

Standards Committee

Code of Conduct complaints update 1st January 2021 to 31st December 2021.

Only cases that are live / have been updated since the last Committee update are included.

Case #	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct it is alleged has been breached and nature of complaint	Monitoring Officer assessment and outcomes following consultation with Independent Person
2021/C01 12.2.2021 (revised)	EDDC	<p>Complaint about treatment of a senior officer and adverse actions in relation to the complainant.</p> <p>Breach of the Code: 4(a) You <u>must</u> - Treat others with respect 5.1(c) bully or harass any person; 5.1(h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	<p>With MO for assessment.</p> <p>Referred for Independent Investigation.</p> <p>No breach in part. Recommendation of 'other action' in part.</p> <p>Accepted by subject member.</p> <p>Case closed.</p>
2021/C02 12.2.2021 (revised)	EDDC	<p>The Complainant is of the view that the subject member has been disrespectful towards his faith and directly towards him as a Councillor.</p> <p>Breach of the Code: 4(a) You <u>must</u> - Treat others with respect</p>	<p>With MO for assessment.</p> <p>Referred for Independent Investigation.</p> <p>No breach.</p> <p>Case closed.</p>
2021/C09 27.1.20201	EDDC Cllr Bailey	<p>The allegation is that a Cllr used their position to incite a protest against trees being cut down on private land and took steps to prevent works to the tree.</p>	<p>With MO for assessment.</p> <p>Investigation proceeding.</p>

		<p>Breach of Code:</p> <p>5. You MUST NOT-</p> <p>a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage</p> <p>c) bully any person;</p> <p>h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	<p>Breach of paragraph 5(h) found. Decision.</p> <p>Not accepted – subject to Independent Investigation</p>
2021/C13 4/2/2021	TC	Detail to be provided once Subject Member notified	<p>With MO for assessment.</p> <p>Complaint has been asked to provide greater clarity.</p> <p>Cllr resigned.</p> <p>Case closed.</p>
2021/C14 4/2/2021	TC	Detail to be provided once Subject Member notified	<p>With MO for assessment.</p> <p>Complaint has been asked to provide greater clarity.</p> <p>Cllr resigned.</p> <p>Case closed.</p>
2021/C17 22.4.21	Honiton TC	In a public meeting when discussing bullying by councillors there was a denial of knowledge and reference to other incidences involving staff despite the councillor actually being aware of allegations of	<p>With MO for assessment.</p> <p>Breach of paragraphs 5(f) and 5(h) found. Decision.</p>

	<p>Cllr Zarczynski</p>	<p>bullying by councillors. It is alleged that this is a deliberate attempt to deflect accusations.</p> <p>Breach of the Code:</p> <p>4. You must –</p> <p>(a) treat others with courtesy and respect including fellow council members, staff and members of the public;</p> <p>5. You must not –</p> <p>(a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;</p> <p>(d) intimidate or attempt to intimidate any person who is or is likely to be (i) a complainant, (ii) a witness, or (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that any Member has failed to comply with the Council's Code of Conduct;</p> <p>(f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature;</p> <p>(h) conduct yourself in a manner <u>or</u> behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	<p>Not accepted – referred for independent investigation.</p> <p>Cllr resigned.</p> <p>Case closed.</p>
<p>2021/C20</p> <p>13.7.21</p>	<p>TC</p>	<p>Cllr referred to Extinction Rebellion as a terrorist organisation and accused another Cllr of bullying.</p> <p>Breach of the Code:</p> <p>4. You must –</p> <p>(a) treat others with courtesy and respect</p> <p>5. You must not –</p>	<p>With MO for assessment.</p> <p>Investigation proceeding.</p> <p>Informally resolved with public apology.</p> <p>Case closed.</p>

		(h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.	
2021/C22 13.10.21	Honiton TC Cllr Taylor	<p>Cllr made inappropriate comments about another Cllr's former employment and a member of the public's husband. The Cllr also demonstrated inappropriate behaviour by laughing and rubbing hands together.</p> <p>Breach of the Code:</p> <p>4. You must –</p> <p>(a) treat others with courtesy and respect including fellow council members, staff and members of the public</p> <p>5. You must not –</p> <p>(h) Conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	<p>With MO for assessment.</p> <p>Investigation proceeding.</p> <p>Breach of paragraphs 4(a) and 5(h) found. Decision.</p> <p>Not accepted – referred for independent investigation.</p> <p>Cllr resigned.</p> <p>Case closed.</p>
2021/C23 13.10.21	Honiton TC Cllr McNally	<p>Cllr swore / made an inappropriate comment in a public meeting and acted in a very aggressive manner to people in the public gallery area.</p> <p>Breach of the Code:</p> <p>4. You must –</p> <p>(a) treat others with courtesy and respect including fellow council members, staff and members of the public</p> <p>5. You must not –</p> <p>(h) Conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	<p>With MO for assessment.</p> <p>Investigation proceeding.</p> <p>Breach of paragraphs 4(a) and 5(h) found. Decision.</p> <p>Cllr resigned.</p> <p>Case closed.</p>

<p>2021/C24</p> <p>13.10.21</p>	<p>Honiton TC</p> <p>Cllr Zarczynski</p>	<p>Cllr shouted abuse, was completely out of control and did not chairing the meeting competently and accused another Cllr of being a bully more than once.</p> <p>The above has been given as evidence of breaches of the Code of Conduct under the following paragraphs:</p> <p>4. You must –</p> <p>(a) treat others with courtesy and respect including fellow council members, staff and members of the public</p> <p>5. You must not –</p> <p>(h) Conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	<p>With MO for assessment.</p> <p>Investigation proceeding.</p> <p>Breach of paragraphs 4(a) and 5(h) found.</p> <p>Decision.</p> <p>Cllr resigned.</p> <p>Case closed.</p>
<p>2021/C25</p> <p>22.11.21</p>	<p>TC</p>	<p>In a public place in front of members of the public alleged that another individual had called the complainant a thief.</p> <p>Breach of the Code:</p> <p>4. You must –</p> <p>(a) treat others with courtesy and respect including fellow council members, staff and members of the public;</p> <p>5. You must not –</p> <p>(c) bully any person</p> <p>(f) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature;</p>	<p>Referred for Independent Investigation.</p> <p>Cllr resigned.</p> <p>Case closed.</p>

		(h) conduct yourself in a manner <u>or</u> behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.	
2021/C26 18.06.21 (finally agreed 10.12.21)	PC	<p>Not providing correspondence to other councillors that was critical of the subject member / the Parish Council; moving a motion that resulted in allegations of criminal acts against the complainant / complainant's organisation; agreeing or permitting correspondence which was unacceptable as it was directly personal to the complainant.</p> <p>4. You must – (a) treat others with courtesy and respect,</p> <p>5. You must not – (c) bully any person</p> <p>(h) conduct yourself in a manner <u>or</u> behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	<p>With MO for assessment.</p> <p>No breach found.</p> <p>Case closed.</p>
2021/C27 21.12.21	PC	<p>Made critical remarks about the complainant to other councillors and provided an inadequate apology.</p> <p>3.1 You must – (a) treat others with courtesy and respect,</p> <p>3.2 You must not – (c) bully any person</p> <p>(h) conduct yourself in a manner <u>or</u> behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	<p>With MO for assessment</p> <p>Complaint withdrawn.</p> <p>Case closed.</p>