

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON TUESDAY, 21 APRIL 2009**

**MEMBERS**

\* Mr M Winterton - Independent Chairman

\* Cllr B E Carson

∅ Cllr G Date

\* Mr R Allison (Independent Member)

\* Mr P Dredge (Parish Representative)

\* Denotes attendance

∅ Denotes apology for absence

Officers in attendance:

All Agenda Items: Monitoring Officer (Teignbridge District Council), Investigating Officer and Member Support Services Manager.

Also in attendance and participating:

Cllr J Brazil, Mrs C Butterfield (Complainant), Mr P Gower (Representing Cllr Brazil), Ms J Hefford (Witness for Investigating Officer) and Mr G Roberts (witness for Cllr Brazil).

Also in attendance but not participating:

Mr C Cox, Mr S Dunham and Cllr J T Pennington

**S.34/08 MINUTES**

The minutes of the meeting of the Standards Committee held on 17 March 2009, and the joint meeting of the Audit and Standards Committees held on 7 April 2009, were confirmed as a correct record and signed by the Chairman.

**S.35/08 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.36/08 REPORT OF INVESTIGATING OFFICER: COMPLAINT SH04/170708**

The Chairman welcomed and introduced all those present and outlined the procedure for the hearing. For absolute clarity, the Chairman explained the function of the Committee and stressed that the standard of proof was upon the balance of probabilities and any witnesses called were not under oath.

The Chairman also urged that should during the proceedings, any reference wish to be made to the Bakery employee (who was the subject of the original investigation) then he should be referred to as 'Mr X' in order to protect his identity.

**(a) Acceptance of New Information**

The Committee received representations from Mr Gower and the Investigating Officer on the submission of additional information on behalf of Cllr Brazil.

The Committee and the Member Support Services Manager (in a recording capacity only) proceeded to retire to consider whether it would allow for any of this new material to be considered during the hearing.

Upon the return of the Committee to the meeting, the Chairman advised which parts of the additional submissions were deemed acceptable for consideration.

**(b) Report of the Investigating Officer**

The Investigating Officer introduced his report to the Committee and called Mrs Chris Butterfield as a witness to respond to his questions.

Following this questioning, Mr Gower and the Committee asked her further questions.

(At the point when all parties were satisfied that they had no further questions to ask Mrs Butterfield, the Committee adjourned for a 45 minute lunch break and the hearing reconvened at 1.15pm.

**(c) Questions to Ms Hefford**

Mr Gower advised that he had a number of questions which he wished to ask Ms Hefford.

Once Mr Gower had concluded asking his questions, both the Committee and the Investigating Officer stated that they had no issues which they wished to raise with Ms Hefford.

**(d) Questions to the Investigating Officer**

The Investigating Officer was invited to respond to a series of questions from Mr Gower.

Members proceeded to inform that they had no additional matters to ask of the Investigating Officer.

**(e) Questions to Cllr Brazil**

Cllr Brazil was called forward to reply to a number of questions from Mr Gower.

At the conclusion of his replies, the Investigating Officer and the Committee asked him further questions.

**(f) Questions to Mr Roberts**

Mr Gower informed that he had a series of questions which he wished to raise with Mr Roberts.

Whilst the Investigating Officer informed that he had no questions to ask Mr Roberts, the Committee did address some questions to Mr Roberts.

(At the conclusion of this questioning, the Committee adjourned for a 15 minute comfort break and reconvened at 3.15pm.)

**(g) Concluding Comments of the Investigating Officer**

The Chairman invited the Investigating Officer to make his concluding comments. In his summary, the officer requested that the Committee confine its findings to the events which took place in the Bakery on 11 June 2008.

**(h) Concluding Comments of Mr Gower**

When invited to provide his summary, Mr Gower stressed to those present his belief that based upon the balance of probabilities, the Committee could not reach any findings of fact which were adverse to Cllr Brazil.

(At 4.15pm, the Committee and Member Support Services Manager (in a recording capacity only) retired for its deliberations and reconvened at 5.15pm.)

**(i) Chairman's Comments**

The Chairman advised that in light of the new information presented to the hearing, the Committee considered it was going to take a number of hours to complete its work with regard to establishing the facts of the case and applying the alleged breaches of the Code to these facts. Therefore, it was intended that once this process had been completed, a further hearing would be reconvened, where the decision would be given and, if appropriate, the further stages of the procedure would follow.

It was then:

**RESOLVED**

That a decision on complaint SH04/170708 be adjourned to a future meeting of the Standards Committee.

(Meeting commenced at 10.00 am and adjourned at 5.20 pm).

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Chairman