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9th July 2018

COMPLAINT DECISION NOTICE

**COMPLAINT REFERENCE: COUNCILLOR WISDOM DA COSTA
DECISION: BREACH OF THE CODE OF CONDUCT**

Power to determine the Complaint

The Code of Conduct complaint against Cllr Da Costa has been determined under Part 7 of the Royal Borough of Windsor and Maidenhead's Members' Code of Conduct complaints process, Appendix 4.

I assessed the complaint under paragraph 3 of Appendix 4, and considered that the criteria stated in that paragraph was met with regard to accepting the complaint. Under paragraph 4 of Appendix 4, I consulted the views of Mr. Peter Hills the Royal Borough's Independent Person.

The Complaints

The complaint alleged that Cllr Da Costa had breached the Council's Code of Conduct as follows:

viii) you must promote and support high standards of conduct when serving in your public post, in particular characterised by the above requirements by leadership and example

Anaylsis

Cllr. Dudley spoke to a Maidenhead Development Control Panel meeting on 11th April 2018, which he was entitled to do. Nevertheless, Cllr. Da Costa posted the following statement on Facebook: "There might well be a role for the police in this matter". This cannot be taken other than saying, at the very least, that Cllr. Dudley's role at the panel meeting was possibly a police matter. This was far from the truth. Cllr. Da Costa unfortunately also pasted the conversation into Twitter. Cllr. Dudley submitted a Code of Conduct complaint on 20th April 2018.

It is clearly unacceptable for Councillors to use social media to make false accusations about each other. If a Councillor was concerned about any actions of another Councillor, they have a completely open and free line to confidential advice from either the Managing Director or myself as Monitoring Officer. Cllr. Da Costa was unable to explain the reason for making the police matter comment. He said that he didn't know and couldn't comment on police involvement, but it would be reasonable to assume that he must have been able to foresee the damage caused by airing the possibility, rather than choosing to avoid the subject altogether.

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Cllr. Da Costa offered an apology to Cllr. Dudley; however, in view of the seriousness of this matter, an apology is not enough to close this particular complaint. I am also concerned about the harm these comments cause to the good reputation of the Council. Cllr. Da Costa has expressed regret and said he would ensure he would use social media in a better way in the future.

Decision: I consider that Cllr Wisdom Da Costa acted in breach of paragraph viii of the Council's Code of Conduct.

Notification of Decision

My decision has been sent to Cllr Da Costa and the complainant. A notice of the complaint will be published on the Council's webpage for a period of 24 months

Under Part 7 Appendix 4 of RBWM's complaints procedure there is no further right of appeal.. Anyone dissatisfied with this decision may however write to the Local Government Ombudsman. Further details are on the Local Government Ombudsman's website.

Mary Severin
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