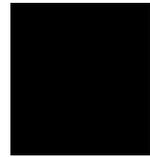


:
Name Mary Severin
Monitoring Officer
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6th September 2019

COMPLAINT DECISION NOTICE

**COMPLAINT REFERENCE: COUNCILLOR JONATHAN DAVEY
DECISION: NO BREACH OF THE CODE OF CONDUCT**

Power to determine the Complaint

This Code of Conduct complaint against Cllr. Davey 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 Complaint

The complainant sent material in support of her complaint, and then further material when I asked her for clarification after receiving an initial response from Cllr. Davey.

Her complaint was in two parts, the first was as follows. She posted a request on a Facebook page called 'WWRA: Ask your Councillor questions', asking for people to sign a petition set up by an ex-Councillor to help safeguard Hemwood Dell. The complainant then said that Cllr. Davey hijacked this and made personal attacks against the ex-Councillor, alleging that he (Cllr Davey) had been working with local residents on Hemwood Dell as it is 'they who are important'. The complainant said that he also posted that he had done work on the campaign, so she asked Cllr Davey what was being done to secure the land. She said that all that happened was a constant barrage of him avoiding the question, attacking people and being unprofessional saying 'you at it again' to another member of the public. Cllr. Davey is then alleged to have asked her to join a Hemwood Hub saying 'those people know what's going on because they know how to communicate politely'. She said she has not once been rude but that he was rude and dismissive and then removed himself from the thread. She alleged that Cllr. Davey also blocked her from the closed WWRA Facebook page, without warning or explanation, and then deleted the thread.

The second part of her complaint was about a repair of a footpath. She asked for Cllr. Davey to sort it out but said his response was poor when he said that he took pictures of it and that he had resolved it by passing it to the Council's Highways department. She said that there continued to be a trip hazard on the footpath. She considered his response of asking her to ask her neighbours about it as rude compared with a response she received

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from his fellow Ward Member who, she felt, demonstrated empathy and professionalism 'in stark contrast to Jonathan Davey who seems quite happy with the level of repair, even stating that the trip hazard has gone'.

The complainant alleged that Cllr Davey had breached the following paragraphs of the Council's Code of Conduct:

- ix) You must not act in a way which a reasonable person would regard as bullying, or in any way which is intimidating to others.
- x) Councillors must not behave in such a way that a reasonable person would regard as disrespectful to others. You should encourage and foster respect in others.

Cllr Davey's response

Cllr. Davey said that in the Social media material provided by the complainant from the WWRA Facebook page, he was simply imparting information as a Ward Member to residents. The repair of the footway in Wolf Lane was first raised by the complainant on 5th July 2019 via that Facebook page. Cllr Davey took photos of the repair and emailed them to the Council's Highway department, asking them to look at it. He posted a comment to the complainant to tell her that he had done this. Social media posts provided by Cllr Davey show that, despite this, the complainant continued with the issue because a trip hazard remained on the path. Unfortunately others then posted unwanted negative comments, in response, which appeared critical of Cllr. Davey. This made Cllr .Davey feel harassed. The complainant continued to pursue the poor state of repair of the footway on social media. Cllr. Davey posted a response to the complainant pointing out that he took pictures and forwarded them to highways but that they had not yet responded. He also stated that it didn't look great but that he thought the trip hazard had been removed.

With regard to the part of the complaint about Hemwood Dell, Cllr. Davey said that the complainant's posts on the WWRA Facebook page about a petition were deleted on the afternoon of 9th July by a third party member of WWRA. She was also blocked by them, and not Cllr. Davey, to avoid political input into a WWRA Facebook page which was set up purely to answer resident's questions about local issues.

Analysis

Issues raised by the complainant with regard to allegations of rudeness to others have been dealt with separately by another Code of Conduct complaint made, and I am therefore not going to deal with those allegations as part of this complaint. The focus here is therefore only in response to allegations which directly concern the complainant.

Social media comments made in relation to the two issues here from the complainant demonstrate that she was seeking help with two local issues and that she had asked for help from Cllr Davey as her Ward Member. She received answers to those two issues but was unhappy with the responses given by Cllr. Davey. The complainant's frustration in not getting a satisfactory response resulted in negative comments on social media about Cllr Davey. Cllr. Davey understandably perceived that the issues became political when he received criticism from political rivals and members of the public in support of those political rivals. Cllr. Davey posted a comment that the complainant's approach to supporting an ex-Councillor was too much. He provided the complainant with a link to the Hemwood Dell website. He told her he had forwarded the issue about the footpath to the Council's Highways Department and had not yet heard anything. Having seen the Social Media posts sent to me by both the complainant and Cllr. Davey, I can understand why he

could not continue to engage with the complainant via Social media, as those posts became increasingly negative.

Cllr. Davey was not responsible for blocking the complainant from the Facebook page set up by WWRA, but even if he was, I do not find this action or anything else given to me by the complainant as being disrespectful in the circumstances. I could find nothing in the complaint that came anywhere near within the definition of bullying or intimidation.

Decision: I consider that Cllr Davey did not act in breach of paragraphs xi) or x) Council's Code of Conduct.

Notification of Decision

My decision has been sent to the complainant and Cllr Davey and will be published on the Council's webpage for a period of 3 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, provided they themselves are not a Councillor. Further details are on the Local Government Ombudsman's website.

Mary Severin
Monitoring Officer

6th September 2019