

TORRIDGE DISTRICT COUNCIL

STANDARDS COMMITTEE MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Wednesday, 20 June 2018 - 10.00 am

PRESENT Councillor M Langmead (Chair)
 Councillors T Inch, G Dezart, R Julian and T Johns (substitute for
 Councillor Cottle Hunkin)

ALSO PRESENT J Hollis - Senior Solicitor
 R Clark - Parish Representative
 H Martin - Parish Representative
 R Levick - Independent Person
 Councillor Sanders
 S Cawsey - Democratic Services Officer

The Chair welcomed everyone to the meeting.

1. MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 21 FEBRUARY 2018

It was proposed by Councillor Julian, seconded by Councillor Dezart and –

Resolved:

That the Minutes of the meeting held on 21 February 2018 be agreed and signed as a correct record, subject to the following amendments:

- Apologies from Mr H Martin and Mr R Levick had been given, but had not been recorded in the minutes.
- Minutes No 34 – Town & Parish Council Liaison -
To amend Mr Clark’s surname which had been spelt incorrectly.

(Vote: For 4, Abstentions 1)

2. DECLARATIONS OF INTEREST

The Chair asked that declarations of interest be made as and when the specific agenda item to which they related was under discussion.

3. AGREEMENT OF AGENDA BETWEEN PARTS I AND II (IF APPLICABLE)

Mr R Clark sought clarification as to whether the Part II item would be a Hearing. If so he felt it should stay in Part II, but if not he questioned whether it should be presented in Part I.

The Senior Solicitor confirmed it is a Hearing, and due to the personal information contained in the documents was therefore a Part II item, although this would be a decision to be made by the Committee.

It was proposed by Councillor A Inch, seconded by Councillor Johns and -

Resolved: That the agenda, as circulated, be agreed.

(Vote: For - Unanimous)

4. URGENT MATTERS OF INFORMATION TO BE BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR AND THE COMMITTEE

There were no urgent matters brought forward.

Town and Parish Council Liaison -

Councillor A Inch referred to the minutes of the previous meeting and asked if the Senior Solicitor had made contact with Town & Parish Councils. The Senior Solicitor advised he had been in contact with Parish and Town Clerks and was maintaining a list of planned visits.

5. FORWARD PLAN 2018/19

Members discussed the following items to be included on the Forward Plan:

Review of the Local Government Ethical Standards Stakeholder Consultation – To report on the outcome of the Consultation – most likely November meeting

Training – Members felt it would be beneficial for regular training updates to be given, and to also ensure that all Members who sit on Standards Committee had undertaken the relevant training.

6. TOWN AND PARISH LIAISON (STANDING ITEM)

The Senior Solicitor introduced this item and agreed to circulate to the Committee a copy of the current visit schedule to Town/Parish Councils.

The visits are intended to help Parish Councils recognise and understand the roles and responsibilities carried out by the Standards Committee. These include:

- Code of Conduct
- Declarations of Interests
- Standards Committee membership, functions and powers

Mr Roger Levick gave feed back on the meetings and discussions he had had with Parish Councils.

The Senior Solicitor advised that some Parish Councils had requested visits for new Councillors following the election next year.

Members talked about individual experiences with Parish Councils, and acknowledged the need for training and assistance to be given.

7. EXCLUSION OF MEMBERS OF THE PUBLIC

LOCAL GOVERNMENT ACT 1972 (as amended)

It was proposed by Councillor A Inch, seconded by Councillor Julian –

That under Section 100(a)(4) of the Local Government Act (as amended) the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information by virtue of Paragraph 1 of Part 1 and Paragraph 10 of Part 2 of Schedule 12A of the Local Government Act 1972.

(Vote: For – Unanimous)

The Chair, Councillor Langmead, reminded the meeting that Part II information is confidential and must not be disclosed to a third party.

8. PART II (CLOSED SESSION)

9. DETERMINATION OF COMPLAINT - MEMBERS CODE OF CONDUCT

The Senior Solicitor introduced the report and outlined the process.

Complaint

On 20 June 2018, the Standards Committee of this authority considered a complaint in relation to the conduct of Councillor John Sanders, a member of Holsworthy Town Council.

The complaint relates to an allegation that Councillor Sanders was rude and aggressive to members of the public in a shop in Holsworthy, in breach of the Members Code of Conduct. The allegation potentially constitutes a breach of Paragraph 1 (treating others with respect), 2 (bullying and intimidation) & 4 (bringing the office of member or the Council into disrepute) of the Code of Conduct for Members.

Decision

Having considered the evidence before it, as well as the written and verbal representations of Councillor Sanders, the Standards Committee unanimously agreed the following:

1. Made the following findings of fact:
 - That it was immaterial to the complaint whether Councillor Sanders was taking pictures during the incident or scanning items with his mobile phone;
 - That Councillor Sanders at least raised his voice during the incident, if he wasn't shouting;
 - That Councillor Sanders was known as a Councillor during the incident and did nothing to dispel that impression, and also that it was likely that Councillor Sanders did make reference to his role as Councillor during the incident;
 - That correspondence pertaining to a previous incident at the shop was relevant as it highlighted Councillor Sanders' propensity to refer to himself as Councillor and also demonstrated a pattern of behaviour;
 - That the complainants account of events and the effect the incident had on her was believable in the circumstances, in particular that she felt embarrassed and humiliated.
2. Found that Councillor Sanders had breached the following provisions of the Holsworthy Town Council Code of Conduct for Members:
 - Paragraph 1: You must treat others with respect, including members of the public, officers of the Council and any other person with whom you come into contact.
 - Paragraph 2: You must not bully or intimidate or attempt to bully or intimidate any person.
 - Paragraph 4: You must not do anything or act in any way which could reasonably be regarded as bringing either your office of Member or the Council into disrepute.

Sanctions

In light of the above findings, the Standards Committee resolved to impose the following sanctions:

- That Councillor Sanders issue the complainant with a letter of apology within 14 days;

- That Councillor Sanders should undergo appropriate training in relation to the Code of Conduct; and
- That the outcome of this matter is to be reported to Holsworthy Town Council full Council.

10. COMPLAINTS UPDATE

The Senior Solicitor gave a verbal update and advised that there are three outstanding complaints. Brief details on each complaint was given.

The Complaint Update was noted.

It was proposed by Councillor Julian, seconded by Councillor A Inch and –

Resolved:

That the meeting return to Part I and that any press and public be readmitted.

(Vote: For – Unanimously)

The meeting commenced at 10.00 am and closed at 11.50am

Chair:

Date: