

SOUTH HAMS CODE OF CONDUCT HEARING PANEL



Minutes of a meeting of the **South Hams Code of Conduct
Hearing Panel** held on
Wednesday, 25th July, 2018 at **2.00 pm** at the **Cary Room -
Follaton House**

Present: **Councillors:**

Chairman Cllr Saltern
Vice Chairman

Cllr Baldry

Cllr Smerdon

1. **Hearing into Standards Complaint Reference SH11071117**

The Decision Notice as presented to the Overview and Scrutiny Panel meeting of 6 September 2018 (Minute Ref O&S.37/18) refers.

The Meeting concluded at 4.00 pm

Signed by:

Chairman

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South Hams District Council

Code of Conduct Scrutiny Code of Conduct Hearing Panel

Decision Notice relating to allegations of breach of the Code of Conduct

Complaint reference:	SH011 071117
Councillor:	Cllr R Adams
Complainant:	Cllr Tony Crellin-Whitty
Authority:	Totnes Town Council
Panel Members	Cllr M. Saltern (Chairman) Cllr K. Baldry Cllr P. Smerdon
Independent Person	Mr G Barnicott
Deputy Monitoring Officer	Fiona Shirra
Summary of the complaint:	<p>The Complainant alleges that the Councillor has broken the TTC Code:</p> <ul style="list-style-type: none">• That the Councillor breached the TTC Code due to comments the Councillor made in social media postings and email.
The Investigating Officer's findings:	<p>The Monitoring Officer referred the matter for investigation, and in his Final Report, the Investigating Officer found that the Councillor had broken the Code of Conduct for the following reasons:</p> <ul style="list-style-type: none">• Breach of para 4 (a); Failure to treat others with courtesy and respect with regard to the comments made in her emails dated 12 October 2017 sent at 18:41 and 13 October 2017 sent at 15:26.
Procedure	<p>The Councillor was unable to attend but asked that the Hearing went ahead in her absence with her written representations placed before the Panel.</p> <p>The Chairman was consulted and considered it appropriate for the matter to be dealt with in the Councillor's absence.</p>

Purpose of Hearing	<p>In accordance with the Council's Policy, on 25 July 2018, the Code of Conduct Hearing Panel considered:</p> <ul style="list-style-type: none"> • whether or not it agreed with the Investigating Officer's findings, and reasons for a breach of the Code of Conduct; • what sanctions (if any) were appropriate; and • any other comments.
Localism Act 2011	<p>There were no additional provisions of the Localism Act 2011 for consideration</p>
Documentation considered by the Panel	<ul style="list-style-type: none"> • Emails and completed Forms from the Councillor about the findings and proposed sanctions; • The Members' Code of Conduct; • The Investigating Officer's Final Report; • Adopted Policy documents on dealing with standards complaints and hearings; and • The view of the Independent Person on the findings.
The Panel's Decision	<p>Having regard to the Council's adopted policy, and having carefully considered the documentation set out above and the written representations made, the Code of Conduct Hearing Panel made the following decisions:</p> <ul style="list-style-type: none"> • that it agreed with the Investigating Officer's findings that the Councillor had broken the Members' Code of Conduct..
Sanctions imposed by the Panel	<p>In considering sanctions, the Panel considered the overarching aim of the Code in upholding the standards of conduct expected of councillors, and had regard to the criteria set out in the adopted policy, and to the representations received on sanctions.</p> <p>The Panel considered:</p> <ul style="list-style-type: none"> • The Councillor's written representation that she did not accept the findings of the Investigating Officer's Final Report and would not issue an apology; <p>and decided that the following sanction was appropriate:</p> <ul style="list-style-type: none"> • In the circumstances, a written apology would be the appropriate sanction but, as the Councillor has already indicated that she will not do this, Totnes Town Council censure the Councillor. •
Recommendations	<ul style="list-style-type: none"> • The Code of Conduct Hearing Panel would encourage the Town Council to renew their officer training on electronic communication and social media with DALC or other appropriate body.

**Copies of the
Decision Notice
have been sent to:**

- The Members of the Code of Conduct Hearing Panel;
- The Councillor;
- The Complainant;
- The Independent Person;
- The Investigating Officer and
- Totnes Town Council.

Signed by the Chairman of the Scrutiny Code of Conduct Hearing Panel

Michael S. Llewellyn

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Dated: July 2018

