

South Hams District Council

Code of Conduct Scrutiny Hearing Panel

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

Complaint reference:	SH02 010414
Councillor:	Cllr B. Carson
Complainant:	Mr T. Dale
Authority:	South Hams District Council
Panel Members	Cllr J. Baverstock (Chairman) Cllr I. Bramble Cllr J. Westacott
Independent Person	Mr M. Fowkes
Monitoring Officer	Mrs C. Bowen
Summary of the complaint:	The Complainant alleged that the Councillor had broken the Code of Conduct because, as a board member of Devon & Cornwall Housing Group (DCH), the Councillor should have declared a Disclosable Pecuniary Interest (DPI) and should not have taken part and voted on the question raised by the Complainant at the Community, Life & Housing Scrutiny Panel (Scrutiny) meeting on 27 March 2014.
The Investigating Officer's findings:	The Monitoring Officer referred the matter for investigation, and in her Final Report the Investigating Officer found that the Councillor had broken the Code of Conduct because he should have declared a DPI at the Scrutiny meeting on 27 March 2014 and should not have participated in the debate or voted.
Procedure – Paper Hearing	The Councillor, Chairman, Independent Person and Monitoring Officer were consulted and considered it appropriate for the matter to be dealt with by way of a Paper Hearing because the Councillor accepted the Investigating Officer's findings and did not wish to make any further representations (save for written representations on possible sanctions).
Purpose of Paper Hearing	In accordance with the Council's Policy, on 29 October 2014, the Panel considered: <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

	<ul style="list-style-type: none"> • what sanctions (if any) were appropriate
Localism Act 2011	<p>The Panel noted that, whilst the Council has a discretion as to whether to refer the matter to the Police in accordance with the Localism Act 2011, the matter had already been reported to the Police by the Complainant.</p> <p>The formal decision of the Police is not to proceed with an investigation and potential prosecution because it is not in the public interest to do so.</p>
Documentation considered by the Panel	<ul style="list-style-type: none"> • Briefing Paper • Code of Conduct • The Investigating Officer's Final Report and Appendices • Adopted Policy documents on dealing with standards complaints and hearings • Representation on sanctions from the Councillor • Representations on sanctions from the Independent Person • Representations from the Complainant
The Panel's Decision	<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 Carson had broken the Members' Code of Conduct, because, as a board member of DCH in receipt of a monetary payment, the Councillor should have declared a DPI and should not have taken part and voted on the question raised by the Complainant at the Scrutiny meeting on 27 March 2014, and • that it was appropriate to apply sanctions
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"> • that the failure to declare the DPI was an honest mistake • the Councillor's previous record of good service • the Councillor's acknowledgment that he had broken the Code and his offer of apology and willingness to undergo any specified training <p>and decided that the following sanctions were appropriate:</p> <ul style="list-style-type: none"> • that the Councillor give a written apology (addressed to the

	<p>Complainant and Chairman of the CP&R Scrutiny Panel) by the end of November</p> <ul style="list-style-type: none"> • the Monitoring Officer to provide training to Cllr Carson on the provisions of the Code of Conduct by December 31 2014 • to report the Panel's findings to the next ordinary meeting of the CP&R Scrutiny Panel.
Recommendations	<ul style="list-style-type: none"> • The Panel wished to thank both the Complainant for his constructive representations, together with the considerations from the Independent Person which it found valuable • That a briefing note to be sent to all Members on the implications of remuneration for outside bodies • That all District Councillors be invited to attend training on standards and code of conduct within the next six months
Copies of the Decision Notice have been sent to:	<ul style="list-style-type: none"> • The Members of the Panel • The Councillor • The Complainant • The Independent Person • The Investigating Officer

Signed by the Chairman of the Scrutiny Hearing Panel



Dated: ^{1st} 4 November 2014