

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON TUESDAY, 16 JUNE 2009**

**MEMBERS**

\* Mr M Winterton - Independent Chairman

\* Cllr B E Carson

∅ Cllr G Date

\* Mr R Allison (Independent Member)

\* Mr C Cox (Parish Representative)

\* Mr P Dredge (Parish Representative)

\* Mr S Dunham (Parish Representative)

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

All Agenda Items: Member Support Services Manager and Legal Administrative Assistant;

Item 6 only (Minute S.10/09 below refers): Deputy Monitoring Officer; and  
Item 8 only (Minute S.12/09 below refers): Monitoring Officer (Teignbridge District Council).

Also in attendance:

Cllrs J Brazil and M J Hicks

S.7/09 **MINUTES**

The minutes of the meeting of the Standards Committee held on 27 May 2009 were confirmed as a correct record and signed by the Chairman.

S.8/09 **DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

S.9/09 **EXCLUSION OF PUBLIC AND PRESS**

**RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business as the likely disclosure of exempt information as defined in paragraph 7(c) of Schedule 12A to the Act is involved.

**S.10/09 REPORT OF INVESTIGATING OFFICER: COMPLAINT SH03/180608**

The Committee considered an exempt report presented under Regulation 17 of the Standards Committee (England) Regulations 2008. The Committee was tasked with considering a report of the Monitoring Officer, which found that a Member of a parish council had not breached the Code of Conduct.

In discussion, the Committee expressed its endorsement of the findings of the Investigating Officer. Members also stated their wish for the Monitoring Officer to explore the possibility of convening a conciliation meeting between the members of the parish council. If this proved to be problematic, the Committee requested that it receive a further update from the Monitoring Officer at a future meeting.

**RESOLVED**

1. That the Committee accept the Monitoring Officer's findings of no failure to comply with the Code of Conduct;
2. That the Monitoring Officer be authorised to take all necessary steps to give effect to the decision in accordance with the requirements of the Standards Committee (England) Regulations 2008; and
3. That the Monitoring Officer explore the possibility of convening a conciliation meeting between the members of the parish council and report back to the Committee if this proved to be problematic.

**S.11/09 RE-ADMITTANCE OF PUBLIC AND PRESS****RESOLVED**

That the public and press be re-admitted to the meeting.

**S.12/09 CONTINUATION OF THE CONSIDERATION OF COMPLAINT SH04/170708 (Minutes S.36/08 and S.1/09 also refer)**

The Chairman welcomed and introduced all those present. He then proceeded to advise that the meeting had been reconvened following the adjournment of the two previous hearings to consider this matter on 21 April 2009 (Minute S.36/08 refers) and 19 May 2009 (Minute S.1/09 refers)

**(k) Representations from Cllr Brazil**

As the Committee had determined that Cllr Brazil had failed to comply with the Code of Conduct, the Hearing procedure made provision for him to make representations in respect of whether or not there should be any sanction imposed.

In his representations, Cllr Brazil advised that he firmly believed that he was working on behalf of his electorate and had genuinely considered that he was doing his job by representing a parishioner who had requested his assistance on a matter.

(Once Cllr Brazil advised that he had no further points to raise, the Committee adjourned at 2.05pm and was accompanied by the Member Support Services Manager (in a recording capacity only). When the Committee requested guidance relating to sanctions only, it was also joined by the Monitoring Officer).

### **(I) Sanctions (if any)**

At 2.55pm, the meeting was reconvened and the Chairman made a statement which was summarised as follows:-

- The Committee was concerned solely with the events of 11 June 2008 and the behaviour on that day of Cllr Brazil. It was felt that a number of regrettable incidents took place on this day and some of these had been taken into account when the Committee had determined its sanctions;
- During the interview with the Investigating Officer, Cllr Brazil had recognised he had overstepped the mark and the letter to the Chief Executive had illustrated that he was prepared to apologise for his behaviour. However, this attitude did not prevail and Cllr Brazil was prepared to put the complainant and her colleague through cross-examination at a hearing;
- The Committee was also concerned at the arrogance of Cllr Brazil regarding his reluctance to be trained upon both the district and county council Code of Conduct and the Member/Officer protocol adopted by the county council. The excuse given by Cllr Brazil that he was too busy was considered to be unacceptable, particularly when other Members had found the time to be trained;
- When considering the evidence, the Committee was surprised at the information volunteered by the solicitors who were acting for Cllr Brazil. In representing a parishioner, it appeared that Cllr Brazil was extending a grudge against the complainant regarding some previously unsubstantiated allegations;
- The Adjudication Panel of the Standards Board for England took the issue of bullying very seriously and reference was made to the recent Panel verdict whereby a Dartmouth Town councillor had been disqualified from office for a period of three years;
- When taking everything into account, the Committee was unanimously imposing the following sanctions:-
  - (a) That Cllr Brazil write a letter of apology to the complainant and her colleague, in a form to be agreed by the Monitoring Officer;
  - (b) That Cllr Brazil attend an accredited training course on the Code of Conduct; and

(c) That Cllr Brazil receive a full suspension (including the suspension of his allowances and special responsibilities) for a period of three months. To enable a period of handover of duties and constituent matters, this suspension was to commence at the close of business on Friday, 19 June 2009.

In the event that Cllr Brazil failed to write a letter of apology or attend an appropriate training course during this three-month period, this suspension would continue on a monthly basis until a maximum six-month period had expired.

Having issued the sanctions, the Chairman proceeded to advise Cllr Brazil that if so minded, he could appeal to the Adjudication Panel for England and that explanatory guidance would be set out in the formal notification papers.

(Meeting commenced at 1.00 pm and concluded at 3.10 pm).

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Chairman