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26th September 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

Analysis

Cllr. Da Costa was aware from the decision notice for the first complaint that it is unacceptable to make false accusations against someone in social media, including making a false accusation by simply suggesting something which is untrue. Nevertheless, the way he worded the subsequent posting was effectively repeating the allegations all over again. I don't accept it was necessary to repeat what he said again for the purposes of explaining his actions to the public. Having acknowledged the mistake of doing so the first time, it is hard to understand why he did so a second time.

By way of a sanction against Cllr. Da Costa, I have recommended to the Leader of the Opposition that Cllr. Da Costa be removed from one of the panels that he sits on.

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 who is not a Councillor may however write to the Local Government Ombudsman. Further details are on the Local Government Ombudsman's website.

Mary Severin
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