

Date of Meeting 12th March 2021

Document classification: Part A Public Document

Exemption applied: None

Review date for release: N/A

Hearing Covering Report - MO/HGL/2020-C10, C11 & C19

Report summary:

To provide background detail in relation to the complaint against Councillor John Taylor (Honiton Town Council) and what is expected of the Standards Hearing Sub-Committee.

Recommendation:

Members consider the information in this pre-hearing report during the Hearing process into the allegation that Councillor John Taylor of Honiton Town Council (Subject Member) has failed to comply with the Member's Code of Conduct.

Reason for recommendation:

To make sure members have all the information they need to hold a fair Hearing in relation to the complaint that Councillor John Taylor has failed to comply with the Code of Conduct.

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action and Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy and Transparency
- Economy and Assets
- Finance
- Leisure, Sport and Tourism
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

There are no financial implications requiring comment.

Legal implications:

A solicitor will be present at the hearing to advise on law and procedure as necessary.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information: None

Link to Council Plan:

Priorities (check which apply)

- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
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Report in full

- 1.1 The Pre-hearing Summary Report (Appendix A) gives a high level view of the background to this particular complaint.
- 1.2 The complaint was referred to Independent Investigation and a copy of the Investigator's report is contained at Appendix B.
- 1.3 Having received the Investigator's report, the Monitoring Officer liaised with the Independent Person who confirmed her agreement to the findings. The Monitoring Officer then wrote to the Subject Member confirming that a breach had been found – the letter is contained at Appendix C. The Subject Member did not agree with the findings nor propose any alternative way to resolve the matter and therefore this has necessitated the matter being referred to a Standards Hearing Sub-Committee in order for the matter to be considered at the final stage of the complaint process.
- 1.4 Both the Investigator and the Independent Person will be at the Hearing to present the report and give their views respectively.
- 1.5 The Subject Member has confirmed he will be attending the Hearing. As part of the Standards Hearings Sub Committee Hearings Procedure (Appendix D) the Subject Member is offered the opportunity to highlight areas of disagreement with the Investigator's report.
- 1.6 The Subject Member has not returned the 'Written Representation Form', although it should be noted that the Subject Member did provide comments to the Investigator as part of the production of the final Investigation report (see – Document 19 of Appendix B). Further, the Subject Member has submitted supporting documentation as part of his case which is contained as Appendix E which in part contains further comments on the Investigation Report.
- 1.7 The Subject Member refers to various photographs and texts in his letter of 3rd December 2020 (see Appendix D page 57) which the decision letter (Appendix C) confirmed were taken into account. These are also in Appendix D (at page 61 – 63) and for completeness the texts / photos provided by the Investigator to the Monitoring Officer (copied into a word document by the Monitoring Officer) are contained at Appendix F.
- 1.8 It will be necessary for the Sub-Committee to;

- 1.8.1 Determine findings of fact (Section 5 of the Investigator's report (*Agenda pages 21-32*) with reference to the Subject Member comments contained at Document 19 of it and also in Appendix E (*Agenda pages 138 - 214*),
 - 1.8.2 Consider the Investigator's reasoning as to why he has concluded that there is a breach of the Code of Conduct (Section 6 of the Investigator's report (*Agenda pages 33 - 40*) and consider the Subject Member's position as detailed in Document 19 of the Investigator's report and also in Appendix E (*Agenda pages 138 – 214*)), and
 - 1.8.3 Determine whether the Subject Member has breached the Code of Conduct
- 1.9 If the Subject Member is found to have breached the Code of Conduct then the Committee will need to go on and consider whether sanctions should be imposed and, if so, what would be appropriate in terms of sanctions.