

DECISION NOTICE: NO FURTHER ACTION

Reference WC-ENQ00135

Date Issued

11 April 2017

Subject Member

Councillor Jonathon Seed, Wiltshire Council

Complainant

Dr Nigel Knott

Representative of the Monitoring Officer

Mr Paul Taylor

Review Sub-Committee

Councillor Ernie Clark - Chairman
Councillor Trevor Carbin
Councillor Howard Greenman

Complaint

The complainant alleged that the subject member breached the Council's Code of Conduct in failing to promote and maintain high standards of public office by making defamatory, hurtful, insulting and offensive remarks through email correspondence sent to the complainant and third parties.

In his request for a review, the complainant raised a number of data protection issues concerning the use of Cllr Seed's private email facilities. These are the subject of a separate complaint to the Information Commissioner, which the complainant lodged on 12 January 2017.

Decision

The Review Sub-Committee agreed the matters that were subject to a complaint lodged with the Information Commissioner were not relevant to the consideration of the initial complaint. Therefore there was no reason not to proceed to determine that original complaint at this time. It was noted that if, following the decision of the Information Commissioner, the complainant considered that there had been other breaches of the Code, a separate complaint could be made.

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 (and as amended), the Review Sub-Committee decided that no further action should be taken,

Reasons for the Decision

The Sub-Committee went through the initial tests required by the local assessment criteria, and agreed with the assessment of the Deputy Monitoring Officer that the complaint related to the subject member, that they were in office at the time of the alleged incident, and were acting in their capacity as a councillor. They therefore then had to determine whether the remaining assessment criteria were met and, if so, whether the matters alleged in the complaint were, if proven, capable of breaching the Code of Conduct of Wiltshire Council.

In reaching its decision the Sub-Committee relied upon the original complaint and supporting information, the response of the subject member, the initial assessment and the additional information submitted by the Complainant in his request for a review of the initial decision to take no further action. The Sub-Committee also received, at their meeting, verbal representations from Dr Nigel Knott, Mr Gerald Churchhouse and Cllr Jonathon Seed.

The Sub-Committee agreed with the conclusions of the Deputy Monitoring Officer that the remarks by the subject member had been made in the context of an on-going political debate between the parties, who had known each other for some time. In considering the matter, the Sub-committee felt that whilst the language could be considered strong, it would not in itself be considered a breach of the code, taking into account the context in which the comments had been made and that it was therefore not a matter for further investigation. However, the Sub-Committee did feel that both parties should be encouraged to address their differences through informal processes separate to the Standard Framework.

Additional Help

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2010.

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