

Audit, Governance and Standards Committee Hearings Sub-Committee DECISION NOTICE

Complaint Reference: MO1920018
HEARING FINDINGS

Date of Hearing	21 September 2020
Subject Member	Councillor Jeremy Hickman Exford Parish Council
Complainant(s)	Name redacted at request of complainant
Complaint	<p>The complainant alleges that Cllr. Jeremy Hickman, who lives next door, confronted her on her shop doorstep and shouted out “The road sweeper is coming the week beginning 9 December so could you move your car?” The complainant said nothing as she had been advised to avoid him. He remained stood within the doorway and then in a provocative and aggressive manner proceeded to shout “Usual response, “You f.....g evil cow. You f.....g bitch. They couldn’t wait to get rid of you in Simonsbath”</p> <p>The Complainant alleges that this conduct took place on the 28 November 2019.</p> <p>The complainant suggests that this conduct by Cllr Hickman has breached the Exford Parish Council Code of Conduct in that he has failed to treat others with respect and brought his office of Councillor into disrepute.</p>
Membership of Standards Sub-Committee	Councillor Lee Baker (Chair) Councillor Simon Coles Councillor Janet Lloyd Councillor Terry Venner Councillor Loretta Whetlor

Parish Representative(s)	Councillor Bryn Wilson
Independent Person	Louise Somerville
Investigating Officer	Amy Tregellas Governance Manager and Monitoring Officer Somerset West and Taunton Council
Deputy Monitoring Officer and Legal Adviser to the Sub-Committee	Lesley Dolan Principal Lawyer and Practice Manager, SHAPE Legal, Appointed as DMO under the Somerset West and Taunton Council Scheme of Delegation to Officers
Democratic Services Officer	Clare Rendell
Witnesses in Attendance	None
Hearing in public/availability of relevant documents for public inspection	The Chair advised that the hearing would open in public session and subject to the appropriate resolution being passed it would move into closed session because the hearing was likely to involve exempt information. The resolution to move into closed session was proposed by Cllr Simon Coles, seconded by Cllr Loretta Whetlor and passed unanimously by the Members of the Hearings Sub-Committee.
Preliminary Matters	<ul style="list-style-type: none"> • The Legal Adviser drew the Sub-Committees' attention to the fact that under the terms of reference for the Hearings Sub-Committee, at least one co-opted town/parish member of the Committee and one independent member, together with the Independent Person, must be present when misconduct complaints against members or co-opted members of Town/Parish councils are being considered by the Hearing Sub-Committee. Regrettably, it had not been possible to secure an independent member. • On the advice of the Legal Adviser that the Chair of the Hearings Sub-Committee had the delegated authority to depart from the laid down arrangements where they considered it expedient to do so in order to secure the effective and fair consideration of any matter, the Chair after seeking the views of the other members of the Hearings Sub-Committee, the parish council representative and the Independent Person exercised his discretion to permit the hearing to go ahead without an independent member. • The Subject Member was not present, and on being advised by the Monitoring Officer that he had been sent a letter advising him of the time and date of the

	<p>hearing, the Hearings Sub-Committee agreed to proceed in the absence of the Subject Member.</p>
<p>Documents taken into consideration</p>	<p>The Monitoring Officer's Investigation Report comprising:</p> <ul style="list-style-type: none"> ○ Code of Conduct Complaint Form ○ List of questions and responses ○ Correspondence with the Complainant and her solicitor ○ Correspondence with the Independent Person ○ Correspondence with the Subject Member ○ References on behalf of the Subject Member ○ Exford Parish Council Code of Conduct
<p>Decision</p>	<p>From the Monitoring Officer's Investigation Report, it was clear that the Subject Member accepted the Complainant's allegations as to his conduct.</p> <p>Having deliberated and taken account of all written evidence before it, the Hearing Sub-Committee find that the conduct admitted by the Subject Member breaches the Exford Parish Council Code of Conduct as follows: -</p> <p><i>Section 1 – General Obligations - When undertaking Council business, you must:</i></p> <p><i>1.1 treat others with respect</i></p> <p>Members of the Hearings Sub-Committee were unanimous in their finding.</p> <p><i>1.8 not bully any person</i></p> <p>Members of the Hearings Sub-Committee were unanimous in their finding.</p> <p><i>1.13 not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute</i></p> <p>Members of the Hearings Sub-Committee were unanimous in their finding.</p>

Sanctions	<p>The Hearings Sub-Committee concluded that the following sanctions in respect of the breaches of the Code of Conduct identified above should be imposed:</p> <ol style="list-style-type: none"> 1. These findings in respect of the Subject Member's be published on both websites of both Somerset West and Taunton and Exford Parish Councils' websites. 2. These findings be reported to the Parish Council for information. 3. The Monitoring Officer be instructed to recommend to the Parish Council that it arranges for training for the Subject Member and the other Members of the Parish Council in relation to the code of conduct, as soon as possible. 4. Request that the Subject Member tender a written apology to the Complainant and for the Monitoring Officer to be advised when this has been done.
Advisory	<p>The Parish Clerk of Exford Parish Council is recommended to arrange for its Code of Conduct to be reviewed and specifically for a more accurate title to endorsed on the face of it.</p>

Signed:

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 Cllr. Lee Baker
 Chair Hearings Sub-Committee

Date:

21 September 2020