

## **DECISION NOTICE: NO FURTHER ACTION**

**Reference WC-ENQ00111**

**Subject Member**

Councillor Richard Tonge, Wiltshire Council

**Complainant**

Mr Paul Kefford

**Review Sub-Committee**

Cllr Desna Allen - Chairman

Cllr Paul Oatway QPM

Cllr Bob Jones MBE

Miss Pam Turner (non-voting, independent member of the Standards Committee)

**Deputy Monitoring Officer**

Mr Frank Cain

**Independent Person**

Mrs Caroline Baynes

**Complaint**

The complainant contacted Councillor Tonge, who is his ward member, by email on 17th June to raise concerns regarding certain highways maintenance works that had been carried out on Gastard Lane. In summary, Mr Kefford questioned why the Council appeared to be giving priority to repairing this road, when there were other more major routes in the area that needed repair work.

Mr Kefford's complaint is that, in his response to that original email and in subsequent correspondence Councillor Tonge was dismissive of his concerns and breached the Code of Conduct by failing to exercise objectivity and fairness in his approach; by not wishing to be accountable to his electorate and by failing to exercise openness.

Mr Kefford also claimed that Councillor Tonge's alleged dismissive approach to his enquiries was motivated by homophobia.

**Decision**

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 after hearing from the Independent Person, the Review Sub-Committee of the Standards Committee has decided:

- To take no further action.

## **Reasons for Decision**

The Chairman led the Sub-Committee through the local assessment criteria which detailed the initial tests that should be satisfied before assessment of a complaint was commenced.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member, that the member was in office at the time of the alleged incident and that the Code was in force at the relevant time.

The Sub-Committee relied upon the original complaint, initial assessment and the additional information supplied in the complainant's request for a review of that initial assessment.

The Sub-Committee noted the comments of the complainant and subject member in relation to how many complaints had been made, regarding what, and how many incidents had been properly referred for their consideration. The Sub-Committee accepted the view of the Deputy Monitoring Officer for the initial assessment that concerns in relation to processes relating to highways works which had been the catalyst for the contact with the subject member, were being dealt with through the appropriate channels, via the Community Area Transport Group (CATG), and therefore any concerns with those processes would not be considered as a Code of Conduct matter.

In assessing whether the alleged behaviour of the subject member would, if proven, amount to a breach of the Code of Conduct, the Sub-Committee noted that while the initial response had been brief, as the concerns of the complainant would be determined by the CATG, referral of the matter to them and confirmation he would continue to work with the Chairman of the CATG regarding the matter, was an appropriate course of action not in itself evidence of a failure to be open, accountable or objective.

It was also clarified during the meeting that the Deputy Monitoring Officer during the course of their initial assessment, had contacted the subject member to clarify whether his comments about not responding to the member of the public related to all contact or was specific to the issue being raised in the email trail. The subject member confirmed the comment related only to the specific issue being raised.

Whilst the Sub-Committee was satisfied with the enquiry and its outcome it did recommend that should any clarification be sought in respect of complaint then generally this should be referred to the other party for comment.

No evidence had been submitted of historic or otherwise repeated incidents of concern regarding the subject member's openness or objectivity, and so the Sub-Committee was in agreement with the Deputy Monitoring Officer for the initial assessment that while the tone of the email correspondence from the subject member was perhaps unfortunate, his actions as demonstrated had not risen to level that would amount to a breach of the code.

## **Additional Help**

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.