
STATES OF JERSEY



COMMISSIONER FOR STANDARDS: INVESTIGATION OF COMPLAINT OF BREACH OF THE CODE OF CONDUCT FOR ELECTED MEMBERS BY DEPUTY S.M. WICKENDEN OF ST. HELIER

**Presented to the States on 19th June 2020
by the Privileges and Procedures Committee**

STATES GREFFE

INTRODUCTION

The Privileges and Procedures Committee has received a report from the Commissioner for Standards into an alleged breach of the Code of Conduct for Elected Members by Deputy S.M. Wickenden of St. Helier.

The Commissioner for Standards has found that Deputy Wickenden did not breach the Code of Conduct for Elected Members.

The Privileges and Procedures Committee accepts the Commissioner's report, which is attached, and considers that no further action is necessary.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT OF THE COMMISSIONER FOR STANDARDS

Submitted on 15th June 2020

Introduction

On 18th May 2020, Mr. Nick Le Cornu [the complainant] submitted a letter of complaint, alleging that Deputy S.M. Wickenden of St. Helier had breached the Code of Conduct for Elected Members by reason of his having consumed alcohol during a Scrutiny Health and Social Security Public Hearing on Tuesday 5th May 2020. I acknowledged receipt on 18th May 2020 and advised Mr. Le Cornu that after a preliminary investigation I was accepting his complaint for investigation. I then wrote to Deputy Wickenden advising him of the complaint and supplying him with full details thereof. I requested that he respond providing a full and accurate account of the matters in question. Deputy Wickenden responded by means of a letter dated 8th June 2020.

Summary

Mr. Le Cornu's complaint was that Deputy Wickenden, in his capacity as Assistant Minister for Social Security, participated in a Public Hearing of the Health and Social Security Scrutiny Panel held on Tuesday, 5th May 2020. This meeting was being held 'virtually' utilising Teams Live technology given the restrictions arising from the ongoing Covid-19 situation. Mr. Le Cornu alleged that Deputy Wickenden, who was located at his home address, was seen to be 'drinking from a large wine glass'. It should be noted that the hearing was accessible online and that was how Mr. Le Cornu had apparently witnessed Deputy Wickenden's actions. I took the view that the complaint raised the question of a possible breach of Section 5 of the Code of Conduct for Elected Members.

Elected members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey and shall endeavour, in the course of their public and private conduct, not to act in a manner which would bring the States, or its Members generally, into disrepute.

Elected members should at all times treat other members of the States, officers and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.

The facts

Mr. Le Cornu stated that the meeting began at 09:00 hrs, but the official record shows that the meeting began at 14:45 hrs. He then drew my attention to two specific timings 1.00.31 and 1.59.31. I viewed the relevant video record and noted that Deputy Wickenden was seen to move a glass containing liquid at 1.00.31 and then at 1.59.39 he moved a glass towards his mouth. On both occasions those actions followed his having completed an input to the meeting. The timing discrepancies are not significant or relevant to the complaint

Deputy Wickenden's response

Deputy Wickenden provided a comprehensive response which dealt with his actions, his interpretation of the Code of Conduct and observations on the complainant and their shared history

Analysis and findings

Deputy Wickenden was extremely clear in his response that he wished to apologise for his actions and was genuinely remorseful. He did not argue with the facts as evidenced but rather focussed on the reality that he was working from his own home and was operating under the new reality of Covid-19 and associated disruption to normal working practices. He accepted that his behaviour was an error of judgement. However, he then went on to argue that his behaviour did not constitute a breach of the Code of Conduct.

Deputy Wickenden highlighted the absence of specific guidance on conducting parliamentary business from one's own home, that his participation in the meeting was unaffected by his consumption of alcohol and that his behaviour did not bring the States into disrepute. He specifically provided me with multiple pages documenting the public reaction to the Jersey Evening Post's coverage of his wine consumption. He argued that that public reaction demonstrated that he was not guilty of the 'disrepute' element required to breach the Code of Conduct provision.

I have given a great deal of thought to this matter. On the one hand, Deputy Wickenden has clearly recognised that his actions were inappropriate as evidenced by his apology and remorse. Yet, at the same time, he has argued that he did not breach the Code of Conduct. On balance I am persuaded that his actions did not 'bring the States or its Members generally into disrepute.' Notwithstanding the complaint by Mr. Le Cornu, I have seen no evidence that Deputy Wickenden's actions evoked such a public reaction. I note the feedback comments on the Jersey Evening Post website but am quite clear that disrepute is not to be judged solely by a simple majority of comments on a limited public forum. Deputy Wickenden was participating in a meeting from his own home, given the restrictions imposed in response to the threat posed by Covid-19. He has acknowledged that he would not have consumed alcohol at a normal, conventional meeting of the Scrutiny Panel. I have decided that the public of Jersey can be trusted to view the relevant footage or media coverage of it and make a balanced and mature judgement of the propriety of Deputy Wickenden's actions.

I am dismissing the complaint against Deputy Wickenden, as he did not breach the Code of Conduct. However, my investigation suggests that, in due course, the Privileges and Procedures Committee might wish to consider if guidance available to Members is fit for purpose in the contemporary world, or if additional guidance should address the conduct of States business in the era of Zoom and Microsoft Teams.

I do not feel it is either appropriate or necessary for me to comment on the history between Deputy Wickenden and the complainant.

Paul Kernaghan, C.B.E., Q.P.M.

Commissioner for Standards