2021: DISTRICT COUNCILLOR MATTHEW DOWNEY

Authority:
East Cambridgeshire District Council
Subject Member:
District Councillor Matthew Downey
Complainant:
District Councillor Anna Bailey
Member who Chaired the Sub-Committee:
Councillor Sue Austen
Members who took part in the Sub-Committee:
Councillor Sue Austen Councillor Charlotte Cane Councillor Mark Inskip Councillor Dan Schumann Councillor John Trapp Councillor Jo Webber
Monitoring Officer (MO):
Maggie Camp, Legal Services Manager and Monitoring Officer (MO)
Independent External Investigator who investigated the matter (if applicable):
Alex Oram/Mark Hedges – ch&i associates
Clerk of the Sub-Committee or other administrative officer:
Tracy Couper, Democratic Services Manager and Deputy Monitoring Officer
Date of the Investigation report:
9 February 2021
Summary of the complaint:
<p>The complaint alleged that Cllr Downey had failed to treat the complainant and other Conservative members with respect, had displayed bullying behaviour and brought the authority into disrepute in relation to various tweets that were posted on his Twitter account between 17th and 25th July 2020. The tweets stemmed from a full Council meeting on 16th July 2020 and a meeting of Finance and Assets Committee on 23rd July 2020.</p> <p>The tweets included assertions that the Council's Constitution had been breached ("manipulated", "violated", "broken" and "wrecked"), both in relation to the Council meeting of 16th July and the Finance & Assets Committee meeting on 23rd July. The tweets also stated that the Conservative members of the Council were racist, criticised named individual Conservative members for "liking" racist tweets, accused them of breaching the Council's Constitution and called on the Chair of a particular Committee to resign. It was also alleged that Cllr Downey had "baited" the complainant to get her to respond on Twitter and subsequently accused her of lying. The complainant stated that the tweets were untrue and therefore brought Cllr Downey or the Council into disrepute.</p>



The relevant section or sections of the Code of Conduct:

3.1 You must treat others with respect

3.2 (b) You must not bully any person

3.2 (e) You must not conduct yourself in a manner which could be reasonably be regarded as bringing your office or authority into disrepute

A summary of the evidence considered and representations made:

The Monitoring Officer's report containing the Investigation Officer's Report and the following supporting documents:

- 1 Copy of Sub-Committee Procedure for Members Code of Conduct Complaints
- 2 East Cambridgeshire District Council Member Code of Conduct, together with copy flowchart for complaints handling and Complaints handling criteria
- 3 Copy complaint made on 27th July 2020 together with copies of the Tweets referred to in the complaint.
- 4 Copy letter from the Monitoring Officer to Cllr Downey
- 5 Copy chasing email from the Monitoring Officer to Cllr Downey dated 17th August 2020.
- 6 Copy chasing letter from the Monitoring Officer to Cllr Downey dated 18th August 2020.
- 7 Copy email form Monitoring Officer to the two Independent Persons dated 25th August 2020.
- 8 Copy email and report from the Independent Persons dated 1st September 2020.
- 9 Copy further email from Monitoring Officer to Independent Persons dated 1st September 2020.
- 10 Copy further email to Cllr Downey from the Monitoring Officer dated 8th September 2020.
- 11 Copy Attendance note of calls out to Cllr Downey and the complainant dated 10th September 2020.
- 12 Copy email instruction to Mark Hedges/Alex Oram of Chi Associates requesting an external investigation.
- 13 Link to Council meeting of 16th July 2020:
<https://www.youtube.com/watch?v=LbjZ7L4H4J4>
- 14 Link to Finance & Assets Committee on 23rd July 2020
<https://www.youtube.com/watch?v=UUpqSLy0tY0>
- 15 Copy of E-mail correspondence dated 1 March from Independent Person giving her view that Investigation report accurate and fair and her agreement that matter should proceed to a Sub-Committee, together with correspondence dated 17 March 2021 to Councillor Downey advising that matter was to be referred to a Sub-Committee (circulated at Sub-Committee meeting)

Summary presentations by MO and Alex Oram, Investigating Officer, of their reports at the Sub-Committee. Presentations by the Subject Member and the Complainant to the Sub-Committee.

Questions to and from all parties present in accordance with the Sub-Committee Procedure.

The finding as to whether the Member failed to follow the Code of Conduct:

Agreement of Sub-Committee with findings in Investigation Report as follows:

Paragraph 3.1 You must treat others with respect

Paragraph 3.2 (e) You must not conduct yourself in a manner which could be reasonably be regarded as bringing your office or authority into disrepute

Finding: Breach: When Councillor Downey called Conservative Group 'racists'; stated that Councillor Bailey and her Group did not think that Black lives mattered; and accused Councillor Bailey of lying.

Paragraph 3.2 (b) You must not bully any person

Finding: No Breach: Do not consider that Councillor Downey bullied anyone when he called Conservative Group 'racists'; stated that Councillor Bailey and her Group did not think that Black lives mattered; and accused Councillor Bailey of lying.



Paragraph 3.1 You must treat others with respect

Paragraph 3.2 (e) You must not conduct yourself in a manner which could be reasonably be regarded as bringing your office or authority into disrepute

Paragraph 3.2 (b) You must not bully any person

Finding: No Breach: Do not consider that Councillor Downey failed to comply with the Code of Conduct when he asserted that the way in which his motion was handled breached the Council's Constitution, or for calling on the Chair of a particular Committee to resign as a result. However, this should not be viewed as an endorsement of Councillor Downey's comments or the veracity of his concerns, but that a finding that he had failed to comply with the Code with regard to these matters would represent a disproportionate restriction on his right to free speech.

Sanctions:

1. That the Councillor apologises in writing to the complainant.
2. That the Councillor receive appropriate training.
3. That a Press Notice be issued, the wording of which to be delegated to the Monitoring Officer.