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Dear Councillor

SOUTH HAMS OVERVIEW AND SCRUTINY PANEL - THURSDAY, 6TH JULY, 2017

I refer to the agenda for the above meeting and attach papers in connection with the following item(s).

Agenda No Item

11. **Hearing Decision Notice arising from Code of Conduct Sub Panel meeting held on 28 June 2017 (Pages 1 - 4)**

Yours sincerely

Darryl White
Senior Specialist – Democratic Services

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South Hams District Council

Overview & Scrutiny (Standards) Hearing Panel

Decision Notice relating to Code of Conduct allegations

Complaint reference:	SH10090516
Date and time and place of Hearing	1.30 pm Wednesday 28 June 2017 (South Hams District Council)
Councillor:	Cllr M. Trevorrow (not in attendance)
Relevant Authority	Kingswear Parish Council (KPC)
Complainant:	Cllrs Essex and Payne (KPC)
Overview & Scrutiny Panel Members	Cllr M. Saltern (Chairman) Cllr P. Smerdon Cllr K. Baldry
Independent Person	Mr G Barnicott
Investigating Officer	Mr S. Mansell (not in attendance)
Monitoring Officer	Mrs C. Bowen
Democratic Services	Mr D. White
Summary of the complaint:	<p>The Complainants alleged that Cllr Trevorrow had broken the KPC Code by:</p> <ul style="list-style-type: none"> • Mis-using his position at a meeting of KPC on 8 September 2015. • Submitting letters to the Dartmouth Chronicle and the magazine 'By the Dart' that brought his office and authority into disrepute and could be, by the content of the letters, considered as bullying. • Acting in a discourteous and disrespectful manner to the extent this brought his office and authority into disrepute at a meeting on the Council held on 8 March 2016 and, • Bringing his office and authority into disrepute by voting against a motion at a meeting of the Council on 12 April 2016

<p>The Investigating Officer's findings:</p>	<p>The complaint was initially considered by the Monitoring Officer and the Council's Independent Person and the matter referred for investigation in order to determine whether or not the Councillor had broken the KPC Code of Conduct. The Investigating Officer made the following findings:</p> <ul style="list-style-type: none"> • 4(a) You must treat others with respect and courtesy - finding of breach; • 5(a) You must not use your position as a member improperly to confer on or secure for yourself or any other person and advantage or disadvantage - no breach found; • 5(c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear) - no breach found; and, • 5(h) you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute - finding of breach. <p>The Hearing Panel considered the allegations where the Investigating Officer found a breach under paragraphs 4(a) and 5 (h) of the code.</p>
<p>Hearing:</p>	<p>A Standards Hearing took place in public on 28 June 2017 (the Panel received no representations that there was a public interest in hearing part or all of the matter in private). The Hearing Panel considered:</p> <ul style="list-style-type: none"> • whether or not it agreed with the Investigating Officer's reasons and findings of a breach of the Code of Conduct • whether sanctions would be appropriate, and if so, which sanctions should be applied/recommended <p>The Hearing took place in the absence of the Councillor as the Panel was satisfied that the Councillor had had the opportunity to attend and make further representations. The Councillor did submit a further submission to the Hearing (received on 26 June 2017). This was read out at the Hearing together with the Investigation Officer's response dated 27 June 2017.</p>
<p>Documentation considered by the Panel</p>	<ul style="list-style-type: none"> • Hearing Summary • Kingswear Parish Council Code of Conduct • The Investigating Officer's Final Report for SH10090516 • Adopted SHDC Policy documents on dealing with standards complaints and hearings • Representations from the Councillor (26.06.17) • Representations from Investigating Officer (27.06.17)

<p>The Panel's Decision</p>	<p>Having regard to the Council's adopted policy, and having carefully considered the documentation set out above and the representations made, the Panel made the following decisions:</p> <ul style="list-style-type: none"> • that it agreed with the Investigating Officer's findings that Cllr Trevorrow had broken paragraphs 4(a) and 5(h) of the Kingswear Parish Council Code of Conduct for the reasons set out in the Investigating Officer's Final Report, and • that it was appropriate to apply sanctions
<p>Sanctions imposed by the Panel</p>	<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 decided that:</p> <ul style="list-style-type: none"> • it strongly recommended that Cllr Trevorrow makes an apology to the Complainants • its findings are published and reported to the next ordinary meeting of the Overview & Scrutiny Panel • its findings are notified to the Clerk of KPC • the Monitoring Officer recommends that the Councillor receives training in chairing meeting skills, and on the Code of Conduct.
<p>Copies of this Decision Notice have been sent to:</p>	<ul style="list-style-type: none"> • The Members of the Panel • The Councillor • The Complainants • The Independent Person • The Investigating Officer • Monitoring Officer

Signed by the Chairman of the Overview & Scrutiny Hearing Panel

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Dated: 3 July 2017

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