

**Standards Hearing Sub Committee
DECISION NOTICE**

Complaint Ref:MO/2020-C10,C11&C19

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HEARING FINDINGS

Date of Hearing	12 th March 2021
Subject Member	Cllr John Taylor Honiton Town Council
Complainants	John Burgess Sonia Hawkins Anthony McCollum
Investigating Officer	Tim Darsley
Membership of Standards Sub Committee	Cllr Cathy Gardner (Chair) Cllr Eleanor Rylance Cllr Susie Bond <u>Non-voting</u> Cllr Bob Nelson – 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
Democratic Services	Wendy Harris, Democratic Services Officer
Summary of complaint	<ol style="list-style-type: none"> 1. That Councillor Taylor had, in a meeting in the High Street, Honiton on 28th May 2020 spoken to and treated Mr McCollum in an unacceptable manner. 2. That between 29th and 31st Councillor Taylor prepared a note of his own version of the meeting and a Covid Compliance Proposal and that in these documents the

	<p>language and content was such that Councillor Taylor treated Mr McCollum in an unacceptable manner.</p> <p>It is alleged that Councillor Taylor's conduct in the meeting and in the content of the note and the Proposal amounted to breaches of the following paragraphs of the Honiton Town Council Code of Conduct:</p> <p>4a – treat others with courtesy and respect 5c – not to bully any person</p>
<p>Any declarations of interest</p>	<p>Cllr Gardner –personal interest to declare but no bias or predetermination, she had contact with Cllr John Taylor in the past when he stood for election for the East Devon Alliance in 2016. Cllr Gardner knows Mr McCollum as a member of EDDC.</p> <p>Cllr Rylance – acquainted with both Mr McCollum as a fellow EDDC Councillor and John Burgess with whom she has carried out some street stalls for proportional representation. Cllr Rylance was challenged by Cllr Taylor regarding a Facebook post which he believed was prejudicial. Cllr Rylance confirming the posting had nothing to do with this case.</p> <p>Cllr Bond – Personal interest as Mr McCollum is an EDDC Councillor and has had correspondence with the subject member but before 2016 when he lived in her ward.</p>
<p>Hearing in public/availability of relevant documents for public inspection</p>	<p>The hearing was conducted in public and the relevant documents were published on East Devon District Council's website.</p> <p>Councillor Taylor was assisted at the hearing by Councillor John Zarczynski</p>
<p>Standards Sub 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>In dealing with the substantive matters, the Sub Committee considered the evidence presented to them, including:</p> <ul style="list-style-type: none"> • The findings of fact as set out in paragraphs 5.1 to 5.41 (including the chronology of the relevant events) of the Investigating Officers report; • Cllr Taylor's written representations; • Oral evidence from the complainants, Tony McCollum, John Burgess and Sonia Hawkins; • Oral evidence from the Investigating Officer, Cllr Taylor; Cllr Zarczynski and the Monitoring Officer. <p>The Sub Committee noted that it appeared that Cllr Taylor did not accept that all of the undisputed facts were undisputed.</p>

In considering the disputed facts, the Sub Committee took into account the relevant material evidence and all the representations that were made.

Courtesy and respect

The Meeting in the High Street

Complaints brought by John Burgess, Sonia Hawkins and Tony McCollum.

In relation to paragraph 4(a) the Sub Committee agreed with the findings of the Investigating Officer in paragraphs 5.49, 5.54 and 6.1 to 6.50 and found that in the meeting in the High Street Cllr Taylor had;

“said something like, this should have been done weeks ago, and this was directed at Mr McCollum”

“raised his voice but he hadn’t shouted”

The Sub Committee felt that in the incidences outlined above the way Cllr Taylor spoke to Mr McCollum was inappropriate; he was incorrect in respect of his first statement as Mr McCollum had not been asked to carry out a report/risk assessment in respect of the Market.

The Sub Committee found that the tone used by Cllr Taylor was inappropriate, undermining and insulting.

The Sub Committee found that in respect of the Meeting on the High Street Cllr Taylor therefore breached paragraph 4(a) of the Code of Conduct in that he failed to treat others with courtesy and respect.

The Covid Compliance Proposal and Cllr Taylor’s note of the meeting on the High Street

In relation to paragraph 4(a) the Sub Committee agreed with the findings of the Investigating Officer in paragraphs 6.1 to 6.50;

The Sub Committee agreed that Cllr Taylor had started his report with the following paragraph:

“this was to be a short description of events on Thursday 28th May relating to the opening of the Street Market. However following Cllr Wyatt’s odd submission with few facts I have included some comments but reserve others”

Cllr Taylor then made a series of comments about Mr McCollum on matters including; the length of his leave, being engrossed in phone calls, failing to pursue work, making a dumb proposal, having a conflict of interests and his voting as an EDDC councilor.

Cllr Taylor produced a document called Covid Compliance Proposal. In Part 1 of that document, he incorporated much of his note of the meeting on 28th May, including most of the comments about Mr McCollum.

Cllr Taylor wrote Part 2 of his Covid Compliance Proposal on 31st May. This combined Parts 1 and Part 2 to form his Covid Compliance Proposal which was subsequently circulated internally and externally and forms the basis of the three complaints.

The comments of concern in the Proposal which led to the complaints were:

- *"No effort has been made by either Mr McCullum [sic] or Cllr Wyatt to consider measurements*

**NB. Cllr Taylor misspells McCollum as McCullum*

- *I often (until 2017) stood in for Mr McCullum and located the Traders to their Pitches etc whilst Mr McCullum was on holiday, once for 4 weeks.*
- *I took payments for pitches, hire of equipment that I erected (no longer available since Mr McCullum sold the equipment).*
- *Mr McCullum was there but was engrossed in consecutive phone calls.*
- *Cllr Wyatt has not dealt with facts at all save cursory non-critical reference to three pages of documents provided by not authored by Mr McCullum.*
- *That accords with the failure of Mr McCullum to pursue any of the above described work*
- *Mr McCullum and Cllr Wyatt mentioned the Cattle Market...it is astounding that such a dumb proposal has been made*
- *I assume that Mr McCullum made EH aware that he is Chairman of the Honiton Chamber of Commerce and as such is severely conflicted in that he would of necessity pursue the interests of his sponsoring businesses which also include several of the closed (for two weeks) shops*
- *Mr McCullum acting as EDDC Councillor voted for increases in car park charges prior to the lockdown*
- *Mr McCullum has not bothered to approach the schools*

- *It would be useful for HTC to require of its employee Mr McCullum copies of the correspondence to EH when he first contacted them.*
- *It is also obvious that the blatant discrimination between the rights of the Market Traders and the currently open businesses has almost certainly not been put to **EH***

The Sub Committee felt that in the incidences outlined above they agree with the findings of the Investigating Officer at paragraph 6.49 to 6.50 that the comments by Cllr Taylor firstly in the note of the meeting and secondly in the Covid Compliance Proposal were discourteous and insulting to Mr McCollum.

The comments were demeaning personally and critical of Mr McCollum's work. They were malicious and undermined Mr McCollum's role as the Town Development Manager.

The Sub Committee accordingly found that in his note of the meeting on the High Street and his Covid Compliance Proposal Cllr Taylor therefore breached paragraph 4(a) of the Code of Conduct in that he failed to treat others with courtesy and respect.

Bullying

Complaints that Cllr Taylor's behaviour as set out above in relation to the High Street Meeting, the note of that meeting and the Covid Compliance Proposal amounted to bullying of Mr McCollum were made by Sonia Hawkins and Tony McCollum.

In relation to paragraph 5(c) the Sub Committee considered the wording of the Town Council's Code of Conduct in relation to bullying.

The Code of Conduct states that bullying may be characterized as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behavior; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear.

The Sub Committee found that Cllr Taylor's conduct as set out above was a pattern of behaviour which amounted to bullying of Mr McCollum.

	<p>The Sub Committee found that Cllr Taylor acted to bully Mr McCollum and they had particular regard to the continuing pattern of behaviour of Cllr Taylor that they considered demonstrated bullying.</p> <p>The Sub-Committee found that in there was an imbalance of power in the Member/Officer relationship and that Cllr Taylor sought to sideline and undermine Mr McCollum including purporting to be acting on behalf of the Council. This exacerbated the impact of Cllr Taylor’s behaviour and the impact that it had on Mr McCollum.</p> <p>The Sub Committee felt that the undermining of Mr McCollum in relation to the work undertaken to consider and evaluate the re-opening of Honiton Street Market was malicious and insulting and undermined his standing and his work.</p> <p>The Sub Committee found that Cllr Taylor was misusing his power and that the impact of that behaviour was detrimental to Mr McCollum’s confidence and ability to perform his role.</p> <p>The Sub Committee agreed with the findings of the Investigating Officer in paragraphs 6.51 to 6.66. and particularly that;</p> <p>Councillor Taylor’s conduct over the period in question, including the comments in his documentation, corresponds with many of the features of bullying as defined in the Code. His behaviour was malicious, insulting, humiliating and undermining. He misused his power and eroded Mr McCollum’s confidence. His actions caused stress to the point of sickness (para 6.65)</p> <p>The Sub Committee were saddened to note that Mr McCollum was subsequently signed off work by his doctor and recognised the significant impact that Cllr Taylor’s behaviour had had on the Town Council employee who had been seeking to carry out his role to the best of his ability and as instructed.</p>
	<p>In mitigation Cllr Taylor asserted that he was acting to “save lives”. He further asserted that his conduct had been driven by concern that the Market Assistant was being put at risk and was being poorly treated.</p> <p>The Sub Committee does not consider that these concerns were reflected in the behaviours exhibited by Cllr Taylor at the High Street Meeting; the note of that meeting nor in the subsequent Covid Compliance Proposal.</p> <p>The Sub Committee notes that neither document refer to the Market Assistant or the issues relating to PPE, safe working</p>

	<p>practices and health and safety that Cllr Taylor asserted were the motivation for his criticism of Mr McCollum.</p>
<p>Sanctions imposed</p>	<p>The Sub Committee heard representations from the Investigating Officer and the Monitoring officer on whether a sanction should be imposed and if so, what form it should take.</p> <p>The Sub Committee considered the representations and determined the following:</p> <ol style="list-style-type: none"> 1. Censure of Cllr Taylor 2. Cllr Taylor undertakes training organized by the Monitoring Officer in relation to the Code of Conduct and very specifically related to bullying and the impact of behaviour upon others and the relationships between officers and members. 3. That following that training Cllr Taylor is asked to issue a written apology to Mr McCollum with the wording to be agreed with the Monitoring Officer. <p>The Sub Committee confirmed that the Decision notice from the Standards Sub Committee would be published on the Council's website.</p>
<p>Additional comments</p>	<p>The Sub Committee wished it to be noted that they are particularly concerned about the behaviour of Cllr Taylor, as set out in this decision and also as demonstrated during the Standards Sub Committee hearing.</p> <p>The Sub Committee would also like to note that it is disappointed that Cllr Taylor had not felt able to issue an apology to Mr McCollum before and indeed declined to do so when given the opportunity to do so at the hearing. The Sub Committee hopes that following training that Cllr Taylor will be able to understand the impact of his words and behaviour upon others and will then be able to issue a sincere apology.</p>

Signed:



Chair of the Standards Sub Committee

Date: 25th March 2021