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Standards Committee

27 October 2021

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 27TH OCTOBER, 2021 AT 2.15 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Land (Chairman), Steady (Vice-Chairman), Fowler, Turner, Wiggins
Also Present	Sue Gallone (Independent Person), David Irvine (Independent Person) and Jane Watts (Independent Person)
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) , Debbie Bunce (Legal & Governance Administration Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	John Austin – John Austin Associates – External Investigator

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Amos and J Henderson (with no substitutions on this occasion) and Clarissa Gosling, one of the Council's appointed Independent Persons.

10. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 21 April 2021 were approved as a correct record and signed by the Chairman.

Councillor Turner commented that, in respect of the report regarding Mandatory Training for Members, he would like to know what had happened with regards to E-learning and he stated that he had also not yet been contacted in respect of his offer to be the Committee's representative on a cross-party Member Working Group in relation to E-Learning.

11. DECLARATIONS OF INTEREST

There were none on this occasion.

12. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

13. REPORT OF THE DEPUTY MONITORING OFFICER - A.1 - OUTCOME OF INVESTIGATION - FAILURE TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT

A report was submitted (A.1) by the Council's Deputy Monitoring Officer (Linda Trembath) in respect of a complaint received in January 2021 from the Council's Monitoring Officer, Lisa Hastings regarding the conduct of District Councillor Peter Cawthron under the Members' Code of Conduct and Complaints Procedure (Appendix 1), which had been adopted by full Council on 26 November 2013.

The complaint related to Councillor P Cawthron's behaviour at Full Council in November 2020, a formal, recorded and publicly available meeting, when Councillor Cawthron had used a word that was both unacceptable and an obscenity, and in so doing had conducted himself in such a way as to bring his office or the Authority into disrepute, contrary to paragraph 3.4 (a) and (c) of the Member Code of Conduct.

It was also alleged that Councillor P Cawthron had not had regard for one of the Seven Principles of Public Life, namely:

- **Accountability** – Holders of Public Office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

This complaint had been made by the Council's Monitoring Officer. Following that complaint, and in accordance with the Monitoring Officer Protocol, specifically paragraph 1(k), and to ensure that no conflict of interest might arise, the Deputy Monitoring Officer was authorised to receive and investigate the matter, taking action as appropriate.

On 9 March 2021, the Deputy Monitoring Officer, having read the papers provided to her and having noted the response from Councillor Cawthron, had decided that it was reasonable and appropriate that the complaint merited further investigation. The parties had been informed of that decision and an external investigator had been appointed. Section 5 of the Complaints Procedure (Appendix 1) set out how an investigation was to be conducted and under Section 5.6, that the investigation report must contain a conclusion as to whether the evidence supported a finding of a failure to comply with the Code of Conduct. Annex E of the Complaints Procedure set out the Investigation Procedure.

The Committee was informed that Mr John Austin had been appointed as the external investigator and, following an investigation he had concluded that there was sufficient evidence to show that Councillor Cawthron had breached Paragraph 3.4(a) of the Council's Code of Conduct, by conducting himself in a manner that could reasonably be regarded as bringing his office or the Authority into disrepute.

Further, the investigator had also found that Councillor Cawthron had failed to co-operate with the Monitoring Officer in her attempts to resolve the matter informally, and had since failed to co-operate with the Investigator at any stage during the investigation. As part of Members compliance with the Code of Conduct they were required to co-operate with the investigation process.

As a result of Councillor Cawthron's failure to contact or respond to the Investigator, the Investigator has found that Councillor Cawthron had failed to comply with the Nolan Principle of Accountability by avoiding and ignoring communications with the Council's Statutory Officer, i.e. the Monitoring Officer, and had also failed to engage with the Investigator instructed by, and acting on behalf of the Deputy Monitoring Officer.

Members were reminded that Paragraph 3.4(c) of the Council's Code of Conduct required a Councillor to comply with any request of the Monitoring Officer in connection with an investigation conducted in accordance with their respective powers, and Councillor Cawthron's failure to engage had led to the Investigator finding the Councillor to be in breach of Paragraph 3.4(c) of the Code of Conduct.

All parties had had the opportunity to comment on the investigation report (Appendix 2) and the findings contained therein. The investigation report had been finalised on 30 September 2021.

In this case no consultation had been undertaken with any Independent Person as part of the investigation process but their subsequent comments had been included within the Deputy Monitoring Officer's report to the Committee.

The Committee was advised that if an investigation concluded that there was evidence of a failure to comply with the Code of Conduct, the Council's Complaints Procedure at Section 7.1 provided the Monitoring Officer with the authority to obtain an informal resolution, in consultation with the Independent Person, without the need for a hearing by the Standards Committee. However, if the Monitoring Officer considered that informal resolution was not appropriate, or the Councillor concerned was not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer would report the Investigation Report to the Standards Committee which would conduct a hearing before deciding whether the Member had failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In this case the Deputy Monitoring Officer, had considered the Investigator's report following which she had also consulted with one of the Council's Independent Persons, who had been in agreement that this matter should be referred to the Standards Committee for that Committee to decide on the appropriate and proportionate response to the breach.

Mr John Austin, the external investigator was present at the meeting and Members asked him questions regarding his report to which he responded.

The Committee then retired to deliberate and reach its decision. The Independent Person also accompanied the Committee during its retirement to comment upon any sanctions being considered by the Committee together with the Legal and Governance Administration Officer.

Following such deliberations the meeting resumed:-

It was then moved by Councillor Land, seconded by Councillor Turner and unanimously:-

RESOLVED that the Committee:

- (a) notes the outcome of the investigation undertaken by Mr Austin, on behalf of the Deputy Monitoring Officer, in respect of Councillor Cawthron;
- (b) notes the comments of the Independent Person;
- (c) instructs the Deputy Monitoring Officer to report the outcome of the findings of the Committee to Council and to publish this decision on the Council's website; taking note of the fact that the Committee also wished it to be noted that they were extremely disappointed that Councillor Cawthron had failed to engage with

the Monitoring Officer, the Deputy Monitoring Officer or the Investigator during the course of the investigation.

14. WORK PROGRAMME FOR 2021/22

Members had before them a suggested Work Programme which had been submitted by the Monitoring Officer.

It was **RESOLVED** that the Annual Work Programme for 2021/2022 be approved.

The meeting was declared closed at 2.55 pm

Chairman