

COMPLAINT DECISION NOTICE



COMPLAINT REFERENCE: COUNCILLOR JOHN BALDWIN DECISION: BREACH OF THE CODE OF CONDUCT

Power to determine the Complaint

This Code of Conduct complaint against Cllr Baldwin has been determined under the Members' Code of Conduct complaints process in Part 7A of the Royal Borough of Windsor and Maidenhead Constitution. The decision was made by a Member Standards Sub Committee held on 17 March 2023 in accordance with the procedure in Appendix E of Part 7A.

The Complaint

A complaint was made against Cllr Baldwin with regard to Cllr Baldwin' conduct during and after the meeting of the Corporate Overview and Scrutiny Panel on 12 September 2022.

"During a meeting of the Corporate Overview & Scrutiny Committee held on Monday 12th September 2022 as part of a call-in of the Part 2 decision by Cabinet in relation to St Cloud Way, I became aware that Cllr Baldwin, who joined the meeting remotely, was not alone whilst listening to the meeting. Throughout a significant part of the meeting Cllr Baldwin was on the screen within the council chamber having been the most recent speaker. Whilst generally muted during the meeting there appeared to be occasions when he unmuted himself even though he wasn't talking. During one of these times, I became alerted to a sound akin to the clattering of plates (Cllr Baldwin was clearly in his kitchen) and I looked up at the screen to see what the noise was. Whilst re-muted I could clearly see Cllr Baldwin having a conversation with someone (undisclosed) else in the kitchen with him. On the first occasion I disregarded this but grew more concerned when a little later I saw him again in conversation. Given the very recent leak of confidential information in relation to the item under discussion I was very concerned that the meeting was not secure and alerted the chair, Cllr Clark. At this juncture Cllr Baldwin exploded with rage and responded in a highly aggressive and threatening manner stating that I had attacked his wife. I had never mentioned his wife and I had no idea who was present with him. By this admission Cllr Baldwin was clear that someone else had been present and listening in during the Part 2 discussion. It was again confirmed by Cllr Baldwin that his wife was present, though there is no third-party evidence to support that. The meeting ended and shortly afterwards I received a highly threatening e-mail from Cllr Baldwin with a clear allusion to physical violence or some other form of retribution, Content below:

"In Part II tonight, whilst I was making substantive points, my wife happened to wander through our kitchen. She was exposed for perhaps five seconds. She had heard none of

the earlier conversation and was entirely ignorant of the context. Yet, the “man” that we have for a Councillor Leader, chose to imply that she was the source of the leaks from Part II, which were recently and so embarrassingly revealed to the local press. What a gallant! If that man mentions my wife again, in private or in public, there is no force on Earth that would save him from a reckoning, and he should know that. As it’s all in Part II, I look forward to reading about it this week, in the Tizer. At least then, we’ll know who the leakers are.”

The email was sent to myself and Cllr XXXX, copied to the Monitoring Officer and Chief Executive. Given its nature I have not responded and view it as a clear breach of the Code of Conduct under the sections relating to respect and bullying. This is in addition to the main issue of disclosing confidential information by means of an unsecure remote link into a Part 2 meeting and an admission that a member of the public was present for part, or all, of the confidential discussion. As the Part 2 meeting was recorded securely via Teams, audio and visual evidence of the relevant part of the meeting exists, as does the e-mail sent by Cllr Baldwin to myself. I view these combined as a most serious breach of the code, not least the threat contained within the e-mail of “If that man mentions my wife again, in private or in public, there is no force on Earth that would save him from a reckoning, and he should know that”.

Relevant Parts of the Code

The behaviour complained of is relevant to the following parts complaint alleged three breaches of the Code of Conduct:

- Paragraph 1.1 of the Code states that as a Councillor, **“I treat other Councillors and members of the public with respect.”**
- Paragraph 2.1 of the Code states that as a Councillor, **“I do not bully any person.”**
- Paragraph 4.1 of the Code states that:

“I do not disclose information:

- **Given to me in confidence by anyone**
- **Acquired by me which I believe, or ought reasonably to be aware is of a confidential nature, unless I have received the consent of a person authorised to give it, I am required by law to do so**
- **The disclosure is made to a third party for the purpose of obtaining professional legal advice and the third party agrees not to disclose the information to any other person, or**
- **The disclosure is:**
- **Reasonable and in the public interest; and**
- **Made in good faith and in compliance with the reasonable requirements of the local authority, and**
- **I have consulted the Monitoring Officer prior to its release.”**

- Paragraph 5.1 of the Code **places an obligation on a Councillor not to bring his or her role or local authority into disrepute.**

The Monitoring Officer assessed the complaint under para. 3 of appendix D, Part 7A and after consulting one of the Council's Independent Persons, made a decision to take the complaint forward by asking Hoey Ainscough Associates to conduct an investigation.

Following an investigation, the Investigating Officer concluded that;

- i) Councillor Baldwin has breached paragraph 4.1 by disclosing to his wife, without lawful excuse, discussions that were confidential, by operation of Schedule 12A of the Local Government Act 1972, during the exempt session of the Corporate Overview and Scrutiny Panel meeting on 12 September 2022.
- ii) Councillor Baldwin had breached paragraph 1.1 of the Code of Conduct and failed to treat Councillor Johnson with respect when he said to him "The leader of the Council just victimized my wife. He just victimized my wife. Wow, does that make you feel a big guy? In part 2, you wouldn't do it in Part one".
- iii) Councillor Baldwin has breached paragraph 1.1 of the Code of Conduct and has failed to treat Councillor Johnson with respect in using the words ".." If that man mentions my wife again, in private or in public, there is no force on Earth that would save him from a reckoning and he should know that."... in an email to Councillor Johnson on 12 September 2022.
- iv) Councillor Baldwin has breached paragraph 2.1 of the Code of Conduct in that his behaviour in using the words "If that man mentions my wife again, in private or in public, there is no force on Earth that would save him from a reckoning and he should know that."...in an email to Councillor Johnson constitutes bullying of Councillor Johnson.
- v) Councillor Baldwin breached paragraph 5.1 of the Code of Conduct in that his behaviour in using the words... If that man mentions my wife again, in private or in public, there is no force on Earth that would save him from a reckoning and he should know that."...in his email to Councillor Johnson on 12 September has brought his office into disrepute.

Following an Investigating Officer's report, where there is evidence that the Subject Member has failed to comply with the Code of Conduct, then the matter is referred to a Member Standards Sub Committee.

Member Standards Sub Committee

The Member Standards Sub Committee held on 17 March 2023 comprised Cllr Lynne Jones, Cllr Samantha Rayner and Mr David Comben (Independent Person, Chairman). The Sub Committee was supported by the Monitoring Officer and the Deputy Monitoring Officer. The Investigating Officer attended to present her report. Mr Keith Robinson attended as the Independent Person who had been consulted at the assessment stage.

Cllr Baldwin attended and made representations.

Considerations and Conclusions

The Sub Committee considered the evidence before it and in particular noted that:

That the Corporate Overview and Scrutiny Panel was in private session to discuss confidential material and consequently the only people able to access that part of the meeting (by law) were officers and Members of the Council.

Councillor Baldwin accepted that confidential information had been disclosed to his wife during the Part 2 meeting.

That the exchange “The leader of the Council just victimized my wife. He just victimized my wife. Wow, does that make you feel a big guy? In part 2, you wouldn’t do it in Part one” during the confidential meeting was disrespectful in their view.

The Panel noted that using the words..” If that man mentions my wife again, in private or in public, there is no force on Earth that would save him from a reckoning and he should know that.”... was in their view was bullying and disrespectful and did bring the Council into disrepute.

The Panel noted that breaches of behaviour not only impacted on the council members, officers and community but set a tone of culture and behaviour that is not acceptable in RBWM.

The Panel also considered that confidential information being revealed to a member of the public could damage the Council.

In considering the sanctions to impose the members took into account the seriousness of the breach in terms of bullying and disrespect and felt that it fell below the standards required of expected members at the Royal Borough. They were also mindful of the standards of behaviour of Members had on the reputation of the whole Council in the minds of the communities that it serves.

Sub Committee Decision: That:

- i) Cllr. Baldwin is in breach of paragraph 1.1, 2.1, 4.1 and 5.1 of the Council's Member's Code of Conduct (5 breaches) as identified in the Investigating Officers Report.**
- ii) The Committee formally censures Cllr Baldwin for his behaviour and the impact.**
- iii) To recommend to Cllr Werner as the Group Leader that Cllr Baldwin not be appointed to Cabinet, Committee(s) of Council) any or all subcommittee(s) of the Council and outside bodies for a period of 12 months from the date of this decision.**

Notification of Decision

This decision notice has been sent to Cllr. Baldwin, the Complainant, and the Independent Person, and will be published on the council's website for 12 months.

Under Part 7A, Appendix E, para. 2.3 of the 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. It should be noted that there is no right of appeal for a Member except for a complaint that due process was not followed.

*Emma Duncan
Monitoring Officer
17 March 2023*