

**South Hams District Council**

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

<b>Complaint Reference</b>	RP/483529
<b>Date and Venue of Sub-Committee</b>	31 October 2024 South Hams District Council
<b>Subject Member</b>	Cllr D. Shepherd (not present)
<b>Relevant Authority</b>	Dartmouth Town Council
<b>Complainant</b>	Mr J. Wotton
<b>Investigating Officer</b>	Mr S. Mansell (present)
<b>Audit and Governance (Hearing) Sub-Committee Members</b>	Cllr A. Nix (Chair) Cllr J. Carson Cllr M. Steele
<b>Independent Person</b>	Mr G. Barnicott (not present)
<b>Legal Representative</b>	Mrs C. Bowen
<b>Democratic Services Officer</b>	Mrs A. Boulter
<b>Purpose of the Meeting</b>	To hold a hearing to consider the Investigating Officer's Report and make a final decision on whether the Subject Member has broken the Code and if so, decide whether any sanctions should be applied.
<b>Decision on the meeting being open to the public</b>	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. As no representations were made to exclude the public, the Sub-Committee's decision was to hold the Hearing in public.
<b>Materials considered by the Sub-Committee</b>	<ul style="list-style-type: none"><li>• The Investigating Officer's report</li><li>• The Council's Procedure for dealing with Standards Complaints and Hearings</li><li>• Councillor Response Form</li><li>• Any further material and information from the Subject Member or Investigating Officer</li><li>• Relevant Code of Conduct</li><li>• Views of the Independent Person</li></ul>
<b>If relevant, Sub-Committee's decision to hold the Hearing in</b>	Cllr Shepherd had previously advised in the Councillor Response Form that she would be attending the Hearing

<p><b>the absence of the Subject Member</b></p>	<p>but did not attend. After contacting Cllr Shepherd by phone from the Hearing, the Councillor confirmed that she could not attend but was happy for the Hearing to proceed in her absence.</p>
<p><b>Procedure to be followed</b></p>	<p>The Sub-Committee followed the Audit &amp; Governance (Hearing) Sub-Committee Procedure which includes:</p> <ul style="list-style-type: none"> <li>• That the Investigating Officer’s report and any other written submissions or representations are taken as read</li> <li>• Investigating Officer explains his report conclusions.</li> <li>• The Investigating Officer calls any witnesses (none).</li> <li>• Clarification by Subject Member or Sub-Committee from Investigating Officer.</li> <li>• The Subject Member says what she wishes to say.</li> <li>• The Sub-Committee may ask questions of the Subject Councillor.</li> <li>• The Subject Councillor’s agreed witnesses (none).</li> <li>• (If present) the Sub-Committee to ask the Independent Person for his views.</li> <li>• The Sub-Committee retires to consider its decision.</li> </ul>
<p><b>Summary of Investigating Officer’s additional representations</b></p>	<p>The Investigating Officer stated that this incident related to the morning of the 15 December 2023 and the complaint was made on 21 December 2023, so the incident was fresh in the Complainant’s mind. The two witnesses had also subsequently made separate complaints and after speaking to the Monitoring Officer it was agreed to combine the complaints into one. In fairness to Cllr Shepperd when spoken to, it was several months after the event and memories do fade. However, on the balance of probabilities, the Investigating Officer concluded that there was an altercation on the 15 December 2023 with a robust exchange of views and bad language on the part of the Councillor, with a later call to the Town Council and a contemporaneous note of the conversation was made by Town Council officers.</p> <p>On the morning of 18 December 2023, the Subject Member visited the Town Council offices and challenged one of the witnesses regarding the booking of the car park. The Investigating Officer considered that the market event caught the Councillor by surprise, and she was not aware of what was happening and wanted access for charity work but became frustrated and</p>

	<p>events then spiralled which then resulted in a breach of the code.</p> <p>The Investigating Officer confirmed that he had received a statement from the Clerk but not the Deputy Clerk.</p>
<b>Summary of additional representations from Subject Member at the hearing</b>	The Subject Member was not present, but the Sub-Committee considered all of the representations made by the Subject Member submitted with the Councillor Response Form.
<b>Views of Independent Person</b>	The Independent Person was previously consulted for his views and confirmed that he agreed with the Investigating Officer's findings that the Code had been broken.
<b>The Sub-Committee's Decision</b>	Having considered the materials set out above and after hearing from the Investigating Officer, the Sub-Committee accepted the Investigating Officer's finding that the Subject Member had broken the Code for the reasons set out in the Investigating Officer's report in relation to paragraphs 1.1, 1.2, 2.1, 3.1 and 5.1 of the Dartmouth Code of Conduct and noted in particular that the Subject Member had used unacceptable language and had not treated the public or Council officers with respect.
<b>Decision on Sanctions</b>	<p>The Sub-Committee decided that sanctions were appropriate and decided the following:</p> <ul style="list-style-type: none"> <li>• To censure the Councillor for overstepping the mark with her behaviour, particularly in relation to the language used and not treating the public or Council officers with respect.</li> <li>• To request that the Councillor give an unequivocal apology to the Complainant and the Council Officers;</li> <li>• That the Subject Member undertakes refresher training on the Code of Conduct and Good Governance.</li> </ul>
<b>Copies of the Decision Notice have been sent to:</b>	<ul style="list-style-type: none"> <li>○ Members of the Audit &amp; Governance (Hearing) Sub-Committee</li> <li>○ The Subject Member</li> <li>○ The Complainant</li> <li>○ The Investigating Officer</li> <li>○ The Independent Person</li> <li>○ Parish Clerk</li> </ul>

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

Signature: ..........

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