

## MEMBER CONDUCT PANEL

The following decisions were taken by the Member Conduct Panel following a meeting on Monday, 23 May 2022.

- **INVESTIGATOR'S REPORT IN RESPECT OF AN ALLEGATION THAT A MEMBER FAILED TO COMPLY WITH THE CODE OF CONDUCT** (Item 4)

### **NOTICE OF A DECISION OF THE MEMBER CONDUCT PANEL**

Date of Panel meeting:	23 May 2022
Allegation concerning:	Andy Lynch
Chairman of Panel:	Helyn Clack
Members of Panel:	Liz Bowes Eber Kington
Investigating Officer:	Eileen Perren
Independent Person:	Philippa Harding
Date of Final decision:	23 May 2022

### **Constitutional Basis**

1. The Member Conduct Panel has been established as part of Surrey County Council's arrangements for dealing with complaints made about the conduct of Surrey County Councillors and Co-opted Members.
2. Andy Lynch is a Member of Surrey County Council.
3. Philippa Harding has been appointed by Surrey County Council as an Independent Person as defined by S28(7) of the Localism Act 2011.

### **Consideration of Complaint**

4. The complaint was initially considered by the Monitoring Officer and the Independent Person and the matter was referred for an investigation into whether there had been a breach of the Council's Code of Conduct for Members (the Code).
5. The Member Conduct Panel met on 23 May 2022 to consider the report of an investigation into two complaints received concerning offensive comments made by Andy Lynch on his twitter profile alleging there had been a breach of the Council's Code of Conduct.
6. The Investigating Officer found that there was evidence of a failure to comply with the Code of Conduct. That the language used in the tweets

was offensive and derogatory. The Code of Conduct makes clear that councillors have an obligation to treat members of the public with respect. The guidance clarifies that councillors can express robust opinions but should do so in a civil manner.

7. After hearing from the Investigating Officer and from Andy Lynch the Panel agreed that there had been a breach of the Code.
8. Prior to taking the decisions set out below the Panel sought and took into account the views of the Independent Person.
9. The Member Conduct Panel reconvened to consider what action to take.
10. The Panel considered all the circumstances of the case and concluded that Andy Lynch had failed to comply with the Code.

### **Reasons and Action**

11. The Panel noted that Andy Lynch had fully co-operated with the investigation and had voluntarily admitted and apologised for his conduct. He had sent a written apology to the Chief Executive, the Chairman of the Council and the Leader of the Council. It was noted that he had been removed from a select committee by his Group. After a full discussion, the Panel felt that a statement of censure be issued.

Statement of censure which the Panel agreed be put in the notice was:-

“Following its meeting on 23<sup>rd</sup> May 2022 the Member Conduct Panel of Surrey County Council formally issues this statement of censure concerning comments made by Cllr Lynch on his twitter account. The Member Conduct Panel determined Cllr Lynch breached the Councillor Code of Conduct by making offensive comments and considers his behaviour fell short of the high standards expected of an elected member of Surrey County Council. It was noted his twitter account had been removed and an apology provided to the Council.”

12. The Panel decided that its findings should be reported to the next meeting of the County Council.

**Helyn Clack**  
**Chairman of Member Conduct Panel**

#### **Right of Appeal**

The Council's Arrangements do not include a right of appeal against a finding that a Member has breached the Code of Conduct.