

Decision Notice

This Decision records the outcome of the Hearing taken by Tendring District Council's Standards Committee on 26th January 2015 in accordance with the District Council's arrangements for dealing with complaints against Councillors.

The Complaints Procedure was approved by full Council on 26th November 2013 and the Hearing Procedures were adopted by the Standards Committee in March 2014.

COMPLAINT:

An allegation that a Member of District Council has failed to comply with the Members' Code of Conduct.

Date of Hearing:	Monday 26 th January 2015
Subject Member:	District Councillor Stephen Mayzes
Complainant:	Mrs Tracey White
Investigating Officer:	David Holt (Lead Lawyer, Legal Services, Suffolk County Council)
Membership of Standards Committee:	District Councillors J White (Chairman), N Stock, J Hawkins, I Johnson and F Nicholls; Councillor P Honeywood stayed until the Committee adjourned to make the Decision, as he had to leave for another commitment.
Independent Person:	Mr J Wolton
Monitoring Officer:	Mrs Lisa Hastings
Summary of Complaint:	The Complaint refers to a residents' community group, which was formed following the gas explosion in Clacton-on-Sea in February 2014. Councillor Stephen Mayzes met with the admin team of the group on 6 th February 2014. Councillor S. Mayzes was to be referred to as the Communications Officer and during the meeting on 6 th February; Councillor Mayzes made some telephone calls with Morrisons Store regarding a contribution of diesel for the efforts of the community group.

	<p>It is alleged that Councillor S. Mayzes expressly stated, "I have managed to persuade Morrisons to give us a full tank of diesel and also persuaded him to still give you your flowers". This statement was made directly to the complainant but within the meeting of the community group.</p> <p>It is also alleged that on the basis of this statement, the community group relied on the information and filled the tank up at a cost of £90. It was later confirmed by Morrisons that only £20 had been promised as a donation to the appeal.</p> <p>It is alleged that Councillor S. Mayzes lied in respect of the donation and as a consequence, the community support fund suffered a loss of £90.</p> <p>The complaint also makes reference to Councillor S. Mayzes stating he had personally received full tank of petrol from Tesco's.</p> <p>On the basis of the actions, it is alleged that the Councillor has disregarded two of the Principles of Public Life, being Accountability and Honesty.</p>
<p>Any declarations of interest:</p>	<p>None</p>
<p>Hearing in public/availability of relevant documents for public inspection:</p>	<p>The Hearing was held in public and agenda papers were made available.</p>
<p>Council's Standards Committee decision on whether or not there has been a failure to comply with the Code of Conduct and reasons for their decision:</p>	<p>The Committee considered the content of the Investigation Report, the evidence and the submissions which were presented to them at the hearing.</p> <p>Taking each element of the complaint in turn and referring to page 55 of the agenda:</p> <p><u>Complaint 1:</u></p> <p>The Committee unanimously found that Councillor Stephen Mayzes did mislead the community group, when making reference to the tank of fuel to be provided by Morrisons and in doing so, contravened the Accountability Principle of Public Life, which is set out as follows:</p>

	<p><i>"Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this."</i></p> <p>And, also found to have breached paragraph 3.4 (a) of the Members' Code of Conduct by <i>"acting in a manner which could reasonably be regarded as bringing his office or the authority into disrepute"</i>.</p> <p><u>Complaints 2 to 5:</u></p> <p>These were not found to be proved.</p> <p><u>Reasons:</u></p> <p>The reasons why the decision of the Committee contradicts with that of the Investigator's findings and the views of the Independent Person and Monitoring Officer were due to the additional and new evidence presented at the hearing. The last minute presentation of evidence by Councillor Stephen Mayzes led to bringing the Council into disrepute.</p> <p>Councillors are accountable for their actions which would include putting themselves into a position of such a misunderstanding arising.</p>
<p>Any mitigating circumstances taken into account:</p>	<p>Councillor Stephen Mayzes was asked whether he wished to add before the Committee considered the sanctions and no representations were made.</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:</p> <p>(1) <i>That the Committee's findings in respect of District Councillor Stephen Mayzes' conduct be published on Tendring District Council's website;</i></p> <p>(2) <i>That the Committee's findings and outcome of the hearing be reported to the next meeting of</i></p>

full Council for its information; and

- (3) Recommend strongly that Councillor Stephen Mayzes apologises to the Complainant for creating the circumstances under which the breach of the Code of Conduct has occurred. The Committee suggests to Councillor Mayzes that he consults with the Monitoring Officer on an appropriate form of words.*

Signed:

John White

Councillor John White

Chairman of the Standards Committee (for the purposes of the hearing)

Date: *28 January 2015*

Background Papers: Agenda and Report to Standards Committee 26th January 2015