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## **DORSET COUNCIL - AUDIT AND GOVERNANCE (HEARING) SUB-COMMITTEE**

### **MINUTES OF MEETING HELD ON FRIDAY 26 FEBRUARY 2021**

**Present:** Cllrs Rod Adkins, Mike Parkes and Bill Trite

**Apologies:** There were no apologies for absence.

**Also present:** Cllr Matthew Hall

**Officers present (for all or part of the meeting):**

Grace Evans (Head of Legal Services and Deputy Monitoring Officer), Susan Dallison (Democratic Services Team Leader) and Jacqui Andrews (Service Manager for Democratic and Electoral Services)

Link to meeting:

[click here](#)

The Chairman of the Sub-committee, Cllr M Parkes, asked everyone present in the meeting to introduce themselves.

**28. Declarations of Interest**

There were no declarations of interest.

**29. Minutes**

The minutes of meetings held on 9 December 2020 and 2 February 2021 were noted.

**30. Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint Process**

Members of the Hearing Sub-committee noted the Terms of Reference of the committee and the complaints process.

**31. Shaftesbury Town Council Code of Conduct and Bullying and Harassment Policy**

Members of the Hearing Sub-committee received and noted the Shaftesbury Town Council Code of Conduct and the Shaftesbury Town Council Bullying and Harassment Policy.

### 32. **Code of Conduct Complaint Hearing 1 08/20**

The Chairman explained the process that would be followed for each of the three complaint hearings.

In response to a question from Cllr P Yeo the Chairman confirmed the Hearing Sub-Committee had watched the videos of the relevant Town Council meetings more than once and read the extensive pack of papers for each complaint.

In response to a question from Cllr K Tippins in relation to the relevance of the Shaftesbury Town Council Code of Conduct and Bullying and Harassment Policy the Deputy Monitoring Officer confirmed it had been included in the Agenda pack for completeness as it was referred to in the complaints received. It is also referred to in the Investigating Officers reports, including comment on its relevance.

Cllr K Tippins questioned the content of the Investigating Officer reports and why they did not refer to case law. The Deputy Monitoring Officer confirmed the report is an Investigation Report and not a final decision, which is a matter for the Hearing Sub-Committee.

Ms J Andrews, Investigating Officer presented a summary of her investigation report into complaint 08/20 and outlined her findings that Cllr K Tippins breached the Code of Conduct by failing to treat the presenter with respect and behaved in such a way that could be regarded as bringing her office or the council into disrepute.

The Chairman then invited Cllr K Tippins to ask questions of the Investigating Officer relating to the investigation. Cllr K Tippins asked questions in relation to:

She had not been informed until recently of the Independent Person's initial view of February 2020 that the complaint did not warrant investigation and questioned why this did not form the basis of the Investigation Report ;

She had requested but not been provided with details of alleged wrong-doing'

Why Dorset Council had investigated the complaint and the cost justification;

Why the Investigation Report lacked reference to case law;

What evidence the Investigating Officer had to show the presenter was a guest of the committee;

Why the Investigating Officer had given an opinion that Cllr Tippins was disinterested in the presentation;

There had been a 3 month delay in Cllr Tippins being informed of the complaint and meeting with the Investigating Officer. Cllr K Tippins asked what evidence the Investigating Officer had seen that Cllr Tippins had her back to the screen.

The Investigating Officer responded to questions:

The Investigating Officer had been instructed by the Assessment Sub-Committee to conduct an investigation and the allegation was that Cllr K Tippins failed to turn to watch a presentation;

The Investigating Officer is not a lawyer and the Investigation Report contains her opinion reached following discussions held with Cllr K Tippins and the complainant;

The presenter had been invited to speak and the Investigating Officer view was the presenter was a guest of the Town Council;

The meeting was held before current arrangements for live streaming of meetings and so there was no recording to view.

The Chairman clarified that the Monitoring Officer had already acknowledged and apologised to Cllr K Tippins for the delay in providing details of the complaint to her. The complaint had been made about Cllr K Tippins. The Investigating Officer had been asked to investigate and it was not for the Investigating Officer to comment on an earlier decision of the Assessment Sub-Committee. Cllr K Tippins view was acknowledged and would be taken into account by the Hearing Sub-Committee when reaching its decision.

The Chairman invited questions from Cllr R Adkins and Cllr W Trite, who both confirmed that they had no questions for the Investigating Officer.

The Independent Person, Mrs E Whatley confirmed that she had no questions for the Investigating Officer.

The Chairman invited Cllr K Tippins to present her response to the Sub-committee.

Cllr K Tippins made the following points:

The Investigation Report was not factual, did not refer to case law and was the Investigating Officers opinion only, which failed to take account of the context of the meeting;

The presenter had not complained;

Cllr K Tippins felt that she had been treated in a prejudicial and bias manner by Dorset Council;

The investigation process was flawed;

Cllr K Tippins was interested in the presentation and made copious notes;

Cllr K Tippins felt vexatiously picked on by the complainant and believed the complainant had a prejudicial interest;

Cllr K Tippins had asked about the grounds for the investigation but not received them;

Cllr K Tippins received the Independent Person view of February 2020 on 17 February 2021, which stated that the complaint did not warrant investigation.

The Investigating Officer had no questions.

In response to a question from Cllr W Trite, Cllr K Tippins stated that a complaint had been received from the same family of the complainant before.

Cllr R Adkins had no questions.

In response to a request for Cllr P Yeo to give witness evidence and on the advice of the Deputy Monitoring Officer, the Chairman declined the request as no advance notice had been given of Cllr P Yeo being called as witness and no witness statement had been received in advance of the hearing.

At that point (11.46am) members of the Sub-committee, Deputy Monitoring Officer and clerk to the committee moved into exempt business to consider the decision of the Sub-committee.

At 12.19pm the members of the Sub-committee returned to the meeting to announce the decision.

Prior to announcing the decision of the Sub-committee the Chairman, Cllr M Parkes, asked the Deputy Monitoring Officer to clarify some points that had been raised in the meeting in relation to the role of the independent person in the investigation process and case law and to confirm that Cllr Tippins had been given details of the complaint and opportunity to respond in the investigation and hearing. The advice applied to each of the complaints before the Sub-committee.

The Chairman pointed out that the decision of the Sub-committee was final and that there was no right of reply and no right of appeal to Dorset Council.

### **Decision**

Members of the Sub-committee having reviewed the papers provided in the agenda pack and having listened very carefully to all of the comments made by all of the people taking part in the complaints felt that, irrespective of the background, any visiting members of the public and other councillors deserved to be treated with respect; as detailed in Section 2.1b of the Shaftesbury Town Council Code of Conduct. The Sub-committee felt that Cllr Tippins fell somewhat short of what should have been expected and therefore also breached Section 2.2(g) of bringing the Council into disrepute.

The Sub-committee decided that informal resolution was an appropriate and proportionate response to the complaint and therefore agreed that Cllr K Tippins be required to write a full letter of apology to the person from the football club making the presentation.

### **33. Code of Conduct Complaint Hearing 2 - 013/20**

Ms J Andrews, Investigating Officer presented a summary of her investigation report into complaint 013/20 and outlined her findings, that both Cllr Tippins and Cllr Yeo breached the Code of Conduct by failing to treat other councillors with respect and behaved in such a way that could be reasonably be regarded as bringing the council into disrepute. The Investigating Officer acknowledged that Cllr Tippins had provided a written apology to the complainant after the Investigation Report had been issued.

The Chairman then invited Cllr K Tippins and Cllr P Yeo to ask questions of the Investigating Officer.

Cllr K Tippins asked questions in relation to:  
Why the Investigating Report lacked reference to case law?;

Why the conclusion did not take account of Cllr K Tippins' rights under Article 10; freedom of speech and freedom of expression during political debate;  
The relevance of the reference to a newspaper article which had since been withdrawn;  
Dorset Council failed to provide details of the Independent Person which had caused her disadvantage;  
The Independent Person had stated on 30<sup>th</sup> April 2020 that an informal apology should be made by Cllr K Tippins. Why did the Investigating Officer not take this into account and why is it not referred to in the Investigation Report and Agenda pack;  
Why did the Investigating Officer not state the context for Cllr K Tippins comments to Cllr Welch and conduct of others in the meeting.

In response the Investigating Officer confirmed that:

She was not a lawyer and that her conclusions had been based on discussions with the complainant and councillors and her views were based on the Code of Conduct.

Reference was made to a national newspaper to demonstrate the far reaching impacts, in the context of the requirement of the Code of Conduct provisions about not bringing the council into disrepute;

The Investigating Officer did not make the decision whether to investigate a complaint, which was a decision taken by the Assessment Sub-Committee with the benefit of the Independent Persons views;

In this hearing and the Investigating Report the Investigating Officer acknowledged the conduct of others in the meeting and Cllr K Tippins apology.

The Chairman confirmed that Cllr K Tippins points about case law were noted and would be taken into account during decision making.

Cllr P Yeo was also given the opportunity to ask questions of the Investigating Officer:

Cllr P Yeo stated that Cllr Welch had lied in his complaint as Cllr P Yeo had not called Cllr Welch thick or an idiot in the meeting;  
Why had others not been investigated?  
Why had Cllr P Yeo been investigated?  
Cllr P Yeo considered there were errors in the Investigating Officer's report and so he added information into his interview statement;

In response the Investigating Officer confirmed that:

During the hearing and in the Investigating Report the Investigating Officer had stated that Cllr P Yeo did not call Cllr Welch thick or an idiot but he had said "she's got a point".  
The Investigating Officer had been instructed to undertake an investigation and it was for this Sub-committee to make a decision.

The Chairman confirmed that Sub-committee noted Cllr P Yeo's comments and these would be taken into account during the decision making.

Cllr R Adkins confirmed that he had no questions.

Cllr W Trite asked Cllr P Yeo if he accepted that there were ways of insulting people, even if not directly.

Cllr P Yeo confirmed that he did not call Cllr Welch an idiot.

The Independent Person, Mike Powell, confirmed he had no questions.

The Chairman invited Cllr K Tippins to present her response to the Sub-committee.

Cllr K Tippins made the following points:

The Investigating Officer's report should have taken into account Article 10 of the Human Rights Act

The Investigation Report did not provide context;

The investigation was prejudicial;

Cllr K Tippins had provided an apology to Cllr Welch;

Others at the meeting were not asked to apologise to Cllr K Tippins or to retract their statements about her.

The Chairman invited Cllr P Yeo to present his response to the Sub-committee.

Cllr P Yeo made the following points:

Cllr Yeo had submitted a complaint to the Chief Executive of Dorset Council;

The complaints against Cllr K Tippins and Cllr P Yeo were part of a plan;

Cllr Welch had lied in his complaint;

Cllr P Yeo did not call him an idiot;

Case law showed that councillors should be able to take part in robust discussion at meetings.

The Investigating Officer confirmed that she had no questions.

The Chairman invited Mr Thomas to make representations to the Sub-committee as a witness in support of Cllr K Tippins and Cllr P Yeo, confirming that the Sub-committee had read his statement.

Mr Thomas stated that both councillors had been properly elected to the town council and in his view had been improperly barred from the committees of the council, manufactured by a few other members of the town council most of whom were active members of the Conservative Party. There was improper behaviour at the Town Council. Cllrs K Tippins and P Yeo were known to be difficult people and had little understanding of council procedure, like other town councillors, and this was mitigation. There were things in Shaftesbury Town Council that were close to corruption.

Cllr W Trite lost connection to the meeting after Mr Thomas had given evidence.

Cllr R Adkins confirmed that he had no questions.

The meeting adjourned at that point to give Cllr W Trite time to reconnect to the meeting.

The meeting reconvened at 13.20pm

Cllr W Trite confirmed that he had no questions.

Mike Powell, the independent person, confirmed that he had no questions.

At that point members of the Sub-committee, Deputy Monitoring Officer and clerk to the committee moved into exempt business to consider the decision of the committee.

At 2.55 pm the members of the Sub-committee returned to the meeting to announce the decision.

### **Decision**

The Sub-committee had reviewed all of the documentation in the agenda pack provided, viewed the videos and listened carefully to all of the comments made by all of the parties present, including the comments made by Cllr K Tippins which referred to Article 10 of the Human Rights Act and borne this in mind when reaching their decision.

No one disputed that it is the right of a councillor to question others as part of their duties as a councillor, however the Sub-committee felt that the behaviour of Cllr K Tippins and Cllr P Yeo fell below the standards expected in the Shaftesbury Town Council Code of Conduct, specifically relating to Section 2.1b to treat others with respect.

The Sub-committee acknowledged that Cllr P Yeo did not use the word idiot but felt he was complicit by his actions and comments afterwards.

The Sub-committee felt that both councillors failed to understand the procedures and protocols for council meetings.

The Sub-committee acknowledged that Cllr K Tippins had already given an apology however the Sub-committee requested that both councillors give an unreserved public apology at the next Full Council meeting of Shaftesbury Town Council.

The Sub-committee instructed the Monitoring Officer of Dorset Council to make a request to Shaftesbury Town Council that both councillors attend Code of Conduct training of an approved standard within 4 months.

The Chairman pointed out that the decision of the Sub-committee was final and that there was no right of reply and no right of appeal to Dorset Council.

### 34. **Code of Conduct Complaint Hearing 3 - 023/20**

Ms J Andrews, Investigating Officer presented a summary of her investigation report into complaint 023/20 and outlined her findings, that the conduct of Cllr P Yeo, mouthing abusive language with the associated hand gesture, which Cllr P Yeo had not denied and which could be seen on the recording of the meeting, was in breach of the Code of Conduct, by failing to treat his fellow councillors with respect, and his behaviour could reasonably be regarded as bringing the council into disrepute.

The Chairman then invited Cllr P Yeo to ask questions of the Investigating Officer. Cllr P Yeo had no questions.

The Chairman invited questions from Cllr R Adkins and Cllr W Trite, who both confirmed that they had no questions for the Investigating Officer. The Independent Person, Mr M Powell confirmed that he had no questions for the Investigating Officer.

The Chairman invited Cllr P Yeo to present his response to the Sub-committee.

Cllr P Yeo made the following points:

Cllr P Yeo had complained to the Chief Executive of Dorset Council and would be referring the procedure for all of the complaints to the Local Government Ombudsman;

The Localism Act stated that only serious matters should be investigated under code of conduct;

Cllr P Yeo referred to the conduct of others and points of procedure at the meeting in question, including that his microphone had been turned off;

Cllr P Yeo had been standing up for Cllr K Tippins;

Cllr P Yeo admitted that he used a well known hand signal to show his disdain towards the conduct of others in the meeting;

The Independent Person had not recommended that the complaint should be investigated;

He had not brought the Town Council into disrepute;

Others had commended Cllr P Yeo for standing up to malicious malignant bullies.

The Investigating Officer had no questions.

Mr J Thrift had no questions.

Cllr R Adkins had no questions.

In response to a question from Cllr W Trite, Cllr P Yeo did not withdraw his use of the term 'malignant' and commented that he thought it was a good expression.

Mr M Powell confirmed that he had no questions.

At that point (15.16pm) members of the Sub-committee, Deputy Monitoring Officer and clerk to the committee moved into exempt business to consider the decision of the Sub-committee.



At 15.38pm the members of the Sub-committee returned to the meeting to announce the decision.

### **Decision**

Members of the Sub-committee having viewed the agenda documents and the videos and having listened very carefully to all of the representations made find that the standards displayed by Cllr P Yeo in a public meeting to be vulgar, rude and offensive and therefore find most strongly that Cllr P Yeo breached the Shaftesbury Town Council Code of Conduct, specifically Section 2.1(b) 'respect to others' and Section 2.2 (g) 'bringing the council into disrepute'.

The Sub-committee send the clearest message that this type of conduct will not be tolerated and therefore censure Cllr P Yeo in the strongest possible terms.

The Chairman pointed out that the decision of the Sub-committee was final and that there was no right of reply and no right of appeal to Dorset Council.

### **35. Urgent Items**

There were no items of urgent business.

### **36. Exempt Business**

There were no items of exempt business.

### APPENDICES

**08/23 Decision Notice**

**13/20 Decision Notice**

**23/20 Decision Notice**

**Duration of meeting:** 11.00 am - 3.40 pm

**Chairman**

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## DORSET COUNCIL DECISION NOTICE

Complaint Reference: 08/20

Subject Member: Cllr K Tippins of Shaftesbury Town Council

Date of Hearing: 26 February 2021

Audit and Governance (Hearing) Sub-Committee

### 1. Summary of the Complaint

The Complainant alleged that at a meeting of Shaftesbury Town Council on 18<sup>th</sup> February 2020 Cllr K Tippins did not look up at a presentation given by Champions Football Academy on behalf of Shaftesbury Football Club and sat with her back to it.

### 2. The Conduct of the Hearing

The conduct of the hearing is as detailed in the Audit and Governance (Hearing) Sub-Committee minutes, a copy of which are appended to (and forms part of) this Decision Notice. A recording of the hearing is available [click here](#)

### 3. The Hearing Sub-Committee's Decisions

3.1 The Hearing Sub-Committee's decisions are detailed in the appended minutes. However, the Hearing Sub-Committee's key conclusions are also set out below.

3.2 Members of the Sub-committee having reviewed the papers provided in the agenda pack and having listened very carefully to all of the comments made by all of the people taking part in the complaints, felt that, irrespective of the background, any visiting members of the public and other councillors deserved to be treated with respect. The Sub-committee felt that Cllr K Tippins fell somewhat short of what should have been expected.

3.3 It was agreed that the conduct of Cllr K Tippins amounted to a breach of the following provisions of the Shaftesbury Town Council Code of Conduct:

Section 2.1 (b):

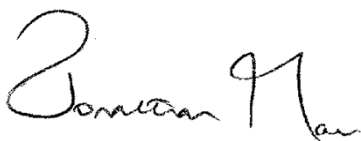
"A Councillor must.... treat others with respect;"

Section 2.2 (g)

"A Councillor must not.... behave in a way which could reasonably be regarded as bringing their office or the Council into disrepute;"

3.4 The Sub-committee decided that informal resolution was an appropriate and proportionate response to the complaint.

3.5 It was agreed that Cllr K Tippins be required to write a full letter of apology to the person from the football club making the presentation.



Jonathan Mair  
Monitoring Officer

Right of Appeal: There is no right of appeal against the decision of the Audit and Governance (Hearing) Sub-Committee.

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## **DORSET COUNCIL DECISION NOTICE**

Complaint Reference: 13/20

Subject Member: Cllr K Tippins and Cllr P Yeo of Shaftesbury Town Council

Date of Hearing: 26 February 2021

Audit and Governance (Hearing) Sub-Committee

### **1. Summary of the Complaint**

The Complainant alleged that at a meeting of Shaftesbury Town Council on 14<sup>th</sup> April 2020 Cllr K Tippins' and Cllr P Yeo's behaviour breached the Code of Conduct and showed him a lack of respect. The specific complaint is that both Councillors called the Complainant an "idiot", and when invited by the Chairman to retract her comment, Cllr K Tippins refused.

### **2. The Conduct of the Hearing**

The conduct of the hearing is as detailed in the Audit and Governance (Hearing) Sub-Committee minutes, a copy of which are appended to (and forms part of) this Decision Notice. A recording of the hearing is available [click here](#)

### **3. The Hearing Sub-Committee's Decisions**

3.1 The Hearing Sub-Committee's decisions are detailed in the appended minutes.

However, the Hearing Sub-Committee's key conclusions are also set out below.

3.2 The Sub-committee had reviewed all of the documentation in the agenda pack provided, viewed the videos and listened carefully to all of the comments made by all of the parties present, including the comments made by Cllr K Tippins which referred to Article 10 of the Human Rights Act. The Sub-Committee bore this in mind when reaching their decision.

3.3 The Sub-Committee did not dispute the right of a councillor to question others as part of their duties as a councillor, however the Sub-committee felt that the behaviour of Cllr K Tippins and Cllr P Yeo fell below the standards expected in the Shaftesbury Town Council Code of Conduct, specifically relating to Section 2.1(b) to treat others with respect.

3.4 The Sub-committee acknowledged that Cllr P Yeo did not use the word "idiot" but felt he was complicit by his actions and comments afterwards.

3.5 The Sub-committee felt that both councillors failed to understand the procedures and protocols for council meetings.

3.6 The Sub-committee acknowledged that Cllr K Tippins had already given an apology.

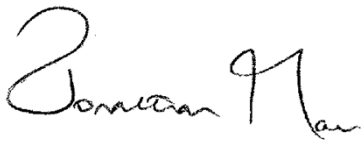
3.7 It was agreed that the conduct of the Councillor amounted to a breach of the following provisions of the Shaftesbury Town Council Code of Conduct:

Section 2.1 (b):

"A Councillor must.... treat others with respect;"

3.8 It was agreed that:

- both councillors give an unreserved public apology at the next Full Council meeting of Shaftesbury Town Council.
- the Monitoring Officer of Dorset Council is instructed to make a request to Shaftesbury Town Council that both councillors attend Code of Conduct training of an approved standard within 4 months.



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Jonathan Mair  
Monitoring Officer

Right of Appeal: There is no right of appeal against the decision of the Audit and Governance (Hearing) Sub-Committee.

## **DORSET COUNCIL DECISION NOTICE**

Complaint Reference: 23/20  
Subject Member: Cllr P Yeo of Shaftesbury Town Council  
Date of Hearing: 26 February 2021  
Audit and Governance (Hearing) Sub-Committee

### **1. Summary of the Complaint**

The Complainant alleged unacceptable behaviour by Cllr P Yeo in a meeting of Shaftesbury Town Council on 2<sup>nd</sup> June 2020 in breach of the Code of Conduct and which could be reasonably regarded as bringing his office or the Council into disrepute. The specific complaint is that Cllr P Yeo mouthed an offensive word with equivalent hand gesture in front of the camera and despite a request by the Chairman to retract or apologise for his actions, made no attempt to do so.

### **2. The Conduct of the Hearing**

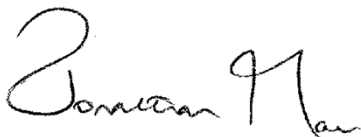
The conduct of the hearing is as detailed in the Audit and Governance (Hearing) Sub-Committee minutes, a copy of which are appended to (and forms part of) this Decision Notice. A recording of the hearing is available [click here](#)

### **3. The Hearing Sub-Committee's Decisions**

3.1 The Hearing Sub-Committee's decisions are detailed in the appended minutes. However, the Hearing Sub-Committee's key conclusions are also set out below.

3.2 Members of the Sub-committee having viewed the agenda documents and the videos and having listened very carefully to all of the representations made found that the standards displayed by Cllr P Yeo in a public meeting to be vulgar, rude and offensive and therefore found most strongly that Cllr P Yeo breached the Shaftesbury Town Council Code of Conduct, specifically Section 2.1(b) 'respect to others' and Section 2.2(g) 'bringing the council into disrepute'

3.3 It was agreed that the Sub-committee send the clearest message that this type of conduct will not be tolerated and therefore censure Cllr P Yeo in the strongest possible terms.



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Jonathan Mair  
Monitoring Officer

Right of Appeal: There is no right of appeal against the decision of the Audit and Governance (Hearing) Sub-Committee.

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