



Tom Enright: not good faith

Wrong EnRight, twice

After SIPO decided he'd breached the Ethics Acts Wexford County Council CEO Tom Enright and Councillors who ovated him breached Ethics Acts again by disrespecting the decision, and in Enright's case by denying findings of bad faith and of impropriety of content not just tone against him

By Michael Smith

In December 2021 the Standards in Public Office Commission (SIPO), found that Wexford County Council CEO Tom Enright breached the Local Government Act in sending two emails to South East Radio in August 2019 in which he threatened to withdraw Council advertising with the station, during a dispute over the station's coverage of the Council.

SIPO set out detailed particulars of contraventions of the Local Government Act: of section 168 (failing to maintain proper standards of integrity, conduct and concern for the public interest); and of section 169(3) – (failing to be guided by the Code of Conduct for Employees).

The three contraventions related to Mr Enright's emails and the second and third contraventions were premised on the contention that the emails amounted to "putting pressure on the station to alter their broadcasting practices by threatening to withdraw funding from the station".

As regards the first contravention, SIPO found: "The emails were not the appropriate recourse and amounted to an over-reaction and inappropriate conflation of issues on Mr Enright's part. They fell below what is expected of someone in his position, in terms of content, tone, style and language.

The emails amounted to an inappropriate conflation of the issues of, on the one hand, the coverage of the Council on South East Radio and Mr Enright's dispute with Mr Fitzpatrick, and on the other hand, the Council's commercial relationship with the station. In this way, Mr Enright misused the Council's position as the station's primary advertiser, in effect 'throwing around the weight' of the Council's purse.

Mr Enright's conduct in this regard was a serious contravention of the statutory provision. In addition, the Commission finds that Mr Enright did not act in good faith, nor in the belief that his actions were in accordance with guidelines published or advice given in writing under s. 12 or s. 25 of the Ethics Act".

He was found to have committed the two other

contraventions too.

On 14 January 2022 the *Irish Times* reported that Wexford County Council voted that day not to take any action against Tom Enright following the findings. They were legally required to consider what action to take. At a special meeting to do so they gave "a standing ovation to Mr Enright at the meeting's conclusion".

A Statement delivered by Tom Enright that day, went as follows:

"I welcome that the Elected Members of Wexford County Council have today decided that no action will be taken in relation to the findings in the SIPO report published last week.

I wish to state again that I regret the tone of the two e-mails sent to South East Radio. However, I was standing up to the radio station who were shown to have breached the Broadcasting Act and who I was informed were acting in a deliberately biased manner against the Council.

I am very passionate for the work that Council staff and Councillors do to make County Wexford a better place and some of that passion overflowed into these two e-mails.

I cannot thank people enough for their support during this time. I have been overwhelmed and humbled by the large outpouring of support. Hundreds of messages of support, many from people I don't even know and have never met...".

Skimpy minutes of the Council meeting record that:

"The Council invited the Chief Executive to make a submission in respect of the Report... There followed a lengthy discussion to which many members contributed. Members spoke positively about the Chief Executive's contribution to the Council and to the County, with many expressing the view that Mr. Enright had acted in good faith at all times and in the best interests of the Council.

But SIPO had found the CEO's emails "fell below what is expected of someone in his position, in terms of content, tone, style and

language". Content *and* tone. And also found that "Mr Enright did not act in good faith".

Nevertheless by 30 in favour and 1 abstention [Councillor Pat Barden] the Councillors voted to "note [SIPO's] Report and to take no further action in the matter".

Director of Services Eamonn Hore then made a statement on behalf of the Management Team "strongly supporting the Chief Executive Mr. Enright".

It is clear that legal advice to the Council, which perhaps improperly was not minuted, was offered by its law agent who, being responsible to the CEO and normally providing his legal advice – sometimes in the face of the Councillors – must be deemed to lack the necessary independence and to be objectively biased.

Section 168 of the Local Government Act provides:

"In carrying out their functions it is the duty of every member and every employee of a local authority to maintain proper standards of integrity, conduct and concern for the public interest".

Section 2.2 of the Code of Conduct for Employees provides inter alia: "Local authority employees must maintain the highest standards of integrity by:-

- acting in a way which enhances public trust and confidence;
- ensuring that their conduct does not bring the integrity of their position or of local government into disrepute.
- serving their local authority conscientiously, honestly and impartially"

Readers will make up their own minds as to whether the CEO of Wexford County Council, his congratulatory management team and Councillors who applauded him with a standing ovation on the occasion of consideration of a report from SIPO detailing serious ethical contraventions have themselves, in so doing, breached the Ethics Acts and Code of Conduct. **LE**