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AUDIT AND GOVERNANCE (HEARING) SUB-COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 1 DECEMBER 2021

Present: Cllrs Matthew Hall, Jon Orrell and Richard Biggs

Apologies: There were no apologies for absence

Also present: Mr Powell (Independent Person)

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

Grace Evans (Head of Legal Services and Deputy Monitoring Officer), Mr R Greene (Investigating Officer) and Susan Dallison (Democratic Services Team Leader)

51. Election of Chairman

It was proposed by Cllr R Biggs, seconded by Cllr J Orrell

Decision

That Cllr M Hall be elected Chairman.

52. Declarations of Interest

There were no declarations of interest.

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

Members of the Sub-committee noted the Terms of Reference and the Complaint Process.

54. Urgent Items

There were no urgent items of business.

55. Exempt Business

The Chairman asked the parties present if they objected to the hearing being held in open session. As there were no objections the meeting was held in public.

56. **Code of Conduct Complaint 1**

The Investigating Officer, Roger Greene informed the Sub-committee that he had asked both parties to meet with him and to provide any documents or evidence relevant to the complaint, however both parties had declined. The Investigating Officer presented his report, the main issue addressed in the report was whether or not Cllr G Lewis was acting on behalf of Portland Town Council when the incident, involving the delivery of letters to Mr Frampton took place. The Portland Town Clerk was very clear on the matter and had confirmed that Cllr G Lewis was not acting on behalf of Portland Town Council when delivering the letter to Mr Frampton (the complainant). The Portland Town Council Code of Conduct contained a clear provision that the code did not apply to a councillor if the councillor was not acting on behalf of the Town Council. The Investigation Report therefore concluded that there was no breach of the Code of Conduct.

Mr Powell, the Independent Person stated that in the light of the evidence presented to the Sub-committee he agreed with the findings of the Investigating Officer that there was no breach of the Code of Conduct.

Members of the Sub-committee asked about the letter that had been delivered to Mr Frampton, in response the Investigating Officer stated that the Town Council Clerk had confirmed that there had been no official correspondence from the Town Council to deliver to Mr Frampton. Mr Frampton had not provided the Investigating Office with a copy of the letter.

The Deputy Monitoring Officer advised the members of the Sub-committee that they needed to make a decision on the facts before them, even though the councillor and the complainant were not present. The Sub-committee needed to consider, whether based on the evidence, was the councillor acting in her capacity as a town councillor at the time that the incident took place and she referred members to the LGA Code and the guidance that might help with where the law would see the difference between acting as a councillor and acting in a personal capacity.

At that point the Sub-committee moved into private session to make a decision.

On having returned to the Council Chamber the Chairman of the Sub-committee, Cllr M Hall read out the following decision:

Decision

Having heard from the investigating officer and having read all of the papers, and having taken account of the view of the Independent Person, the committee has made a decision to agree with the recommendation of the Investigating Officer and find that there has been no breach of the Code. The committee agreed there was insufficient evidence to show that the councillor complained of was carrying out council business or representing the council at the time of the alleged behaviour. As a result, the committee agreed the

members' code of conduct did not apply at the time of the alleged behaviour and so there is no breach.

The committee expressed concern that neither the complainant nor the councillor fully engaged with the investigation of the complaint and neither attended the hearing.

In accordance with our complaints process there is no right of appeal.

Appendix - Decision Notice

Duration of meeting: 10.00 - 11.00 am

Chairman

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DORSET COUNCIL DECISION NOTICE

Complaint Reference: 057/20
Subject Member: Cllr Giovanna Lewis
Date of Hearing: 1 December 2021
Audit and Governance (Hearing) Sub-Committee

1. Summary of the Complaint

The Complainant alleged that Cllr Lewis breached the Portland Town Council Code of Conduct by acting in a disrespectful and reckless way towards the Complainant.

2. The Conduct of the Hearing

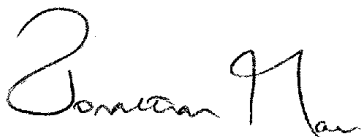
The conduct of the hearing is as detailed in the Audit and Governance (Hearing) Sub-Committee minutes, a copy of which are appended to (and forms part of) this Decision Notice.

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 and having taken account of the view of the Independent Person, reached a decision to agree with the recommendation of the Investigating Officer and find that there had not been a breach of the Code, as there was insufficient evidence to show that the Councillor complained of was carrying out Council business or representing the Council at the time of the alleged behaviour. As a result, the Sub-Committee agreed that the Code of Conduct did not apply at the time of the alleged behaviour and so there was no breach.

3.3 The committee expressed concern that neither the Complainant nor the Councillor fully engaged with the investigation of the complaint and neither attended the hearing.



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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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