

Report of the Independent Person on the investigations into complaints made against Councillors Hazel Foster and David Thomas.

As an Independent Person appointed by Torbay Council, it is my role to review a report of an investigation into alleged breaches of the Members Code of Conduct. In reviewing the investigation report I must be satisfied that the investigation is of an acceptable standard and met the scope of the complaint.

I recognise that there were separate complaints submitted about behaviour at the same meeting and that two separate investigations were undertaken into the alleged behaviour of Councillors Foster and Thomas. I believe, however, that the opinion I would make can be applied to both cases and therefore provide the following comments with regards to both Investigation Reports.

I have received a draft copy of the Investigator's report which looked at complaints that alleged Councillor Foster and Councillor Thomas had breached the Members Code of Conduct. I note, however, that the meeting to which the complaints refer was recorded, providing a valuable primary source of evidence. I also note that the Investigator undertook a number of interviews, which I am sure took considerable time but were none the less important in establishing the facts of the case, I personally have not reviewed the recording or any interview transcripts, but I have considered the complaints and the investigation report. Additionally, the Investigation Report provides detailed consideration of all aspects of the complaints made. I do not believe that my role is to comment on whether I would have formed the same conclusion regarding potential breaches of the Members Code of Conduct, if I had done so. I am, in accordance with the remit of my role, of the opinion that the investigation has covered the scope and matters raised by the complainants.

Having concluded that the investigation has met the scope of the complaint, I also consider the investigation to be of an acceptable standard and will leave any final determination of whether Councillors Foster and Thomas have breached the Members Code of Conduct for the Hearing of a Sub-Committee.

Peter Styler – Independent Person for Torbay Council