

STANDARDS COMMITTEE

(Devon & Somerset Fire & Rescue Authority)

3 December 2018

Present:-

Councillors Thomas (Chair), Coles (vice Bown), Drean, Ellery (Vice-Chair), Redman and Trail BEM.

Apologies:-

Councillors Bown and Prowse.

* **SC/7** **Minutes**

RESOLVED that the Minutes of the meetings held on 24 and 26 October 2018 be signed as correct records, subject to:

- (a). The Minutes of the meeting held on 24 October 2018 being amended to record the apologies of Cllr. David Thomas; and
- (b). The Minutes of the meeting held on 26 October being amended to record that Fr. David Watson (Independent Person) was in attendance and to record the apologies of Cllr. David Thomas.

* **SC/8** **Exclusion of the Press and Public**

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12(A) as amended to the Act, namely information relating to an individual.

* **SC/9** **Standards Committee Hearing - Councillor Mark Healey MBE**

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded from the meeting).

The Committee conducted a hearing into allegations that Councillor Mark Healey MBE (“the Subject Member”) had failed to comply with the Authority’s approved Members’ Code of Conduct (“the Code”). The Committee conducted the hearing in two stages, the first to determine “findings of fact” as to whether or not, on the balance of probabilities, the alleged breaches of the Code had been established. The second stage dealt with the imposition of sanctions – including hearing submissions in mitigation – in the event that breaches of the Code were found to have been established.

STAGE 1 – FINDINGS OF FACT

During this stage, the Committee:

- Considered a report of the Director of Corporate Services (SC/18/3) to which was appended the final report of the external Investigating Officer summarising the complaint and the investigation into the alleged breaches of the Code; and
- Received an oral submission from and put questions to the Subject Member.

The report of the Investigating Officer detailed that relevant legislation to the investigation included Chapter 7 of Part 1 of the Localism Act 2011. The hearing focussed on the following alleged breaches of the Code as identified in the Investigating Officer's report:

- That the Subject Member had, on 14 June 2018, posted an inappropriate video on his "Twitter" account, the nature of which was considered to be contrary to paragraph 4.1(1) of the Code (a requirement to conduct oneself in a manner consistent with the Authority's duty to promote and maintain high standards of conduct by its Members) and paragraph 4.2(9) of the Code (a requirement not to conduct oneself in a manner or behave in such a way as to give a reasonable person the impression that you have brought your office or the Authority into disrepute). The investigation report also noted that the "Twitter" feed was headed up as "Mark Healey, Vice Chairman of the Devon & Somerset Fire & Rescue Authority" and that the way the account was set up at the time of the post would give the reader the impression that the Subject Member was acting in his official capacity. It was this link that caused the alleged breaches of the Code.

The Committee viewed the video during the hearing.

The Committee heard from the Subject Member that there was no malice involved in making the post and nor was it intended to cause any offence. The Subject Member regretted any offence caused and had, immediately on being notified of the alleged breach, removed the post, amended the heading on the "Twitter" account to remove the reference to the Authority and had written an apology to the Monitoring Officer.

Having considered all the submissions, the Committee adjourned to consider the findings of fact. On reconvening, the Committee

RESOLVED that, on the balance of probabilities having considered all the submissions received, Councillor Healey had breached the Code as follows:

- (a). By posting the video as he did with the Twitter account linked to his official capacity, Councillor Healey had brought his office (but not the Authority) into disrepute, which was contrary to paragraph 4.2(9) of the Code; and
- (b). By posting as he did, Councillor Healey had failed to adhere to the general principles of public life underpinning the Code and had therefore conducted himself in a manner contrary to paragraph 4.1(1) of the Code, namely the Authority's statutory duty to promote and maintain high standards of conduct.

Having established on the balance of probabilities, on the basis of the submissions received, that the "Twitter" post did amount to breaches of the Code, the Committee went on to consider submissions in mitigation and the imposition of sanctions.

The Committee noted that the Subject Member regretted any offence caused and had, immediately on being notified of the alleged breach, removed the post, amended the heading on the "Twitter" account to remove the reference to the Authority and had written an apology to the Monitoring Officer. This was acknowledged in the investigation report which also recommended – in light of the previous actions – that no further action be taken. The Subject Member also indicated that he had not used his "Twitter" account since being notified of the alleged breaches of the Code.

At this stage, the Committee gave regard to an e-mail received from the Independent Person (Fr. David Watson) who agreed with the investigating officer's view that no further action be taken.

RESOLVED

- (a). That, given the actions already undertaken by the Subject Member, no further sanctions be imposed for the breaches of the Code identified; and
- (b). That the Monitoring Officer be requested to provide all Authority Members with a copy of any Social Media Policy in place for Service employees.

*** DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 12.00 pm and finished at 12.40 pm