

STANDARDS COMMITTEE

25 JULY 2019

Present:

Councillors Keeling (Chairman), Haines and Peart,

Independent Members:

Mr Barnicott and Ms Smith

Members in Attendance:

Councillors Cox, MacGregor and Wrigley

Public Gallery

Councillor Bullivant

Also in attendance

The complainant, their carer and a friend

Officers in Attendance:

Karen Trickey, Solicitor to the Council and Monitoring Officer

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Paul Woodhead, Investigating Officer

8. APOLOGIES FOR ABSENCE

Apologises for absence were received from Councillor L Petherick.

9. MINUTES

The minutes of the meeting held on 5 April 2019 were confirmed as a correct record and signed by the Chairman.

10. DECLARATIONS OF INTEREST

None.

11. CONSIDERATION OF THE MATTER WITH OUT THE PRESS & PUBLIC PRESENT

The Chairman announced that the papers for this hearing had not been published to date, as there were grounds to deal with the matter in confidence because it concerned individuals and personal details. There was however a clear public interest regarding the conduct of councillors to be considered in public.

The Chairman asked if all people present, including the press, understood that the personal details of the complainant were not to be published then the matter could be dealt with in public session.

This was agreed by all present (including the complainant and the press).

12. STANDARDS COMPLAINT

The Chairman advised that it was the panel's role to determine whether there had been a breach of the code of conduct based upon the Investigating Officer's report and any representations today.

The Solicitor to the Council & Monitoring Officer set out the issues before the panel:-

- The need for the Committee to establish the facts
- Whether the Committee felt there had been a breach, including whether the code applied or not
- If there had been a breach to consider any sanctions as recommended in the Investigating Officer report.

The Investigating Officer presented his report and findings. He outlined the complaint which had been received on 15 August 2018, the allegations as detailed in the report, the relevant law and guidance. He brought the committees attention to the evidence and findings of facts and his conclusion.

In response to Member's questions, the Investigating Officer clarified that any breach in data protection regulations was not in the remit of this Committee and the only issue the Committee should consider was the Code of Conduct.

The Solicitor to the Council & Monitoring Officer advised that Members should consider the issues as alleged in the report.

Councillor Cox circulated to Committee Members:-

- Copy email - dated 23 August 2018 from Councillor Cox to the Interim Monitoring Officer stating that the papers belonging to complainant had been found
- Copy email – dated 28 August 2018 from the Interim Monitoring Officer to Councillor Cox in which he suggested that the found papers be returned directly to the complainant.

He then stated that on receipt of this email he then returned the papers to the complainant by recorded delivery with a letter as advised by the Interim Monitoring Officer.

Councillor Cox stated that no one apart from Homeless in Teignbridge Support (HITS) had access to the documents and that this was a charity based issue and he was not acting in his capacity as a councillor. He had been referred to the complainant by the CAB in his capacity as a HITS trustee. He bitterly regretted the misfiling of the documents, when they had been found he returned them as advised by the Interim Monitoring Officer and he had apologised to the complainant.

The carer of the complainant addressed the panel. She expressed disappointment that the Data Protection issue was not relevant, as the loss of the paper work had caused the complainant great anguish. It was important that all the relevant information was considered to ensure that the panel could come to a conclusion and that there were consequences when acting in a position of public office. The complainant had contacted the Citizens Advice Bureau (CAB) and they had suggested that she contact her local councillor, she subsequently contacted Councillor Cox.

Councillor Cox's representative, Councillor Macgregor asked the Investigating Officer what evidence there was that Councillor Cox was acting in his capacity as a Councillor. He commented that as the case had already been released to the press that the matter had been dealt with.

The Investigating Officer stated that the evidence was set out in the report and the video footage which established that Councillor Cox was acting in his capacity as a councillor. He clarified that there was a statement from HITS but not from the CAB.

The Independent Persons commented that it should be made clear in what capacity a person was acting and that on the balance of probability Councillor Cox was acting in his capacity as a councillor.

The Solicitor to the Council & Monitoring Officer advised that the Panel should consider if Councillor Cox had been acting as a councillor and then if there been a breach of the code of conduct.

The Panel adjourned to consider in what capacity Councillor Cox was acting and if he was acting as a councillor had there been a breach of the code of conduct.

The Panel findings were that Councillor Cox failed to clarify in what capacity he was (according to him) acting for the complainant when he was contacted by her for help. However the complainant was clear that she had contacted him as her local ward councillor. Consequently in line with the investigator's findings the Panel concluded that Councillor Cox was acting as councillor when dealing with the complainant.

The Panel adjourned to consider if any sanctions under the code of conduct should be imposed.

The Panel whilst recognising that Councillor Cox had apologised and the complaint has already been published in the press, the Panel:-

RESOLVED that sanction of public censure should be imposed and that in the future Councillor Cox should declare in what capacity he is acting and ensure that he acts in a more responsible manner when dealing with confidential paperwork entrusted into his care.

The meeting started at 1.30 pm and finished at 3.50 pm.

Chairman