

**South Hams District Council**

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

<b>Complaint Reference</b>	RP/480355
<b>Date and Venue of Sub-Committee</b>	30 October 2024 South Hams District Council
<b>Subject Member</b>	Cllr T. Soper (present)
<b>Relevant Authority</b>	East Allington Parish Council
<b>Complainant</b>	Cllr C. Toorneini
<b>Investigating Officer</b>	Mr S. Mansell (present on Teams)
<b>Independent Person</b>	Mr Trevor Kirkin (present)
<b>Audit and Governance (Hearing) Sub-Committee Members</b>	Cllr B. Cooper (Chairman) Cllr J. Carson Cllr G. Yardy
<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. No representations were received on excluding the public and the Sub-Committee's decision was to hold the meeting 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>

<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>• The Investigating Officer's report and any other written submission or representations are taken as read</li> <li>• Investigating Officer explains his report conclusions.</li> <li>• Any Investigating Officer witnesses (none).</li> <li>• Points of clarification for Subject Member or Sub-Committee from Investigating Officer.</li> <li>• The Subject Member says what he wishes to say.</li> <li>• The Sub-Committee may ask questions of the Subject Councillor.</li> <li>• The Subject Councillor's witnesses (none).</li> <li>• The Independent Person gives his views.</li> <li>• The Committee to retire to consider its decision.</li> </ul>
<p><b>Summary of Investigating Officer's conclusions</b></p>	<p>The Investigating Officer reported that the investigation was hampered by Cllr Soper not engaging with the process. The Investigating Officer had considered the representations submitted by the Subject Member after the investigation and confirmed that it did not change his conclusions. He did note the concerns raised by Cllr Soper and if he or the Parish Council had concerns of a fellow Member this needed to be referred to the Monitoring Officer. The Parish Council have no powers and, by acting as he did, the Councillor had stepped outside of this process. The findings reached would be the same if Cllr Soper had submitted his submission as part of the investigation and the Investigating Officer also noted that there was no apology from the Subject Member for his actions.</p>
<p><b>Summary of additional representations from Subject Member</b></p>	<p>Cllr Soper apologised for not responding to any paperwork and said he was not good with computers, preferring face to face meetings. Mr Soper stated that the statement he read out at the parish council meeting did not name anyone. The Parish Council was falling apart with Councillors either resigning or considering resignation. The Parish Council called the meeting, he did not call the meeting. At this meeting two Councillors acted in way that he had never seen before and another stormed out. The Subject Member did not consider that his actions would go this far and result in a complaint.</p>
<p><b>Views of Independent Person</b></p>	<p>The Independent Person was consulted for his views and confirmed that he agreed with the Investigating Officer's findings that the Code had been broken.</p>

<b>The Sub-Committee's Decision</b>	<p>Having considered the materials set out above and hearing from the Subject Member and 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.</p> <p>It was noted that the Subject Member had apologised for not engaging in the investigative process.</p>
<b>Decision on Sanctions</b>	<p>Having consulted the views of the Independent Person and Investigating Officer, the Sub-Committee decided that sanctions were appropriate and decided to apply the following:</p> <ul style="list-style-type: none"> <li>• To censure the Councillor as he had behaved inappropriately to the complainant and the language used was inappropriate and he had not engaged with the investigation process</li> <li>• To instruct the Monitoring Officer to request the Councillor and the wider Parish Council attend training on governance, leadership and IT.</li> </ul>
<b>Copies of the Decision Notice will be 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 on behalf of the Chairman of the Audit and Governance (Hearing) Sub-Committee

Signature: Mrs C. Bowen

Date: 13.11.24