



# Basingstoke and Deane

## **BASINGSTOKE AND DEANE BOROUGH COUNCIL** **DECISION NOTICE**

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

**Reference: 044363**

**Subject Member: Councillor Ken Rhatigan**

On 11 May 2018, the Deputy Monitoring Officer and Independent Standards Assessor considered a complaint concerning the alleged conduct of Councillor Ken Rhatigan, a member of Basingstoke and Deane Borough Council

A general summary of the complaint is set out below:

Councillor Rhatigan visited the home of the complainant on Sunday 8 April 2018 at 10.30am. Cllr Rhatigan is the ward councillor for the area and was responding to an email the complainant had copied to him concerning a planning application in the neighbourhood. Councillor Rhatigan had emailed the complainant the previous week to discuss her email. As he was in the neighbourhood he knocked on the door. The Complainant's mother answered and Cllr Rhatigan proceeded to discuss the planning matter. The Complainant was unhappy with this approach and the manner of the doorstep discussion. There was further email correspondence between the complainant and Councillor Rhatigan. The Complainant alleges that Councillor Rhatigan's conduct has been hostile and shows bias towards a planning application.

### **Decision**

In accordance with the Arrangements for dealing with Complaints against Councillors, the Deputy Monitoring Officer, in consultation with the Independent Standards Assessor, determined the following sub paragraphs of the Arrangements are applicable to this matter:

- 6.4 (a) the public benefit in investigating the alleged complaint
- 6.4 (b) the nature of the allegation submitted and whether using public funds to examine the matter further would be disproportionate

It was further determined to take no further action

## **Reasons for decision**

The complaint was considered against the Code of Conduct for Councillors and the arrangements for dealing with complaints against Councillors.

Councillor Rhatigan has explained the reason for his visit to the complainant's home and the steps he took in advance of the visit. Councillor Rhatigan explains that he had understood that the complainant's mother had agreed to speak to him. Councillor Rhatigan has sincerely apologised for any distress he may have inadvertently caused. He states: "I would be horrified if I left [the householder] with the impression that I was too callous or too loud for our Sunday morning discussion. If she felt uncomfortable then I sincerely apologise".

Pursuant to paragraph 6.4 of the Arrangements the Deputy Monitoring Officer determined that no further actions should be taken on the complaint for the following reasons:

1. the public benefit in investigating the alleged complaint
2. the nature of the allegation submitted and whether using public funds to examine the matter further would be disproportionate
3. the apology provided by Councillor Rhatigan
4. there was no evidence of pre-determination in relation to the planning matter

This decision notice is sent to the person or persons making the allegation and to the Member against whom the allegation was made.

## **Right of Appeal**

There is a right of Appeal to the Monitoring Officer within 10 working days of the date of this Notice

**Signed *Marie Rosenthal***  
**Deputy Monitoring Officer**

**Date 11 May 2018**

## **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.

## **Access to the complaints process**

Certain groups of customers may find it more difficult to make a complaint for example due to English not being their first language, sight impairment etc. It is our duty to assist the complainant in gaining access to the complaints procedure but we must not make the complaint for them or misrepresent their complaint.

The Council do not insist that a complaint is made in writing, particularly where this would hinder an individual in making their complaint.

The following services are available to assist customers in making their complaint.

Translation  
Interpreting  
Braille/Large Print  
Minicom  
Text  
Online form