

STANDARDS COMMITTEE

9 NOVEMBER 2020

Present:

Councillors Bullivant, Connett, Evans, Nuttall (Vice-Chair), Peart, L Petherick (Chair), Barnicott, Smith and Dowding

Member in Attendance:

Councillor Eden

Also in Attendance:

David Cox (support for and friend of Cllr Eden)

Complainants - Cllr Phipps and Mr Prior

Independents Persons – Mr Barnicott and Ms Smith

Parish Councillor Representative – Councillor R Dowding

Investigator – Mr Austin

Officers in Attendance:

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Beth Tipton, Administrative Assistant

Paul Woodhead, Solicitor & Deputy Monitoring Officer

24. DECLARATIONS OF INTEREST

Cllr Connett highlighted the fact that Cllrs Evans, Nuttall and himself were members of the Liberal Democrats of which Cllr Eden was also a member.

Cllr Cox stated that in his professional capacity he wrote the Articles of Association for the air show and he advised them on obtaining funding.

John Austin the Investigating Officer stated that he knew the Democratic Services Team Leader via a professional body.

25. STANDARDS COMPLAINT

The Committee considered the published report in line with the procedure set out in the agenda.

Attached is the You Tube stream of the meeting [Standards Committee 9 November 2020](#).

The Committee went into confidential session to consider the Investigator's recommendations regarding the alleged breaches of the Code of Conduct.

RESOLVED


Having made a finding of facts as set out in its Decision Notice, the Committee concludes that Cllr Eden breached the Members' Code of Conduct as provided for in the Decision Notice and that:-

- (a) Cllr Eden must provide a public letter of apology within 5 workdays of the decision being notified to her (to be agreed with the Chair of Standards Committee) to Teignmouth Town Council for her conduct; and
- (b) The Committee also decided to send a letter to Teignmouth Town Council asking them to review how they deal with conduct and behaviour within their Council taking account of course of proposed changes and recommendations as are currently pending from the LGA and/or advised Committee for Standards in Public Life.

Decision notice attached.

The meeting started at 10.00 am and finished at 11.30 am.

Chair

	<p>STANDARDS COMMITTEE 9 NOVEMBER 2020</p> <p>DECISION NOTICE</p>
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1. Matter considered:

- 1.1 Each council has a statutory duty to promote and maintain high standards of conduct amongst its members. As part of the standards framework, the District Council has to determine complaints that members of town and parish councils in its district have allegedly breached their relevant council's code of conduct. Consequently, at its meeting on 9 November 2020, the District Standards Committee considered the findings of an independent investigator that Town Councillor Alison Eden had breached the Teignmouth Town Councils' Members' Code of Conduct (adopted May 2015).
- 1.2 In summary, the investigator's findings that Cllr Eden had breached the Code centre on her comments after a meeting of Teignmouth Town Council's Finance & General Purpose Committee on 12 November 2019. The following allegations were made:
- (a) Councillor Eden entered into an altercation with two others on two occasions using foul language in a very aggressive and irate manner following a meeting of the Town Council's Finance & General Purposes Committee on 12 November 2019.
 - (b) Councillor Eden showed disrespect by swearing at a member of the public twice in an aggressive manner in a public meeting.
 - (c) She acted in an intimidatory manner by waiting with an unknown gentleman for the member of the public in a dark car park not to apologise but to justify her behaviour.
 - (d) She failed to treat the member of the public with courtesy or respect.
 - (e) She publicly insulted and embarrassed the member of the public by telling him to "go f..k himself" in front of his wife, Teignmouth Council, its staff and members of the public.
 - (f) The member of the public was intimidated as a potential complainant by being accosted in a dark car park by Councillor Eden and one other person.
- 1.3 The matter was considered by the Committee with the Independent Persons and the Parish Representative in attendance.

2. Relevant Teignmouth Town Council Code of Conduct Provisions:

- 2.1 The Teignmouth Town Council Code applies to all Town Council elected members whenever they conduct the business of the said council, including the business of the office to which they were elected or appointed. The investigator concluded that Cllr Eden had breached paragraphs 1, 6a and 7(h) in connection with her comments, including inappropriate and foul language.

2.2 The relevant provisions of the Code are that apply in this case are:

Member Obligations

1. Failing to behave in such a way that a reasonable person would regard as respectful.

General Obligations

- 6 (a) Failing to treat others with courtesy and respect.
- 7 (h) Behaving in such a way so as to give a reasonable person the impression that she has brought her office or the Council into disrepute.

3. Representations of Cllr Eden:

3.1 Cllr Eden was interviewed during the investigation and provided with a draft and later final copy of the report for comment and her views on the final report were noted by the Committee. At the Committee she was supported by David Cox, a fellow councillor and friend. Her comments to the committee centred around her view that whilst she had used inappropriate language and wished to apologise for her wording, she did not consider her comments given the context, were in breach of the Code in any way. Questions were also directed as to whether the Code applied, given the comments were not made in a council meeting.

4. Committee Findings:

4.1 Taking account of all relevant circumstances including relevant legislation as well as representations made by and on behalf of Cllr Eden, the Committee reached the following conclusions.

4.2 The Committee resolved that the Teignmouth Town Council Code of Conduct applied at all relevant times about which the independent investigator had concluded a breach. This was because it was apparent that her comments were made in connection with council business and the conversation was clearly related to council business, matters which had been discussed at the Council meeting just before the incident giving rise to the complaint.

4.3 In respect of the complaints the following facts were found and conclusions as to whether there was a breach of the Code reached by a majority of the Hearing Panel (with Cllr Connett requesting his vote against the Code applying to the case being recorded):

4.3.1 As detailed in the report, Councillor Eden entered into an altercation with Councillor Matthews and then a member of the public as noted in the report; she used foul language in a very aggressive and irate manner following a meeting of the Town Council's Finance & General Purposes Committee on 12 November 2019 to Cllr Matthews.

4.3.2 The Committee did not consider it clear enough on the balance of probabilities the exact expletives alleged were directed at the member of the public or that there was sufficient evidence to prove to the required standard that the member of the public was intimidated as alleged. Nevertheless Councillor Eden's words were clearly offensive and expressed just after a public council meeting within the member of public's earshot and such was unacceptable conduct on the part of a councillor.

4.3.3 Consequently, the Committee concluded breaches of Paragraph 1, 6(a) and 7(h) of the Council's Code of Conduct namely, failing to treat others with respect and courtesy and

that she had brought her position as councillor into disrepute. This behaviour clearly fell below the standards of conduct required of councillors.

5. Sanction against Cllr Eden:

The powers of the Committee are unfortunately limited by law. Consequently, the only possible sanction of relevance to this case in view of the findings of the Committee members is that Cllr Eden must provide a public letter of apology (to be agreed by Cllr Eden with the Chair of Standards Committee) to Teignmouth Town Council for her conduct.

Before doing so, the proposed wording of the letter must be provided by Cllr Eden within 5 working days of notification of this decision, to the Chair of the Standards Committee for approval.

Following approval of the draft letter by the Chair of Standards (if such approval is considered appropriate by the Chair), Cllr Eden must then send the approved letter (copied to the Chair of the Standards Committee) duly signed by Cllr Eden to Teignmouth Town Council within 5 working days of that approval.

6. Additional Comments

The Committee also decided to send a letter to Teignmouth Town Council asking them to review how they deal with conduct and behaviour within their Council taking account of course of proposed changes and recommendations as are currently pending from LGA and / or advised by Committee for Standards in Public Life.

**For and on behalf of the Standards Committee
Cllr L Petherick
Standards Committee Chair
16 November 2020**

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