

Appendix G

Comments on draft report submitted on behalf of Cllr Peter Yeo with comments on them made by Investigating Officer in red ink

General Principles

Councillor Yeo disagrees with the Investigating Officer's finding at page 7 of the report that he is in breach of the general principles.

The general principles are set out on page 4 of the Town Council's document "Model Councillor Code of Conduct 2020". The Town Council's code follows closely (apart from the additional interest requirement referred to above) on the LGA Model Code. This also contains a section entitled "general principles of councillor conduct". Both in the Town Council's code and the LGA Model Code, this section lies in a preamble to the code itself. The code itself commences at the section "Standards of councillor conduct" which states *"This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken."* The code provisions them follow in numbered paragraphs.

It is clear that those numbered paragraphs form the sole part of the code which is intended to be enforceable. The general principles are intended as guidance.

This is made clear in the guidance published by the LGA to the Model Code:-

General principles of Councillor conduct

The Seven Principles of Public Life (also known as the Nolan Principles) outline the ethical standards those working in the public sector are expected to adhere to. The principles apply to all public office holders at all levels including ministers, civil servants, councillors, and local authority officers, as well as private and voluntary organisations delivering services paid for by public funds. The principles are set out in Appendix 2 below.

*These principles underpin the standards that councillors should uphold and form the basis for the Code of Conduct, where the principles have been translated into a series of clear rules. While fundamental to the Code of Conduct, **the principles are not part of the rules of the code and should be used for guidance and interpretation only.***

(My emphasis).

It is not possible to reach a finding of breach of the general principles and this should be removed from the report.

The complaint alleges a breach of paragraph 1 of the Town Council's Code of Conduct (Respect). Paragraph 1 of the section of the report headed 'Conclusion' contains a detailed analysis of paragraph 1 of the Code of Conduct and describes how Cllr Yeo's conduct fell short of the required standard. It refers specifically to paragraph 1 of the Code of Conduct twice and it is clear from reading the section of the report as a whole, that references to the General principles of councillor conduct at the beginning of the

Code were used for guidance and interpretation and not as suggested on behalf of Cllr Yeo as a ground for complaint.

Paragraph 5: Disrepute

Councillor Yeo disagrees with the Investigators' finding at page 9 of the report that he is in breach of paragraph 5 of the Code for the same reasons as set out above in relation to COM 8299 and COM 8319.

The same comments are made as those applied to the comments made on behalf of the subject member in connection with complaints numbered COM8299 and COM8319.

Paragraph 8.1: training

Councillor Yeo disagrees with the Investigators' finding at page 10 of the report that he is in breach of paragraph 8.1 of the Code. The Investigator states that such allegation was not part of the complaint. It thus cannot have formed part of the scope of the investigation referred to her.

The LGA's guidance on Member Code of Conduct Complaints Handling states:-

Evidence of new breaches

*During the course of an investigation, you may uncover evidence of conduct by councillors that breaches the Code of Conduct but extends beyond the scope of the investigation referred to you. **Your powers as an investigator relate only to the allegation that you have been given.** While that means you may consider other parts of the Code than those initially considered if they are relevant to the matter in hand, you may also uncover evidence of a possible breach that does not directly relate to the allegation you are investigating. If this happens, you should tell the person you obtained the information from that you cannot investigate the possible breach as part of your existing investigation. You should tell them that they may wish to make a separate complaint to the authority and if the authority considers it needs further action it could be subsequently added to your investigation or dealt with as a separate matter.*

This finding should be removed from the report.

Dorset Council's Arrangements for dealing with Code of Conduct complaints against Councillors contain a procedure that enables additional possible breaches that come to light during the course of an investigation to be added to the investigation – paragraph 6.G of the Arrangements refers [Councillor Code of Conduct complaint process February 2025.pdf](#) Following receipt of the above comments the Monitoring Officer sought the views of the Independent Person and decided that the investigation should continue and that the allegation should be added to the investigation. The LGA Guidance to which the above comment refers states that it is for guidance purposes only and where it differs from an authority's own arrangements under the Localism Act the authority's own arrangements should be followed, and that is what has been done.

It is noted that the Town Council's website indicates that Cllr Yeo is not the only councillor who has not undertaken Code of Conduct training.

Further conclusions

The further conclusions set out on pages 10 – 11 of the report are not directed towards whether a breach of the code has taken place and are expressions of the Investigator's personal views. They should be removed from the final report.

The comments did not refer to Cllr Yeo and they did not seek to introduce into the Conclusion section of the report starting on page 7 of it, any matters outside the scope of the investigation into the complaint particularised on page 2 of the report.

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