

STANDARDS COMMITTEE

6 JULY 2021

Present:

Councillors L Petherick (Chair), Connett and Peart

Member in Attendance:

Councillor Patch

Also in Attendance:

Complainant – Mr Robertson

Complainant's Solicitor – Mr Toft

Independent Person – Mr Barnicott

Investigator – Mr Campbell

Officers in Attendance:

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Christopher Morgan, Trainee Democratic Services Officer

10. DECLARATIONS OF INTEREST

None.

11. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee agreed that the matter should be heard in public in the interests of openness and transparency.

12. STANDARDS COMPLAINT

The Sub Committee considered the published report.

Attached is the live stream [Standards Committee - Tuesday, 6th July 2021 at 12:00pm - Teignbridge District Council Webcasting \(public-i.tv\)](#)

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

RESOLVED that having made a finding of facts as set out in its Decision Notice, the Sub-Committee concludes that Cllr Patch breached Paragraph 4.7 of the Members' Code of Conduct (May 2019) as provided for in the Decision Notice and that:-

- (1) Cllr Patch be publicly censured for bringing his office of councillor into disrepute and consequently, the full decision notice should be published;
- (2) The Sub-Committee wanted it recorded that it also considered that Cllr Patch's conduct towards those investigating the matter and at times at the hearing was disrespectful and intimidatory. Such behaviour was clearly unacceptable and well below the standards expected of councillors; and

RECOMMENDED to the council's Procedures Committee for consideration;

- (1) The council's Procedural Rules should be amended so that councillors serving on the Planning Committee are no longer permitted to vote on applications within their ward;
- (2) Motion to Approve/Refuse/Defer Planning Applications should be made at the end of a debate on the application, which would allow any questions raised during debate to be answered;
- (3) All Councillors be reminded that the deadline for submission of new information on planning applications being considered by the Planning Committee is midnight Thursday prior to the meeting and no later; and
- (4) Any new information or submissions regarding planning applications should be submitted to the planning email address.

Full Decision notice attached.

The meeting started at 12.00 pm and finished at 1.50 pm.

Chairman



STANDARDS SUB-COMMITTEE

6 JULY 2021

DECISION NOTICE

1. Matter considered:

- 1.1 The Council has a statutory duty to promote and maintain high standards of conduct amongst its councillors. Consequently, at its meeting on 6 July 2021, the Standards Sub-Committee considered the findings of an independent investigator that District Councillor Adrian Patch had breached the Teignbridge Members' Code of Conduct (May 2019).
- 1.2 The independent investigation report has been published. The full details of the alleged conduct of Cllr Patch and the findings of the Investigator, David Campbell of the Magdalen Chambers in Exeter, are set out in the report available at [Agenda for Standards Committee on Tuesday, 6th July, 2021, 12.00 pm - Teignbridge District Council](#)

2. Complaint Summary

- 2.1 The complaint concerns Cllr Patch's conduct prior to and during a Planning Committee on 7 July 2020 in relation to a Planning Application for the construction of an access road at Trago Mills, Liverton, Devon.
- 2.2 It is alleged that Cllr Patch breached paragraphs 4.7 and 6.4 of the Council's Code of Conduct.

3. Relevant Code of Conduct Provisions

- 3.1 The Code applies to all elected members of the Council whenever they conduct the business of the Council, including the business of the office to which they were elected. There was no dispute that the Code applied to the matters of complaint and in this regard the Sub-Committee confirmed the Code applied.
- 3.2 Paragraphs 4.7 and 6.4 of the Members' Code of Conduct provide:
 - 4.7 – Councillors must not to bring the office of Councillor or Council into disrepute
 - 6.4 – Where a matter arises at a Meeting which a member of the public with knowledge of the facts, would reasonably regard as so significant that it is likely to prejudice a councillor's consideration or decision-making in relation to that matter the Councillor must:
 - (a) Disclose the interest;
 - (b) Not vote on the matter; and

- (c) Only speak on the matter if members of the public are also allowed to speak on the matter at the meeting.

4. Summary of Evidence considered

4.1 The Sub-Committee considered the following:-

- The Investigator's report dated 27 May 2021, which contains particulars of the allegations, relevant facts and emails
- Representations and responses from Cllr Patch
- Representations and responses from the independent Investigator
- Representations from the complainant's solicitor

5. Committee Findings

5.1 Taking account of all the relevant circumstances as well as representations made by Cllr Patch at the meeting, the Sub-Committee reached the following conclusions.

5.2 Without prejudice to the issue as to whether Cllr Patch was predisposed or predetermined, in view of the responses to the questions raised by the Sub-Committee at the meeting and taking all other representations into account the Sub-Committee considered that the facts set out in the Investigator's report were established.

5.3 The Sub-Committee resolved that the Members Code of Conduct applied in respect of paragraph 4.7 of the Code in which the independent Investigator had concluded that there had been a breach. The reason for reaching this conclusion was that the Sub-Committee considered that the failure of Cllr Patch to provide a copy of his emails (including attachments) of 18.14 on 6 July 2020 and 08.21 on 7 July 2020 which raised new issues relevant to the planning application to the applicant/his representatives clearly disadvantaged the applicant. The Sub-Committee considered that neither the applicant nor the planning officer had opportunity to address the points and issues raised by Cllr Patch before he moved the motion to refuse the application.

5.4 With regard to the independent Investigator's finding that Cllr Patch had breached paragraph 6.4 of the Code, the Sub-Committee accepted that while Cllr Patch was strongly pre-disposed in relation to the planning application, he was not pre-determined. Consequently, paragraph 6.4 of the Code of Conduct was not breached.

6. Sanctions applied

6.1 With regard to the complainant's representations that Cllr Patch should be removed from the Planning Committee, as the Sub-Committee had not found that Cllr Patch was pre-determined this would not be an appropriate sanction

- 6.2 In relation to the breach of 4.7 of the Code of Conduct, the Sub-Committee considered it appropriate to publicly censure Cllr Patch for bringing his office of councillor into disrepute and consequently, this full decision notice should be published. The Sub-Committee considered that training would not be beneficial as Cllr Patch had already undertaken training this year.
- 6.3 Taking all the factors into account regarding the two alleged breaches before the Sub-Committee, it did not consider Cllr Patch's behaviour was consistent with the high standards of conduct required of members of Teignbridge District Council.
- 6.4 The Sub-Committee also records that it considered Cllr Patch's conduct towards those investigating the matter and at times at the hearing was disrespectful and intimidatory. Such behaviour was unacceptable and well below the standards expected.

7 Additional Comments

- 7.1 The Sub-Committee also makes the following recommendations to the council's Procedures Committee for consideration:
- (1) The council's Procedural Rules should be amended so that councillors serving on the Planning Committee are no longer permitted to vote on applications within their ward.
 - (2) Motion to Approve/Refuse/Defer Planning Applications should be made at the end of a debate on the application, which would allow any questions raised during debate to be answered;
 - (3) All Councillors be reminded that the deadline for submission of new information on planning applications being considered by the Planning Committee is midnight Thursday prior to the meeting and no later; and
 - (4) Any new information or submissions regarding planning applications should be submitted to the planning email address.
- 7.2 In making the above recommendations the Sub-Committee noted that Cllr Patch is also a member of the council's Procedures Committee and recommends that he should not participate in the committee's consideration of these items.
- 7.3 In view of the fact that a complaint had been made against Cllr Patch and that it been partly upheld by the Sub-Committee, Cllr Patch would be well advised to refrain from participating in future planning applications affecting the complainant.

- 7.4 The Independent Member was consulted, after viewing the meeting on-line, and commented that Cllr Patch's manner at the hearing was disrespectful and cavalier although acknowledged he was enthusiastic to his cause. The Independent Member supported the sanctions and recommendations in this Decision Notice.

**For and on behalf of Standards Sub-Committee
Standards Committee Chair
Cllr Linda Petherick
12 July 2021**