

Decision Notice: Breach of the Code of Conduct - Local Resolution after Investigation

Reference: STD0004302, STD004323

Complaints

On 27th July 2024, the Monitoring Officer received a complaint from a member of the public in relation to the conduct of Gedling Borough Council Councillor, Paul Wilkinson. On 3rd August 2024, the Monitoring officer received a second complaint, from a Gedling Borough Councillor in relation to the conduct of Councillor Paul Wilkinson.

Both complaints related to the conduct of Councillor Paul Wilkinson at a Council meeting on 26th July 2024. After initial assessment and consultation with the Independent Person David Walsh, the Monitoring Officer referred both complaints for formal investigation. An Independent Investigator was appointed to conduct the investigation. The investigation concluded on 15th October 2024 and a report was submitted to the Monitoring Officer. The investigator concluded, in relation to both complaints that Councillor Paul Wilkinson had breached the following paragraph of the Gedling Borough Council Code of Conduct.

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

In summary, the complaints related to comments made by Councillor Wilkinson at a Gedling Borough Council meeting on 26th July 2024. During that meeting, a motion was proposed by Councillor Russell Whiting. The motion was seconded by Councillor Hughes. The motion, as originally proposed and introduced by Councillor Whiting is shown below.

Motion 1: That this Council notes:

- *Since the conflict started more than 37,000 people have been killed – with more than 50% estimated to be women and children. With thousands more buried under the rubble.*
- *A letter in The Lancet Journal estimates that the true death toll may be as high as 186,000.*
- *The words of Foreign Secretary David Lammy MP on July 7 2024 when talking about Gaza: “We want to see a cease-fire. We want to see those hostages out”*
- *That then Foreign Secretary Lord Cameron on Thursday 11 January in describing the situation in Gaza as ‘heartbreaking’ ‘desperate’ and how ‘death and despair haunt’ the lives of Gaza’s children and his statement on March 25 that The UK has long been calling for an immediate humanitarian pause leading to a sustainable ceasefire without a return to destruction, fighting and loss of life, as the fastest way to get hostages out and aid in.*
- *That on 2 April Sir Ed Davey MP said “This violence has to stop. Now. We need an immediate bilateral ceasefire – a real ceasefire that finally sets us on the path to a lasting peace.*
- *In February 2024 the UK Parliament voted unanimously in favour of an immediate ceasefire in Gaza*

Therefore, this Council resolves to:

- *Record its deep concern for the severe reverberations of this crisis felt within Gedling borough and across the UK, with Jewish, Muslim, and Palestinian communities all fearing and grieving;*

- Thank community leaders in this borough for the role they are playing in reducing tensions at this sensitive and difficult time;
- Thank members of the public throughout the Borough who have donated or provided assistance to the humanitarian response to the crisis in Gaza;
- Support any forthcoming Government proposals for resettlement support for Palestinians seeking sanctuary here in the UK, as with the war in Ukraine;
- Commit to identify ways in which the events can be remembered in the future, in this borough;
- Offer appropriate support and assistance to the diverse communities within Gedling who have been impacted by, or who face emerging issues as a result of this crisis.
- Request that the Chief Executive write to the Secretary of State for Foreign, Commonwealth and Development Affairs affirming the support of Gedling Borough Council for any and all efforts to bring about a bilateral cessation of hostilities leading to a lasting peace arrangement

An amendment to this motion was proposed by Councillor Roxanne Ellis and the amendment was seconded by Councillor Paul Wilkinson, the amendment was accepted by the proposer and seconder of the original motion and as such the amended motion became the substantive motion.

In the course of the debate on the amended motion, Councillor Wilkinson made the following comments:

“ Now had that happened from the outset I think there would have been a ceasefire a long time ago so let's lay the blame where it lies. It lies with Hamas a terrorist organisation and you'll note that Councillor Whiting does not condemn Hamas. If you look at his social media he never condemns Hamas, in fact what he what he has called for and as with many motions of this this nature it's often not the words that are that are uh on on on paper it's what's said in the speeches and the mask slipped there Councillor Whiting because what you called for in your speech was the destruction of Israel “

Following these comments by Councillor Wilkinson, Councillor Whiting called for Councillor Wilkinson to withdraw his final statement (underlined) but Councillor Wilkinson refused to do so.

At no point during his speech on the original proposed motion did Councillor Whiting call for the destruction of Israel.

Both complainants alleged that the comments made by Councillor Wilkinson amounted to a breach of the Gedling Borough Council Code of Conduct. Both complainants alleged that the comments amounted to a lack of respect, but also alleged that Councillor Wilkinson had brought his role or authority into disrepute (para 5 of the Code of Conduct) and that Councillor Wilkinson had used his position as a Councillor improperly to the advantage or disadvantage of someone else (para 6 of the Code of Conduct.)

Decision

The investigator spoke to both complainants and Councillor Wilkinson during the course of the investigation. The investigator reviewed the Council's Code of Conduct, relevant case law and guidance and watched the recording of the meeting on 26th July 2024 which was also transcribed. A draft report on the investigation was submitted to the complainants for comments and a final report was then submitted to the Monitoring Officer.

Section 27(2) of the Localism Act 2011 requires all relevant authorities to "adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity."

Gedling Borough Council has adopted such a Code of Conduct which reflects this and states:

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- *you misuse your position as a councillor*
- *your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.*

The Code applies to all forms of communication and interaction, including:

- *at face-to-face meetings*
- *at online or telephone meetings*
- *in written communication*
- *in verbal communication*
- *in non-verbal communication*
- *in electronic and social media communication, posts, statements, and comments.*

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

As the comments by Councillor Wilkinson were made in the course of debate at a Council meeting it is clear that Councillor Wilkinson was acting in an official capacity and therefore the Code was engaged.

The Investigator concluded that Councillor Wilkinson had breached the Code of Conduct by failing to treat Councillor Whiting with respect. The Investigator did not find any other breach of the Code.

In coming to the conclusion that a breach had occurred, the Investigator considered the right of Councillor Wilkinson to free speech, particularly in the context of political debate. However, the Investigator concluded that Councillor Wilkinson's remarks crossed the line from political comment to personal attack on Councillor Whiting. The comments made by Councillor Wilkinson were during a debate on a highly emotive topic, and by stating that Councillor Whiting had called for the destruction of Israel, Councillor Wilkinson made an extremely serious allegation, which did not in any way reflect what Councillor Whiting actually said.

In line with the Council's arrangements for dealing with complaints, following receipt of the investigation report, the Monitoring Officer considered whether the matter could be reasonably resolved without the need for a hearing.

The Monitoring Officer consulted with the Independent Person and it was agreed that a local resolution would be sought for both complaints. It should be noted that all parties, through the course of the investigation had indicated that a local resolution may be acceptable.

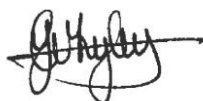
The local resolution proposed by the Monitoring Officer was that Councillor Wilkinson offer a public apology for his comments to Councillor Whiting at the Council meeting on Wednesday 13th November 2024, the wording of such apology to be agreed by Councillor Whiting.

All parties accepted the local resolution and on 13th November 2024, Councillor Wilkinson, during the Council meeting apologised publicly to Councillor Whiting for his comments and any offence caused. Councillor Whiting formally accepted the apology.

This now concludes the matter.

This Decision will be reported to the next convenient meeting of the Standards Committee and will be published as part of that agenda.

Please note, there is no right of appeal against this decision. If the Complainant feels the Council have failed to deal with the complaint properly, he/she may complain to the Local Government and Social Care Ombudsman PO Box 4771, Coventry, CV4 0EH.



Signed:

Dated: 19/11/24

**Francesca Whyley
Monitoring Officer**