

COUNCIL – 19 OCTOBER 2017

NOTICE OF MOTION - CLLR RAJA - DEMOCRATIC PRINCIPLES

[Note: In accordance with the Officer Procedure Rules, the Chief Executive, Ray Morgan, has declared an interest in this item as a result of being the subject of the Monitoring Officer's investigation. The Chief Executive will leave the Chamber during any discussion of the issues raised.]

1.0 Background

- 1.1 At its meeting on 20 July 2017, Council received the recommendations of the Executive in respect of a Notice of Motion submitted by Councillor Raja in December 2016, and the subsequent investigation by the Monitoring Officer.
- 1.2 The Notice of Motion had related to comments made by the Chief Executive during a radio interview. The investigation by the Monitoring Officer had concluded that the Chief Executive had not acted inappropriately, and that he had not breached the Officer Procedure Rules. The Executive, at its meeting on 13 July 2017, considered the Monitoring Officer's report and recommended to Council as follows:-

RECOMMEND to Council That

- (i) Council notes the outcome of the Monitoring Officer's investigation into the issues raised by Councillor Raja's Notice of Motion, i.e.
- that the Chief Executive did not act inappropriately in making the comments he did during the BBC Radio Surrey interview referred to in the Notice of Motion, and
 - accordingly, the Chief Executive did not breach the Officer Procedure Rules.
- (ii) Councillor Raja's Notice of Motion be not supported; and
- (iii) Council reaffirms the sentiments contained in the resolution passed by it on 14 July 2016 (following the EU referendum), i.e.

"That we are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country.

We, Woking Borough Council, condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

Woking Borough Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in Woking that they are valued members of our community."

- 1.3 At the Council meeting on 20 July 2017, Councillor Raja spoke against the recommendations of the Executive. Councillor Raja considered that the Monitoring Officer's investigation had been inadequate, subjective and incorrect. Councillor Raja called upon the Chief Executive to give a public apology for any offence caused by his remarks.
- 1.4 In order that Members could receive a copy of the Monitoring Officer's report to the Executive (which contained a transcript of the Chief Executive's radio interview), Council

Notice of Motion - Cllr Raja - Democratic Principles

resolved that consideration of Councillor Raja's Notice of Motion should be deferred to the next ordinary meeting of the Council.

- 1.5 A copy of the report to the Executive is attached (Appendix 1). This gives details of the investigation carried out by the Monitoring Officer, and the reasons why he concluded that the Chief Executive had not acted inappropriately or breached the Officer Procedure Rules.
- 1.6 The Monitoring Officer's position remains as set out in the report to the Executive.

Recommendations

The Council is requested to:

RESOLVE That

- (i) Council notes the outcome of the Monitoring Officer's investigation into the issues raised by Councillor Raja's Notice of Motion, i.e.
- that the Chief Executive did not act inappropriately in making the comments he did during the BBC Radio Surrey interview referred to in the Notice of Motion, and
 - accordingly, the Chief Executive did not breach the Officer Procedure Rules.
- (ii) Councillor Raja's Notice of Motion be not supported; and
- (iii) Council reaffirms the sentiments contained in the resolution passed by it on 14 July 2016 (following the EU referendum), i.e.

"That we are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country.

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We reassure all people living in Woking that they are valued members of our community."

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| The Council has authority to determine the recommendations above. |
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Background Papers:

None

Reporting Person:

Peter Bryant, Monitoring Officer
Ext. 3030, E Mail: Peter.Bryant@woking.gov.uk

Contact Person:

Peter Bryant, Monitoring Officer

Notice of Motion - Cllr Raja - Democratic Principles

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Portfolio Holder:

Cllr Ayesha Azad
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Shadow Portfolio Holder:

Cllr Ann-Marie Barker
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Date Published:

11 October 2017

Notice of Motion - Cllr Raja - Democratic Principles

EXECUTIVE - 13 JULY 2017

NOTICE OF MOTION - CLLR RAJA - DEMOCRATIC PRINCIPLES

[Note: In accordance with the Officer Procedure Rules, the Chief Executive, Ray Morgan, has declared an interest in this item as a result of being the subject of the Monitoring Officer's investigation. The Chief Executive will, if advised to do so by the Monitoring Officer, leave the Chamber during any discussion of the issues raised. Whether this is necessary will depend upon the nature of that discussion.]

Executive Summary

At its meeting on 2 February 2017, the Executive referred a Notice of Motion submitted by Councillor Raja to the Monitoring Officer for investigation. This report details the outcome of the Monitoring Officer's investigation.

Reasons for Decision

To recommend action to Council on Councillor Raja's Notice of Motion.

Recommendations

The Executive is requested to:

RECOMMEND to Council That

- (i) **Council notes the outcome of the Monitoring Officer's investigation into the issues raised by Councillor Raja's Notice of Motion, i.e.**
 - **that the Chief Executive did not act inappropriately in making the comments he did during the BBC Radio Surrey interview referred to in the Notice of Motion, and**
 - **accordingly, the Chief Executive did not breach the Officer Procedure Rules.**
- (ii) **Councillor Raja's Notice of Motion be not supported; and**
- (iii) **Council reaffirms the sentiments contained in the resolution passed by it on 14 July 2016 (following the EU referendum), i.e.**

"That we are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country.

We, Woking Borough Council, condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

Woking Borough Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

We reassure all people living in Woking that they are valued members of our community."

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| <p>The recommendations above will need to be dealt with by way of a recommendation to the Council.</p> |
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Background Papers:

None

Reporting Person:

Peter Bryant, Monitoring Officer
Ext. 3030, E Mail: Peter.Bryant@woking.gov.uk

Contact Person:

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Shadow Portfolio Holder:

Cllr Ann-Marie Barker
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Date Published:

7 July 2017

Notice of Motion - Cllr Raja - Democratic Principles

1.0 Introduction

- 1.1 At its meeting on 8 December 2016, the Council referred the following Notice of Motion to the Executive.

Councillor M I Raja

“Recently a senior person at WBC made some comments which challenged the very concept of democracy.

These did not go unnoticed by the public and some just concern was expressed including in local press.

We would like to assure the residents of Woking that WBC is governed according to democratic principles by the elected members and all lawful points of views are heard and considered, while making decisions. Woking is a tolerant town where everyone is welcome to live and contribute.”

- 1.2 The Notice of Motion was considered by the Executive on 2 February 2017. Councillor Raja attended the meeting and spoke in support of the Motion. Councillor Raja explained that the Motion concerned comments made by the Chief Executive during a BBC Radio Surrey interview broadcast on 5 October 2016. Councillor Raja stated that he had been contacted by many residents who had been upset by the Chief Executive’s comments. The Chief Executive spoke in response to the allegation against him which could be considered a breach of Officer Procedure Rules and expressed his disappointment that Councillor Raja had not made him aware beforehand that he was the senior officer referred to in the Motion. The Executive was of the opinion that it was not appropriate to discuss the issue at the present time and resolved that the matter be referred to the Monitoring Officer for investigation.

2.0 Action taken by the Monitoring Officer

- 2.1 Immediately after the meeting of the Executive, the Monitoring Officer invited Councillor Raja to submit any documentary evidence he had to evidence the upset he said residents had suffered as a result of the Chief Executive’s comments.
- 2.2 The Monitoring Officer subsequently met with Councillor Raja on two occasions as part of his investigation into this matter.
- 2.3 Councillor Raja advised the Monitoring Officer that, following the Chief Executive’s interview, he received *“several telephone calls, an e-mail and was stopped in the street and outside of my home in the Woking area on many occasions in order to discuss the interview.”*
- 2.4 Councillor Raja has provided the Monitoring Officer with a number of documents (some of which are confidential) which express dissatisfaction with the Chief Executive’s comments. The majority of these documents date from March 2017, i.e. after the Notice of Motion was submitted.
- 2.5 The Monitoring Officer also met with the Chief Executive as part of the investigation.

3.0 The BBC Radio Surrey Interview

- 3.1 A transcript of the relevant part of the Chief Executive's interview is appended to this report. The following extracts are relevant to Councillor Raja's Notice of Motion:

Interviewer:

"We've been to a number of other towns and one thing that has struck me is wherever you see a Council trying to do something to improve the look and the feel and the welcome of a place – you get people who don't like it, so how do you feel about that personally, when you are trying so hard to do good things to the town and people just find reasons to try and block it or to knock it?"

Chief Executive:

"I think we've just got to accept that news programmes and newspapers would never exist if there wasn't controversy so just look at it from your business continuity its really good that people have different views. We live in a democracy, not everybody will like what we are doing. It's healthy to have that discussion. We've been fortunate in the public consultations we've done on what we have done in the town centre to have very positive support for that but the local papers and your news programmes are often filled with a few detractors but that's life."

Interviewer:

"Yeah and I think my attitude in this couple of weeks we've been on the road, I can, you know I am standing out here on a lovely sunny day and I will take a certain amount of moaning but at some point I am going to say 'enough'. That's fair enough do you think? From my point of view it is."

Chief Executive:

"From your point of view and mine at a private level? Absolutely, I have been known to say to a complainant 'if our town is so bad, we're not making you stay'. The Leader of the Council gets a little upset because he has to stand for election. I don't, but I think there is a point where people complain too much and, if it's really that bad, we live in a democracy. People can live wherever they want, and I don't mind if the complainers leave."

4.0 Monitoring Officer's Conclusions

- 4.1 The Monitoring Officer accepts that a number of people have expressed concern at what was said by the Chief Executive in the BBC Radio Surrey interview or, in some cases, what they perceive him to have said. The issue to be resolved is whether there is any justification for those concerns and, accordingly, a basis on which the first two paragraphs of Councillor Raja's Notice of Motion could be supported. The Monitoring Officer has concluded that there is not for the following reasons:

- when looked at, both in context and in isolation, the Chief Executive's comments are innocuous. In particular, he said:

I have been known to say to a complainant "if our town is so bad, we're not making you stay".

"People can live wherever they want, and I don't mind if the complainers leave."

Notice of Motion - Cllr Raja - Democratic Principles

He did not, as has been subsequently alleged, state that complainers **should** leave.

- It is clear from the way in which the questions were put, and answered, that the Chief Executive was asked for his personal/private view on the point raised. He is entitled to express his opinion. In any event, the comments made are well within the bounds of acceptable comments for a local authority's Chief Executive to make.
- The Chief Executive's comments did not challenge the concept of democracy. On the contrary, the comments referred to the result of living in a democracy being (i) that not everyone will like what the Council is doing and (ii) people may live wherever they want.

4.2 Accordingly, the Monitoring Officer has concluded that the Chief Executive did not act inappropriately in making the comments he did during the BBC Radio Surrey interview. As such, he has not breached the Officer Procedure Rules.

4.3 The sentiments contained in the third paragraph of Councillor Raja's Notice of Motion are consistent with the view expressed by the Council, on 14 July 2016, following the EU referendum on 23 June 2016. It would be appropriate for the Council to reaffirm its support for the sentiments expressed by it at that time.

5.0 Implications

Financial

5.1 None.

Human Resource/Training and Development

5.2 None.

Community Safety

5.3 None.

Risk Management

5.4 None.

Sustainability

5.5 None.

Equalities

5.6 None.

6.0 Consultations

6.1 None.

REPORT ENDS

Notice of Motion - Cllr Raja - Democratic Principles

Ray Morgan's Interview

Interviewer: Good Morning Ray

Ray: Welcome and welcome to sunny Woking and hopefully all your listeners will rush in and join you.

Interviewer: Well I can see no reason why they wouldn't. I was saying to someone earlier if you hadn't been here for a while, you were standing just, sort of, dropped into Jubilee Square here, this looks like a town that is on the up actually. It looks and feels confident. I love the paving – what have you put down here? It is so lovely.

Ray: So it is York stone. Lots of London paving is York stone, but they don't clean it so it looks grey. Here you get all the colours of it because we clean it, so come and enjoy it.

Interviewer: See, I don't know if you're setting a trend with that. We were in Uckfield last week and they have just redone their High Street and there is York stone down there and it just has a lovely look to it and with all the different shading in it, really makes it feel very open and welcoming and impressive as well.

Ray: So we've done the square in York stone, but if you look through the rest of the town, we've used granite and multiple colour granite because they are harder wearing and easier to clean, so I'm afraid the accountant in me said I can clean the other streets better but this looks like a good centre piece, so we'll do that in York stone.

Interviewer: OK so there's compromise number 1 already, but I can see the thinking behind that. The new development – tell us about getting to the point where perhaps you're ready to start to build there

Ray: Really exciting times – as you said the construction cost is £250m, there's quite a few other costs around the project to make that work and we have probably spent around £80m so far in preparation for that. Plan is that the Council will be asked on 8th December to finally sign off all the arrangements for the delivery, and then that should see the contractors start on site in the Spring. Excuse the Spring because some of it is knocking it down, and some of it is building it up, but we would think by April it will be well underway but then it is a three year build program, so it is not until October 2020 when we would see Marks and Spencer and the other retailer offers open.

Interviewer: We've been to a number of other towns during our eight day tour so far Ray, and it won't be a surprise to you to know that other Councils are spending various amounts of money, whether its improving their High Street or putting down new paving in the town centres, and one thing that has struck me is wherever you see a Council trying to do something to improve the look and the feel and the welcome of a place – you get people who don't like it, so how do you feel about that personally, when you are trying so hard to do good things to the town and people just find reasons to try and block it or to knock it?

Ray: I think we've just got to accept that news programmes and newspapers would never exist if there wasn't controversy, so just look at it from your business continuity, it's really good that people have different views. We live in a

Notice of Motion - Cllr Raja - Democratic Principles

democracy, not everybody will like what we are doing. It's healthy to have that discussion. We've been fortunate in the public consultations we've done on what we have done in the town centre to have very positive support for that, but the local papers and your news programmes are often filled with a few detractors, but that's life.

Interviewer: Yeah and I think my attitude in this couple of weeks we've have been on the road, I can, you know I am standing out here on a lovely sunny day and I will take a certain amount of moaning, but at some point I am going to say 'enough'. That's fair enough do you think? From my point of view it is.

Ray: From your point of view and mine at a private level? Absolutely, I have been known to say to a complainant 'if our town is so bad we're not making you stay'. The Leader of the Council gets a little upset because he has to stand for election. I don't, but I think there is a point where people complain too much and if it's really that bad, we live in a democracy. People can live wherever they want, and I don't mind if the complainers leave.

Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

| | | Positive impact? | | | Negative impact? | No specific impact | What will the impact be? If the impact is negative how can it be mitigated? (action) |
|----------------------------|---------------------------------------|--------------------------|------------------|----------------|------------------|--------------------|--|
| | | Eliminate discrimination | Advance equality | Good relations | | | |
| Gender | Men | | | | | X | |
| | Women | | | | | X | |
| Gender Reassignment | | | | | | X | |
| Race | White | | | | | X | |
| | Mixed/Multiple ethnic groups | | | | | X | |
| | Asian/Asian British | | | | | X | |
| | Black/African/Caribbean/Black British | | | | | X | |
| | Gypsies / travellers | | | | | X | |
| | Other ethnic group | | | | | X | |

| | | Positive impact? | | | Negative impact? | No specific impact | What will the impact be? If the impact is negative how can it be mitigated? (action) |
|---|----------------------------|--------------------------|------------------|----------------|------------------|--------------------|--|
| | | Eliminate discrimination | Advance equality | Good relations | | | |
| Disability | Physical | | | | | X | |
| | Sensory | | | | | X | |
| | Learning Difficulties | | | | | X | |
| | Mental Health | | | | | X | |
| Sexual Orientation | Lesbian, gay men, bisexual | | | | | X | |
| Age | Older people (50+) | | | | | X | |
| | Younger people (16 - 25) | | | | | X | |
| Religion or Belief | Faith Groups | | | | | X | |
| Pregnancy & maternity | | | | | | X | |
| Marriage & Civil Partnership | | | | | | X | |
| Socio-economic Background | | | | | | X | |

Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes.

| Theme (Potential impacts of the project) | Positive Impact | Negative Impact | No specific impact | What will the impact be? If the impact is negative, how can it be mitigated? (action) |
|---|------------------------|------------------------|---------------------------|--|
| Use of energy, water, minerals and materials | | | X | |
| Waste generation / sustainable waste management | | | X | |
| Pollution to air, land and water | | | X | |
| Factors that contribute to Climate Change | | | X | |
| Protection of and access to the natural environment | | | X | |
| Travel choices that do not rely on the car | | | X | |
| A strong, diverse and sustainable local economy | | | X | |
| Meet local needs locally | | | X | |
| Opportunities for education and information | | | X | |
| Provision of appropriate and sustainable housing | | | X | |
| Personal safety and reduced fear of crime | | | X | |
| Equality in health and good health | | | X | |
| Access to cultural and leisure facilities | | | X | |
| Social inclusion / engage and consult communities | | | X | |
| Equal opportunities for the whole community | | | X | |
| Contribute to Woking's pride of place | | | X | |