

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:	SH09 060516
Councillor:	Cllr J. Hawkins
Complainant:	Ms Liz Essex and Ms Lucy Payne
Authority:	Kingswear Parish Council
Panel Members	Cllr M. Saltern (Chairman) Cllr K. Baldry Cllr J. Green
Independent Person	Mr G Barnicott
Deputy Monitoring Officer	Ms S Nightingale
Summary of the complaint:	<p>The Complainants alleged that the Councillor had broken the Code of Conduct in that he had:</p> <ul style="list-style-type: none">• misused his position at a series of meetings of the Parish Council between June 2015 and April 2016;• submitted a letter to the Dartmouth Chronicle; and• acted in a discourteous and disrespectful manner via a series of emails.
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> <ol style="list-style-type: none">1. Breach of para 4 (a); Failure to treat others with courtesy and respect at a meeting of the Parish Council on 22 July 2015 and 8 March 2016. And2. Breach of para 5 (h); Acting in a way which brought the authority in to disrepute at a meeting of the Parish Council on 8 March 2016.

	<p>Note: The Panel noted and want to record that the breach found refers to the subject Member's conduct towards a member of the public (paragraph 5.1.1 which in turn relies upon para 4.8.7 of the report.</p>
Procedure – Paper Hearing	<p>The Councillor, Chairman, Independent Person and Deputy Monitoring Officer were consulted and considered it appropriate for the matter to be dealt with by way of a Paper Hearing because the subject Member accepted the Investigating Officer's findings and did not wish to make any further representations.</p>
Purpose of Paper Hearing	<p>In accordance with the Council's Policy, on 15 January 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 from the subject Member about the findings and proposed sanctions; • Emails from the complainants about further Parish Council meetings; • The Members' Code of Conduct; • The Investigating Officer's Final Report and Appendices; • 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 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 Cllr Hawkins had broken the Members' Code of Conduct save that the breach referred to by the Investigating Officer occurred on 29 June 2015; • That the events referred to on 22 July took place in 2015 NOT 2016; • That para 5.1.1 is intended to refer to the treatment of a member of the public at one meeting, as well as the Complainants at another meeting and that it was appropriate to apply the proposed sanctions; • that the Panel has no regulatory or other power to prevent the

	<p>complainants making further complaints during a fixed or any time period. The Panel is satisfied that the Investigating Officer's comments have been shared with the complainants in the final report.</p> <ul style="list-style-type: none"> • The Panel have noted the Investigating Officer's concerns.
<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 considered:</p> <ul style="list-style-type: none"> • The Member'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 Member give a draft written apology addressed to the Clerk and Chair of the Parish Council and the Complainants to the Chair of the Code of Conduct Hearing Panel by the end of February; • The written apology to be sent to the Clerk and Chair of the PC thereafter; • the Monitoring Officer / Deputy Monitoring Officer to provide training to Cllr Hawkins on the provisions of the Code of Conduct by 1 April 2018; • Councillor Hawkins to undertake refresher training on the Kingswear Parish Council's Standing Orders and • to report the Panel's findings to the next ordinary meeting of the Overview and Scrutiny Panel.
<p>Recommendations</p>	<ul style="list-style-type: none"> • The Code of Conduct Hearing Panel would encourage the Parish Council to renew their officer and committee training on standing orders with DALC or other appropriate body.
<p>Copies of the Decision Notice have been sent to:</p>	<ul style="list-style-type: none"> • The Members of the Code of Conduct Hearing Panel; • The Subject Member; • The Complainant; • The Independent Person; and • The Investigating Officer.

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

M. S. Sullivan
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Dated: February 2018