

South Hams District Council

Decision Notice Following Investigation

Reference Number:	SH13 12112019 and SH14 12112019
Complainant:	Mrs C Pritchard-Williams and Miss K Brown
Councillor(s):	Councillor L Williams
Council:	Dartmouth Town Council
Monitoring Officer:	Mrs C Bowen
Assessment carried out by:	Mrs A Reece
Independent Person:	Mr T Kirkin
Confidentiality requested?	No

1. Documents and information considered:

- Complaints from the Complainants received 12 November 2019 together with supporting documentation
- Responses from Cllr Williams
- Dartmouth Town Council's Code of Conduct
- South Hams District Council's 'Dealing with Standards Complaints' procedure
- Views of the Independent Person
- Investigating Officer's Report dated 25 June 2020

2. Summary of complaint

The Complainants have alleged that Councillor Williams has broken the Dartmouth Town Council Code of Conduct by:

- 4.1(a) failing to treat others with courtesy and respect;
- 4.1(b) failing to reach decisions on the merits of the circumstances and in the public interest or failing to have reasonable regard to relevant advice provided by the Town Clerk;
- 5(a) attempting to improperly confer an advantage or disadvantage;
- 5(c) bullying and intimidating;
- 5(e) compromising the impartiality of those who work for, or on behalf of the Council;
- 5(f) improperly disclosing confidential information;
- 5(h) conducting herself in a manner or behaving in such a way so as to give a reasonable person the impression that she has brought her office or the Council into disrepute;
- 8.1 failed to declare a personal interest

3. Outcomes:

(Please refer to the Criteria in the 'Dealing with Complaints' Procedure):

South Hams District Council

Facilitate a local resolution	
Agree with the Investigating Officer's findings and apply sanctions or make recommendations	X
Refer the matter to the Standards Panel for a Hearing	

4. Decision and reasons:

Decision:

The Monitoring Officer agrees with the Investigating Officer's findings and makes the recommendations set out below.

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Reasons for decision:

Cllr Williams is a member of Dartmouth Town Council and was a member of the Council at the time of the alleged breaches, and engaged on the business of the Dartmouth Town Council at the relevant time; the Dartmouth Town Council Code therefore applies.

Complaint SH13 12112019 and Complaint SH14 12112019 were received from different Complainants about the same Councillor and relate to the same matters. The Monitoring Officer appointed an Investigating Officer to investigate both complaints at the same time on her behalf. The Investigating Officer found, on the balance of probabilities, that Cllr Williams had breached the Code of Conduct by:-

- failing to treat others with courtesy and respect, more particularly, the way that Cllr Williams dealt with the Clerk at the meeting to set the agenda on 12 July 2019, the comments made about the Clerk in her email to all Councillors sent on 17 September 2019 and the way she dismissed the concerns of the officer during the recruitment process;
- failing to have regard to the relevant advice provided by the Clerk, in particular with regards to agenda setting and during the writing of the minutes;
- acting in a manner towards the Clerk that amounts to bullying at the meeting on 12 July 2019 and by her comments in the email to all Councillors on 17 September 2019;
- attempting to compromise the impartiality of those who work for the Council, more particularly in the drafting of the minutes and during the recruitment process of the Property Manager; and
- conducting herself in a manner that would give a reasonable person the impression that she has brought her office BUT NOT the Council into disrepute.

The Monitoring Officer does not consider that this matter may be reasonably resolved at local level. The Monitoring Officer also does not consider that a hearing before the Standards Panel is necessary. The Monitoring Officer accepts the findings and recommendations of the Investigating Officer's report and makes the following recommendations to Dartmouth Town Council:-

- Cllr Williams be removed as Chair of the Property Committee permanently or, at the discretion of the Town Council, until:
 - a. she has issued a formal apology in writing to the officers concerned for her actions; and
 - b. she attends formal training on Chairing skills, with this to include the setting of an agenda and the writing of minutes; and
 - c. she attends training on the Code of Conduct.
- Cllr Williams shall not for a period of one year serve on the Personnel Committee and shall not, except at the express invitation of the Personnel Committee be involved in any recruitment matters.

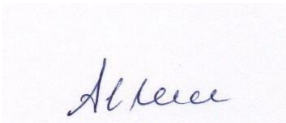
There is no right of appeal by the Complainants or the Councillor against the decision of the Monitoring Officer. If either or both Complainants believe that the complaint has not been dealt with properly, a complaint may be made to the Local Government Ombudsman.

South Hams District Council



..... Date: ...30 June 2020.....

Signed by (Trevor Kirkin) the Independent Person for South Hams District Council



..... Date:30 June 2020.....

Signed on behalf of the Monitoring Officer for South Hams District Council