

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON MONDAY 18 APRIL 2005**

**MEMBERS**

\* Mr I Stolliday – Chairman

\* Dr L Durman - Vice-Chairman

\* Cllr G Date

\* Mr M Winterton

\* Cllr P J Prudden

\* Denotes attendance

S.10/04 **MINUTES**

The minutes of the meeting of the Committee held on 1 March 2005 were confirmed as a correct record and signed by the Chairman.

S.11/04 **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 was made.

S.12/04 **HEARING OF COMPLAINT SBE 3577.03**

The Chairman reminded the Committee that the meeting had been convened for the purpose of hearing a complaint against Cllr M Chew of Dean Prior Parish Council. The complaint had been referred to the Committee for local determination following a report of an Ethical Standards Officer of the Standards Board of England, in which it was found Cllr Chew had breached the Code of Conduct.

The Chairman advised Members that, regrettably, Cllr Chew was not able to attend the hearing due to another commitment. In addition, Cllr Chew had highlighted in a letter to the Council's Monitoring Officer (dated 14 April 2005) a number of issues which needed to be addressed before the hearing could proceed.

In accordance with Cllr Chew's request, his letter was read to the Committee (a copy is attached as Appendix A). The key points in the letter included:-

- Reference to the delay and some confusion in establishing a date for the Committee meeting;
- Lack of consultation in arranging the hearing for 18 April 2005;
- The short notice given and Cllr Chew's prior long standing commitment on the date selected;
- The expiration of the three month period within which the matter should have been dealt with by the Standards Committee;
- The commitment to appear before a future meeting should an adjournment of the hearing be agreed.

In response, the Council's Deputy Monitoring Officer made the following comments:-

- (a) that the delay and confusion surrounding confirmation of the hearing date was unfortunate. The office was actively engaged in establishing robust procedures to prevent a repeat of the problems encountered with this case in the future.

In noting the acknowledgement of the short comings in the treatment of this case, the Chairman commented that this was a new process for the Committee, with this the first hearing. He reminded Members that the delay involving this Committee was minimal compared to the two year period the Standards Board for England took to refer the case on. In addition, it was noted that Cllr Chew's absence on holiday during the three month period had added to the delay;

- (b) on the three month time limit for the local determination of cases legal advice had cited case law and the 'test of substantive compliance' as possible justification for proceeding with a hearing out of time.

It was noted that the hearing was only one day outside the three month period and that all previous time limits had been met. The advice, therefore, was that the hearing was lawful.

The Committee then considered whether to proceed with the hearing, as was its right, in the absence of Cllr Chew, or to adjourn until such time as he could attend.

During the discussion, particular reference was made to:-

- (a) Members' concern that Cllr Chew had arguably not been given sufficient notice of the meeting of the Committee;
- (b) the view that it would be advantageous to have Cllr Chew in attendance and that it would also be preferable in the cause of natural justice.

In noting from Cllr Chew's letter of 14 April that he intended to attend a meeting should the Committee agree to an adjournment, a Member enquired if this removed his right to pursue legal proceedings on the time limit issue at a future date. In response, the Committee was advised that, whilst it did not preclude him from taking any such action, a court might wish to take it into account.

**RESOLVED**

That the meeting for the hearing of Complaint SBE 3577.03 be adjourned, for the reasons identified above, until a future date which is to be advised.

(It was subsequently confirmed with all parties that the reconvened meeting would be held on Wednesday 4 May 2005, at 2.00 pm.)

(Meeting commenced at 2.00 pm and concluded at 2.25 pm).

---

Chairman