

Decision Notice - Surrey County Council Member Conduct Panel 22nd May 2023.

The Member Conduct Panel (the Panel) of Surrey County Council met on the 22nd May 2023 to consider two complaints concerned tweets allegedly made by Cllr Lynch via the twitter account @TheLandlorduk. The complaints alleged that the content and language used in the tweets was in breach of the Council's Code of Conduct for Councillors.

The Panel, following consideration of the Investigating Officers report and representations made by the Investigating Officer and Cllr Lynch, and consulting with the Independent Person decided as follow:

1. Non-cooperation with a Code of Conduct investigation.

The Panel found that Cllr Lynch had failed to cooperate with the Investigating Officer and the Member Conduct Panel, by refusing to confirm or deny if he was responsible for the twitter account and tweets. This was a simple "yes" or "no" answer and fundamental to the matter being considered by the Panel.

The Panel found that Cllr Lynch's behaviour constituted a breach of paragraph 1.15 of the Code of Conduct which expressly requires a councillor to "cooperate with any Code of Conduct investigation and/or determination."

2. Content and language used in the tweets.

The Panel determined that on the evidence available to them, and on the balance of probabilities, Cllr Lynch was responsible for the twitter account and the tweets referred to in the complaints.

The Panel determined that the tweets were not published by Cllr Lynch when acting in an official capacity, as the tweets were not published in his name and did not make any direct reference to Cllr Lynch's role as a councillor or to the Council or its business. As the Code of Conduct only applies when a councillor is acting in the capacity of councillor, the Panel, regretfully, was not able to find that Cllr Lynch was subject to the Code of Conduct and in breach of its requirements for the content of the tweets.

3. Action required.

The Panel considered what action was required.

The Panel considered the failure to cooperate with the Investigating Officer and the Panel was a serious breach of the Code of Conduct. It showed contempt for the Nolan principles and the obligation for a councillor to be held to account, and a disregard for the Council's process for considering complaints. No mitigation was offered, and indeed, Cllr Lynch's actions had aggravated the circumstances of the breach displaying calculated behaviour to frustrate the process. In view of this, the Panel determined that it make a recommendation to the Leader of Cllr Lynch's political group, and to the Full Council, that Cllr Lynch is not appointed to any committee seat, or any other Council appointment on outside bodies or otherwise, for a period of 12 months.

The Panel further agreed to issue the following statement of censure.

The Member Conduct Panel (the Panel) of Surrey County Council met on the 22nd May 2023 to consider two complaints concerned tweets allegedly made by Cllr Lynch via the twitter account

@TheLandlorduk. The complaints alleged that the content and language used in the tweets was in breach of the Council's Code of Conduct for Councillors.

The Panel found that Cllr Lynch had committed a serious breach of the Council's Code of Conduct by not cooperating with the Investigating Officer or the Panel. Cllr Lynch showed contempt for the Nolan principles and the obligation for a councillor to be held to account, and a disregard for the Council's process for considering complaints.

The Panel found that Cllr Lynch was responsible for publishing the tweets.

The Panel found that the tweets had been sent from an anonymous account and did not make any direct reference to Cllr Lynch's role as a councillor or to the Council or its business. As such, the Panel had no option but to find that the tweets had not been sent when Cllr Lynch was acting in the capacity of councillor, and the Code of Conduct did not apply to this private behaviour. No breach of the Code of Conduct could therefore be found for the content of the tweets.

The Panel reached this conclusion with great regret, as any reasonable person would conclude the content of the tweets was shocking, offensive, and contrary to the expectations of how a councillor should conduct themselves in any capacity.

The Panel noted Cllr Lynch had previously been censured by the Council for breaching the Code of Conduct for sending offensive tweets and considered he had acted in a calculated way to avoid the provisions of the Code of Conduct and send offensive tweets on this occasion. The panel considered this conduct to be reprehensible.

For the breach of the Code of Conduct in not cooperating with the investigation, the Panel have recommended to the Council that Cllr Lynch is not appointed to any Council committee, or any other Council appointment on outside bodies or otherwise, for a period of 12 months.