

South Hams District Council

**Consideration of Code of Conduct Complaint by
The Audit and Governance (Hearing) Sub-Committee**

Complaint Reference	RP/462476
Date and Venue of Sub-Committee	31 October 2024 South Hams District Council
Subject Member	Cllr M. Rowley
Relevant Authority	Dartmouth Town Council
Complainant	Cllr K. Sturgess
Audit and Governance (Hearing) Sub-Committee Members	Cllr A. Nix (Chairman) Cllr J. Carson Cllr M. Steele
Independent Person	Mr George Barnicott
Investigating Officer	Mr s. Mansell
Legal Representative	Mrs C. Bowen
Democratic Services Officer	Mrs A. Boulter
Purpose of the Meeting	To consider the Investigating Officer's Report concerning allegations made about the conduct of the Subject Member made by the Complainant.
Decision on the meeting being open to the public	The presumption is that the meeting is held in public unless there are exceptional circumstances which outweigh the public interest in the meeting being public. No representations were made regarding exceptional circumstances and the meeting proceeded in public.
Summary of the complaint	The Complainant alleged that the Subject Member had insulted and disrespected him on a public Facebook page and followed this by disrespecting him in an email to Council Officers and the Mayor.
Summary of Investigating Officer's Findings	That there had been no breach of the Code. The Investigating Officer found that the Councillor did post on Facebook in his official capacity as a Councillor, but that the Councillor did not breach the Code because the posts were not disrespectful or abusive. The fact that the Councillor's views are forthright or that he expressed different views to the Complainant, are not breaches of the Code.
Views of Independent Person	The Independent Person was consulted for his views and confirmed that he agreed with the Investigating Officer's findings of no breach.

Options available to the Sub-Committee	The Sub-Committee must decide whether or not it accepts the Investigating Officer's conclusions and decide to: <ul style="list-style-type: none"> • dismiss the complaint • hold a hearing to make a final decision as to whether the code has been broken and if so decide whether any sanctions should be applied.
Materials considered by the Sub-Committee	<ul style="list-style-type: none"> • The Investigating Officer's report • The Council's Procedure for dealing with Standards Complaints and Hearings • Views of the Independent Person
The Sub-Committee's Decision	<p>Having considered the materials set out above, the Sub-Committee accepts the Investigating Officer's finding that the Subject Member has not broken the Code of conduct, and that the Complaint is dismissed.</p> <p>Reasons: for the reasons set out in the Investigating Officer's report.</p>
Copies of the Decision Notice have been sent to:	<ul style="list-style-type: none"> ○ Members of the Audit & Governance (Hearing) Sub-Committee ○ The Subject Member ○ The Complainant ○ The Investigating Officer ○ The Independent Person ○ Parish Clerk

Signed by the Chairman of the Audit and Governance (Hearing) Sub-Committee

Signature: 

Date: ...10/11/2024.....