

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON TUESDAY, 9 SEPTEMBER 2008**

MEMBERS

* Mr M Winterton - Independent Chairman

* Cllr B E Carson

* Mr R Allison (Independent Member)

* Cllr G Date

* Mr P Dredge (Parish Representative)

* Denotes attendance

Officers in attendance:

All Agenda Items: Monitoring Officer; Legal Executive (as Investigating Officer);
Member Support Services Manager and Administration Assistant

S.10/08 MINUTES

The minutes of the meeting of the Committee held on 22 July 2008 were confirmed as a correct record and signed by the Chairman.

S.11/08 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.12/08 HEARING OF COMPLAINT SBE 21161.08

The Investigating Officer presented his report which concluded that Cllr Collier had failed to declare a personal and prejudicial interest in respect of an item of correspondence (as outlined in the report presented to the Committee) at the meeting of Sparkwell Parish Council on 12 June 2007.

The Committee was informed that Cllr Collier disputed some of the Investigator's findings of fact, and his comments had been appended to the presented agenda report. However, Cllr Collier accepted that he had breached the Code and had made certain written submissions in mitigation which had been circulated to the Committee.

During discussion, particular reference was made to:-

- a) awareness of the letter. In response to a question, the Investigating Officer advised that there was a difference of opinion regarding whether Cllr Collier was aware or not that the letter would be read out at the meeting of the Parish Council;
- b) the old Code of Conduct. Whilst this investigation had been undertaken in line with the old Code, it was confirmed that should the Committee uphold the complaint and recommend a sanction of training, this would be carried out on the new Code.

Once all parties were content that they had no further issues which they wished to raise, the Chairman advised that the Committee would retire for deliberation.

Committee Findings

Upon returning to the meeting room, the Chairman handed down the decision of the Committee in the following terms:-

'In the light of Cllr Collier's admission that he should have withdrawn, the complaint must therefore be upheld. As a consequence, the Committee deem that Cllr Collier was in breach of Sparkwell Parish Council's Code of Conduct through failing to declare an interest and withdrawing from the room at the meeting on 12 June 2007.

As no decision of the Parish Council affecting the outcome of the application could flow from the discussion, which took place after the reading of the letter and in which Cllr Collier did not participate, and there is contradictory evidence as to whether he knew of the existence of the letter or not, the Committee regard his breach of the Code as no more than a minor technical one and in consequence do not propose to impose any sanction.

The Committee also questions whether there is a lack of training on the Code of Conduct within Sparkwell Parish Council and requests that the Monitoring Officer establishes whether training for all Sparkwell Parish Council Members is required.'

(Meeting commenced at 2.00 pm and concluded at 2.55 pm).

Chairman