

**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**

<b>Complaint reference:</b>	SH 09 170817
<b>Councillor:</b>	Cllr G Coles
<b>Complainant:</b>	Ms Heather Nesbitt
<b>Authority:</b>	Dartmouth Parish Council
<b>Panel Members</b>	Cllr M. Saltern (Chairman) Cllr J. Green Cllr P. Smerdon
<b>Independent Person</b>	Mr G Barnicott
<b>Deputy Monitoring Officer</b>	Sue Nightingale
<b>Summary of the complaint:</b>	<p>The Complainant alleges that Cllr Coles has broken the DPC Code:</p> <ul style="list-style-type: none"><li>• That the Subject Member breached the Code of the Council due to comments the Subject Member made to the editor of the Dartmouth Chronicle orally and in writing and further in an email to a member of the public dated 11 August 2017.</li></ul>
<b>The Investigating Officer's findings:</b>	<p>The Investigating Officer found a breach of the following provisions of the Code only in relation to the contents of an email dated 11 August 2017:</p> <p>4(a) You must treat others with respect and courtesy;</p> <p>5(h) 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 into disrepute.</p>
<b>Procedure</b>	<p>The subject Member attended the hearing with witnesses and made representations on the breaches and proposed sanctions. The Investigating Officer attended the hearing and made representations on the breaches and proposed sanctions.</p>

<b>Purpose of Hearing</b>	<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"> <li>• whether or not it agreed with the Investigating Officer's findings, and reasons for a breach of the Code of Conduct;</li> <li>• what sanctions (if any) were appropriate; and</li> <li>• any other comments.</li> </ul>
<b>Localism Act 2011</b>	<p>There were no additional provisions of the Localism Act 2011 for consideration</p>
<b>Documentation considered by the Panel</b>	<ul style="list-style-type: none"> <li>• The complaint and the subject member's response.</li> <li>• The Members' Code of Conduct;</li> <li>• The Investigating Officer's Final Report;</li> <li>• Adopted Policy documents on dealing with standards complaints and hearings; and</li> <li>• The view of the Independent Person on the findings.</li> </ul>
<b>The Panel's Decision</b>	<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"> <li>• that it agreed with the Investigating Officer's findings that the Councillor had broken the Members' Code of Conduct only in relation to an email dated 11 August 2017.</li> </ul>
<b>Sanctions imposed by the Panel</b>	<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"> <li>• The high volume of public criticism that the subject member had received following the publishing of the article in the Dartmouth Chronicle.</li> <li>• The subject member's acknowledgement that she had unintentionally breached the code in her reply to a member of the public on 11 August 2017 and now understood how the code applied to the situation.</li> <li>• The subject member's health and the delay in concluding the investigation due to a concurrent press complaint.</li> </ul> <p>and decided that in the light of the above mitigation no further sanction was appropriate but made the following recommendation.</p>

<b>Recommendations</b>	<ul style="list-style-type: none"><li>• A recommendation that the subject member should seek further training on the Code of Conduct with either Dartmouth Parish Council or South Hams District Council.</li><li>•</li></ul>
<b>Copies of the Decision Notice have been sent to:</b>	<ul style="list-style-type: none"><li>• The Members of the Code of Conduct Hearing Panel;</li><li>• The Councillor;</li><li>• The Complainant;</li><li>• The Independent Person;</li><li>• The Investigating Officer and</li><li>• Dartmouth Parish Council.</li></ul>

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

*Michael S. Hester*

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**Dated: July 2018**

