

DECISION NOTICE: COMPLAINT DISMISSED

Reference WC-ENQ00085

Subject Member

Councillor Simon Killane - Wiltshire Council

Complainant

Mr David Harvey

Review Sub-Committee

Cllr Ernie Clark - Chairman

Cllr Jerry Wickham

Cllr George Jeans

Mr Philip Gill MBE JP (non-voting, independent member of the Standards Committee)

Deputy Monitoring Officer

Mr Paul Taylor

Independent Person

Caroline Baynes

Summary of the Complaint

1. Incident on 29th November 2014.

The complainant alleges that on 29th November 2014, Councillor Killane advised the complainant and his wife that he had blocked them from his website.

2. Facebook

The second issue relates to posts made on Facebook pages moderated by the complainant's son. A number of posts were made that were critical of Councillor Killane, who asked for the posts to be removed. It is alleged that when this was not done, Councillor Killane wrote to the complainant's son's employers to complain.

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 dismiss the complaint.

Reasons for Decision

The Sub-Committee had regard for the submitted papers for the meeting, being:

The initial complaint and communications with the complainant

The response of the subject member

The initial assessment decision notice

The Complainants' request for a review of that decision notice

Incident 1

The Sub-Committee noted the complainant's concern in his request for review that the summary of the incident in the Initial Assessment Decision Notice, reproduced above, was insufficient. They took account of the complainant's reemphasis of the substance of the complaint, which involved a confrontation with the subject member on the street resulting, it was alleged, in the subject member refusing to communicate with the complainant further, thus failing in his duty as a councillor to communicate with and be able to represent the complainant.

The Sub-Committee accepted the reasoning of the Deputy Monitoring Officer that the complaint had not been progressed within the appropriate timescales and therefore could not be investigated further. It was noted that there was no provision in the Code of Conduct complaints procedure for complaints to be put "on hold", and that in the complainant's own words they had chosen not to pursue the matter at the time. Although subsequent events had led the complainant to wish to revise that earlier decision, there was no provision in the procedure to permit this.

Notwithstanding their decision to dismiss the complaint for the reason stated above, for the avoidance of doubt the Sub-Committee considered the incident under the local assessment criteria had the complaint been submitted and progressed within the correct timescales.

The incident in question had been during a confrontation between the complainant and subject member on the street and the actions arising thereafter. Upon going through the initial tests, the Sub-Committee were not satisfied that the subject member had been acting in their capacity as a member of the council during the initial confrontation, and as such the behaviours expressed would not be capable of breaching the Code of Conduct.

Furthermore, although it was alleged by the complainant that the subject member stated they would 'never speak to [the complainant] again', and had blocked the complainant from their Facebook page, the subject member had provided a statement on their website emphasising that all their electorate, including those who had been blocked from the subject members' Facebook such as the complainant, could contact him in his role as their Division member. The Wiltshire Council website contained email, address and phone numbers for the subject member in addition to the details on their personal website. Therefore, although the relationship between the complainant and subject

member was clearly difficult, means of contact were available to enable the subject member to fulfil his role as championing the Division and keeping in touch with constituents.

As such the Sub-Committee upheld the reasoning of the Deputy Monitoring Officer in the Initial Assessment that the complaint would not, if proved, be capable of breaching the Code of Conduct.

Incident 2

The second incident related to the subject member's response to posts on local Facebook pages. The Sub-Committee was in agreement with the reasoning of the Deputy Monitoring Officer that this was a personal matter and that as the subject member was not acting in their official capacity as a councillor in relation to the matter giving rise to the complaint, no further action could be taken.

The Sub-Committee did however wish to state to all parties that Wiltshire Council through its Standards Committee had recently reviewed and approved 'Social Media Guidance for Councillors', which while not forming part of the Council's Code of Conduct or Constitution, had been provided to assist councillors in considering issues that might arise when using social media. The guidance was available at <https://cms.wiltshire.gov.uk/ecSDDisplay.aspx?NAME=Protocol%20%20Media%20Relations%20Protocol&ID=877&RPID=10465410&sch=doc&cat=13386&path=13386> .

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.