

Standards Committee

Decision Notice

This Decision records the outcome of the Hearing before the Standards Committee on Wednesday 27 October 2021 in accordance with the Tendring District Council's arrangements for dealing with an allegation that an elected member of Tendring District Council has failed to comply with the Members' Code of Conduct.

These arrangements were approved by full Council on 26th November 2013.

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| COMPLAINT: An allegation that a Member of the District Council has failed to comply with the Members' Code of Conduct. | |
| Date of hearing: | Wednesday 27 October 2021 |
| Councillor: | District Councillor Peter Cawthron of Tendring District Council (did not attend) |
| Complainant: | Lisa Hastings, (Tendring District Council's Deputy Chief Executive & Monitoring Officer) (not in attendance) |
| Relevant Paragraph(s) of the Members' Code of Conduct: | <p>The alleged breaches related to:</p> <p>(i) paragraph 3.1:</p> <p>The accountability principle of Public Life;</p> <p>In fulfilling Duties and Responsibilities, a Councillor must:</p> <p>(ii) paragraph 3.4(a):</p> <p>not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute; and</p> <p>(iii) paragraph 3.4(c):</p> <p>comply with any request of the Authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted in</p> |

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| | accordance with their respective statutory powers. |
| Summary of Complaint: | The complaint related to Councillor Peter Cawthron's behaviour at Full Council in November 2020, a formal, recorded and publicly available meeting. During that meeting Councillor Cawthron used a word that is viewed as unacceptable and an obscenity. Councillor Cawthron admitted that it was he who had used the word. |
| Councillor's Response: | Although Councillor Cawthron initially agreed to consider an apology, he subsequently failed to engage further or respond to any communication sent to him by either the Complainant or the Council's duly appointed Investigator. |
| Investigator's finding: | By his actions both during and after the Council meeting in November 2020, that Councillor Cawthron conducted himself in a manner that could reasonably be regarded as bringing his office or the Authority into disrepute and was therefore in breach of paragraph 3.4(a) of the Council's Code of Conduct. In addition, by his failure to co-operate with the Monitoring Officer's attempts to resolve the matter informally, and by avoiding and ignoring communications including with the Investigator, that Councillor Cawthron has failed to comply with the Nolan Principle of Accountability and is therefore in breach of paragraph 3.4(c) of the Council's Code of Conduct, which requires a councillor to comply with any request of the Monitoring Officer, or Section 151 Officer, in connection with an investigation conducted in accordance with their respective powers. |
| Deputy Monitoring Officer's Recommendation(s): | That the Standards Committee: (a) notes the outcome of the investigation undertaken by Mr Austin on behalf of the Deputy Monitoring Officer in respect of the complaint against Councillor Cawthron; (b) decides whether Councillor Cawthron has failed to comply with the Code of Conduct, and if |

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| | <p>they find there was no failure, then to dismiss the Complaint; or</p> <p>(c) if the Committee concludes that Councillor Cawthron has failed to comply with the Code of Conduct then to consider what action, if any, the Committee should take as a result of that failure.</p> |
| <p>Hearing in public/availability of relevant documents for public inspection:</p> | <p>The Hearing was held in public and was also live streamed. Agenda papers were made publicly available.</p> |
| <p>Decision of the Committee:</p> | <p>The Committee considered:</p> <ul style="list-style-type: none"> - The content of the Investigation Report, including the presentation of the Investigator; and - The views of the Independent Person contained within the Committee Report. <p>The Committee unanimously agreed that Councillor Cawthron’s conduct at and after the Council meeting in November 2020 could reasonably be regarded as bringing his office or the Authority into disrepute and that he was therefore in breach of paragraph 3.4(a) of the Council’s Code of Conduct; and</p> <p>That by ignoring or avoiding communication with the Monitoring Officer, Councillor Cawthron had also failed to comply with the Nolan Principle of Accountability, and he was also therefore in breach of paragraph 3.4(c) of the Council’s Code of Conduct.</p> |
| <p>Reasons for Decision:</p> | <p>The Committee’s reasons for the decision were expressed as their agreement with the findings of the Investigator, at pages 47 to 57 of the published Committee Report.</p> |
| <p>Sanctions imposed:</p> | <p>The Committee considered the range of sanctions available under Section 8 of the District Council’s Complaints Procedure and that any sanctions must be relevant and proportionate and necessary to promote and maintain high standards of conduct. Therefore the sanctions are that:</p> |

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| | <p>(1) the Committee's findings and outcome of the hearing be reported to the November 2021 meeting of the Full Council for its information;</p> <p>(2) the Committee's findings in respect of District Councillor Peter Cawthron's conduct be published on Tendring District Council's website; and</p> <p>(3) the Committee wish it to be noted that they were extremely disappointed that Councillor Cawthron had failed to engage with the Council's Monitoring Officer and the Council's duly appointed Investigator.</p> |
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Signed: Councillor Dan Land
Chairman of the Committee

Dated: 3rd November 2021

Background papers: Published Report to the Standards Committee and the Minutes of the meeting held on 27 October 2021.