

**Standards Committee
DECISION NOTICE**

Complaint Reference: MO-C085
HEARING FINDINGS

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Date of Hearing	18 July 2016
Subject Member	Councillor Paul Hayward Axminster Town Councillor
Complainant	Councillor Ian Hall, East Devon District Council
Investigating Officer	Tim Darsley
Membership of Standards Sub Committee	Cllr Stuart Hughes(Chairman) Cllr Alan Dent Cllr Pauline Stott <u>Non-voting</u> Cllr Frances Newth – Parish/Town Member Martin Goscomb – Independent Member
Independent Person	Alison Willan
Monitoring Officer	Henry Gordon Lennox
Legal Advisor to Sub Committee	Anita Williams, Principal Solicitor at EDDC and Deputy Monitoring Officer
Democratic Services	Diana Vernon, Manager
Summary of complaint	On 13 July 2015, Councillor Hayward sent a tweet which was not pornographic but which provided a link to a page which was likely to contain content of an inappropriate nature.
Any declarations of interest	None
Hearing in public/availability of relevant documents for public inspection	The Hearing was held in public - the agenda papers had already been made available on the Council's website.
Standards Sub Committee decision on whether or not there has been a failure to	The Sub Committee noted the findings of fact (Section 5.1-5.23 of the Investigating Officer's report) and took into

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comply with the Code of Conduct and reasons for their decision	<p>account the relevant background information and material evidence.</p> <p>Cllr Paul Hayward's response to the Investigating Officer's draft report was included in the final report considered by the Sub Committee. This response indicated that Councillor Hayward did not consider that he had breached the Code of Conduct. Cllr Hayward had not submitted a written representation to challenge the Investigating Officer's final report or provided any additional information.</p> <p>The Sub Committee considered the undisputed facts as set out in the report - significantly, that Councillor Paul Hayward sent a tweet which was not pornographic but which provided a link to a page which was likely to contain inappropriate content.</p> <p>However the Sub Committee did not agree with the Investigating Officer's report that the Councillor was acting in his official capacity as an elected councillor and therefore found that Councillor Paul Hayward had not breached the Code of Conduct in respect of Paragraph 5(h) – You must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>
Additional comments	<p>The Sub Committee agreed with Councillor Hayward's comment at the Hearing that he had been inadvisable and thoughtless in posting the tweet and therefore felt strongly that he would benefit from training in social media to understand the wider implications of potential misuse. The Sub Committee also felt that Councillor Hayward would benefit from developing a wider understanding of the Code of Conduct and the importance of positively maintaining the reputation of the Council.</p>
Axminster Town Council - notification	<p>The report of the Standards Sub Committee findings to be reported to Axminster Town Council.</p>

Signed:



Chairman of the Standards Sub Committee
Date: 22 July 2016

Appendix – [Standards Sub Committee Hearing agenda which includes the Investigating Officer's report](#)