

Case Summary - West Devon Borough Council

Case no. SBE-11082-SRP89
Member(s): Councillor Diana Moyse
Date received: 23 Jul 2010
Date completed: 12 Oct 2010

Allegation:

Bringing office or authority into disrepute.

Standards Board outcome:

The Ethical Standards Officer found that the member did not breach the Code of Conduct.

Case Summary

The complainant alleged that Councillor Moyse knowingly misinformed others that Councillor Christine Marsh was unable to attend a special meeting of the future planning and housing committee meeting on 19 April, so that Councillor Marsh would be substituted at that meeting against her wishes.

Councillor Moyse said that as chair of the committee she had asked the three committee members in her political group if they would be attending the committee meeting on 19 April. Councillor Marsh and one other councillor told her that they would not be attending as they had another meeting to go to. Councillor Moyse then arranged for Councillor Marsh and the other councillor to be substituted by other group members. Councillor Moyse denied that she knew that Councillor Marsh was available for the meeting when she told others that Councillor Marsh needed to be substituted.

The ethical standards officer noted that Councillor Marsh protested at her proposed substitution when the substitution arrangements were notified to the relevant councillors on the day before the committee meeting. She noted that Councillor Marsh accepted that she then said she wanted to resign from the committee and chose not to attend the 19 April meeting. The council's rules would have allowed her to be reinstated at the start of the meeting if her substitute had agreed.

The ethical standards officer found a clear conflict of evidence as to what Councillor

Marsh told Councillor Moyse about her availability during their telephone conversation in early April. Councillor Moyse said that she asked Councillor Marsh if she wanted to be substituted and Councillor Marsh told her she had another meeting to attend. Councillor Marsh said that she told Councillor Moyse she would be attending the 19 April meeting. There were no witnesses to this telephone conversation. Based on this conflict of evidence the ethical standards officer was unable to draw any conclusions about what was said.

The ethical standards officer found that the steps Councillor Moyse had taken regarding the substitutions for the 19 April meeting were consistent with the previous standard practice on substitutions. The ethical standards officer noted that Councillor Moyse denied any wrongdoing.

In the light of her findings of fact the ethical standards officer did not consider that there was any evidence from which she could conclude that Councillor Moyse had knowingly misinformed others that Councillor Marsh needed to be substituted at the 19 April meeting. There was no evidence that Councillor Moyse had brought her office or authority into disrepute.

Councillor Moyse did not fail to comply with paragraph 5 of the code of conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 5: You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.