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

MINUTES OF MEETING HELD ON WEDNESDAY 9 DECEMBER 2020

Present: Cllrs Richard Biggs (Chairman), Barry Goringe and Susan Cocking

Also present: Cllr Matthew Hall

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

Jacqui Andrews (Service Manager for Democratic and Electoral Services), Grace Evans (Head of Legal Services and Deputy Monitoring Officer) and Fiona King (Democratic Services Officer)

18. Election of Chairman

Decision

That Cllr Richard Biggs be elected Chairman for the meeting of the Sub Committee.

19. Apologies

There were no apologies for absence.

20. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

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

All present noted the Hearing Sub-Committee Terms of Reference and Dorset Council Member Complaint process.

22. Exempt Business

Decision

That the hearing for all of the complaints being considered be held in an open meeting.

23. Code of Conduct Complaint 1

The Sub-Committee received the Investigating Officer's report in respect of a complaint against a councillor from Shaftesbury Town Council that had been received by the Monitoring Officer.

The Investigating Officer highlighted her background and the reasons why she had been approached to investigate complaints about elected members on behalf of Dorset Council. All the complaints on this agenda were concerned with members from Shaftesbury Town Council.

The Investigating Officer highlighted that a number of the points that had been raised by Cllr Tippins and Cllr Yeo prior to this meeting of the Sub-Committee were not relevant to the investigation that she had been asked to conduct.

The meeting the complainant referred to was held in February 2020, and the minutes from that had been shared with the members.

The officer suggested that the first 2 parts of the complaint be dismissed. as the complainant could not recall relevant information about the complaints due to the time that had lapsed.

However, the Investigating Officer believed that Cllr Tippins had been in breach of the Code of Conduct as a result of her disrespect towards members of the public and bringing the office into disrepute.

The Chairman highlighted to members the actions that could arise from this meeting; whether to accept the conclusion of the Investigating Officer, to refer for informal resolution or decide if a full hearing was warranted.

He agreed with the Investigating Officer that there was a lack of evidence regarding any aggressive behaviour in the first two parts of the complaint but felt there was a case to be heard around respect. He highlighted there had been some mitigation offered by Cllr Tippins.

Cllr Cocking agreed that there was a lack of evidence on the aggressive behaviour part of the complaint and also agreed that there was a case made around respect. She felt the councillor should have asked to move to a more comfortable position when she had realised that where she was sat was so uncomfortable. Cllr Cocking made reference to the principles of public life which all councillors should adhere to.

Cllr Goringe also felt there was a lack of respect shown towards a guest of the Council and other councillors.

Decision

That the Sub-Committee unanimously agreed to accept the investigator's findings and conclusion of the report and that no further action be taken in respect of the first two parts of the complaint. In respect of the third part of the complaint members found that Cllr Tippins had breached the Code of Conduct and agreed that a full hearing on a future date should be arranged. The Complainant and Councillor would be invited and would have the opportunity to speak at this meeting. If there was a need to call witnesses for this, this would be addressed.

24. Code of Conduct Complaint 2

The Sub-Committee received the Investigating Officer's report in respect of a complaint against Cllr Yeo from Shaftesbury Town Council that had been received by the Monitoring Officer.

The Investigating Officer highlighted the details in her report and drew members' attention to Cllr Yeo's extensive amendments that were also appended to her report. In her view the changes made were additional/expanded points made in hindsight following the circulation of her record of the interview.

The Chairman advised members they were not tasked to assess the governance of Shaftesbury Town Council or any other Town Council but purely to look at Code of Conduct matters. In his view the facts were clear and he was surprised to see the challenges to the investigator's report.

Cllr Cocking had watched videos of the meeting and felt the words used could be clearly heard. She felt as councillors they needed to adhere to the principles of public life and that fellow councillors should not be spoken to in this regard. To sum up she felt that Cllr Yeo had breached the Code of Conduct.

Cllr Goringe felt that Cllr Yeo had been disrespectful and had clearly used aggressive behaviour. To this end he agreed that Cllr Yeo had breached the Code of Conduct.

Decision

That the Sub-Committee unanimously agreed to accept the investigator's findings and conclusion of the report and that a full hearing be arranged for a future date.

25. Code of Conduct Complaint 3

The Sub-Committee received the Investigating Officer's report in respect of a further complaint against Cllrs Yeo and Tippins from Shaftesbury Town Council that had been received by the Monitoring Officer.

The Investigating Officer highlighted the details in her report and drew members' attention to the references made to Shaftesbury Town Council's Code of Conduct and to their Bullying and Harassment policy. The officer confirmed she had watched the videos of the meeting and noted the extensive changes made by Cllr Yeo to his statement which she felt did not reflect the discussions of the meeting. She felt that both councillors had breached the Code of Conduct and should treat other councillors with respect. However, the issue of bullying was less clear. Cllr Tippins had issued an apology in August 2020. This was not referred to in the report as it was received after the report had been finalised and circulated but had been circulated to members prior to this meeting.

The Chairman noted the apology and mitigating circumstances in respect of the complaint against Cllr Tippins.

Cllr Cocking advised that at council meetings, both virtual and face to face, councillors needed to be mindful of what was said. She had watched the recording and felt it was uncomfortable to watch. She felt both councillors were in breach of the Code of Conduct and she would have expected councillors to adhere to this and not make flippant comments. In her view their behaviour was not professional at all.

Cllr Goringe agreed and felt that both councillors had been completely disrespectful and had not adhered to the Code of Conduct.

The Chairman added that despite an apology being issued, albeit late, there was still a case to be heard.

Decision

That the Sub-Committee unanimously agreed to accept the investigator's findings and conclusion of the report and that a full hearing be arranged for a future date.

26. Urgent Items

There were no urgent items of business.

Duration of meeting: 2.00 - 2.48 pm

Chairman

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