

Reference: STD005071

Decision: Informal Resolution

Complaint

The complaint was made about Councillor Henry Wheeler, a Gedling Borough Council Councillor by Jigsaw Homes.

A general summary of the complaint is set out below:

The complainant has complained that Councillor Wheeler has used his Council email address and signature on emails to Jigsaw Homes relating to a complaint that affected him in his personal capacity. It is alleged that Councillor Wheeler was using his position as a Councillor to influence the handling of the complaint and was misusing Council resources by corresponding from his Council email address.

The complainant has also indicated that the content of the emails was not what would be expected of a Councillor. This may amount to a demonstration of disrespect.

Decision

In accordance with Sections 28 (6) and (7) of the Localism Act 2011, having carefully considered the allegation in accordance with the Council's Arrangements for Dealing with Complaints about breach of the Code of Conduct, and taking into account:

- a) The complainant's account
- b) Councillor Wheeler's response and supporting emails
- c) The Code of Conduct
- d) The Local Government Associations Guidance on Code of Conduct

I have determined that on balance Councillor Wheeler has used his Council email account from his Council issued devices to deal with a personal complaint, contrary to the Council's Information Security Policy. Councillor Wheeler may have initially done so in error but then repeats the mistake, I consider that there is potentially a technical breach of the Code of Conduct in this regard as Council resources should not be used for personal matters.

I have considered the content of emails sent by Councillor Wheeler to the complainant and I agree that they are unprofessional when coming from a Councillor. I have found that emails sent in September 2024 and October 2024 were potentially disrespectful in that curse words were used which is not appropriate from a Councillor email, on a personal matter.

Whilst I accept Councillor Wheeler may not have intended to use his position as a Councillor improperly to gain an advantage for himself, he did demonstrate that he understood he shouldn't use his councillor email for personal matters and then repeated the behaviour. I appreciate that the perception of the complainant on receiving emails from a Councillor about a personal complaint is likely to be that the Councillor was trying to use their office in an attempt to perhaps exert influence and improve the response to the complaint.

Whilst Councillor Wheeler did not experience any gain or advantage from using his councillor email, and whilst I accept that in some cases he was legitimately using his council email to report issues on behalf of residents as well, when the emails were personal, and coming from the councillor email, Councillor Wheeler should have exercised caution as it is reasonable to believe that the office of Councillor is being used to exert influence over the complaint process.

Reasons for Decision

Section 27(2) of the Localism Act 2011 requires all relevant authorities to "adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity."

Gedling Borough Council has adopted such a Code of Conduct which reflects this and states:

"5.2 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

5.3 The Code applies to all forms of communication and interaction, including: • at face-to-face meetings • at online or telephone meetings • in written communication • in verbal communication • in non-verbal communication • in electronic and social media communication, posts, statements, and comments.

The emails being complained about were sent from Councillor Wheeler's council email address, whilst the emails related to a personal matter but were sometimes on behalf of constituents as well, sending them as a Councillor gives the impression that he is acting in his capacity as a Councillor, as such the Code of Conduct is engaged.

I do not consider further investigation of this matter is necessary or proportionate, whilst a potential breach of the code is demonstrated, I do not consider there is any merit in engaging further resource in investigating this matter and I conclude that the matter can be dealt with informally through the issuing of a formal written apology to the complainant and the attendance at a training session on the Code of Conduct.

In line with the arrangements for dealing with complaints a summary of this matter will also be referred to the next Standards Committee meeting for information and will be in the public domain.