

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON WEDNESDAY, 24 OCTOBER 2007**

**MEMBERS**

\* Mr M Winterton - Independent Chairman

\* Cllr B E Carson                      ∅ Mr R Alison (Independent Member)  
\* Cllr G Date                            \* Mr P Dredge (Parish Representative)

\* Denotes attendance

∅ Denotes apology for absence

Also in attendance:

Cllr Brian Boughton – Complainant;  
Cllr David Cawley – Subject of the Complaint;  
Delyth Jenkins-Evans – Legal Advisor;  
Colin Miles – Investigating Officer.

**S.1/07            MINUTES**

The minutes of the meeting of the Committee held on 8 March 2007 were confirmed as a correct record and signed by the Chairman.

**S.2/07            DECLARATIONS OF INTEREST**

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:-

Cllrs B E Carson and G Date declared personal interests in item 5: 'Hearing of Complaint SBE 17956.07' (Minute S.3/07 below refers), by virtue of the complainant having previously been a fellow Member of Council. Both Members remained in the meeting and took part during the discussion and vote on this item.

**S.3/07            HEARING OF COMPLAINT SBE 17956.07**

The Chairman welcomed and introduced all those present and outlined the procedure for the hearing.

**a)            Procedural Issues**

The Chairman advised those in attendance that the allegations (as set out in the Investigating Officer's presented report) concerned the failure by Cllr Cawley to properly register a financial interest. At the invitation of the Chairman, Cllr Cawley pleaded his admission to this breach of the Code of Conduct.

Prior to presenting his report to the Committee, the Investigating Officer confirmed that both Cllrs Boughton and Cawley had been given the opportunity to comment on the report, with feedback having since been received from Cllr Cawley.

#### **b) Findings of Fact**

The Investigating Officer proceeded to present his report which concluded that Cllr Cawley had breached the Code of Conduct. Cllr Cawley had appeared to have helped out Dartmouth Town Council at a difficult time and his services could well have been less costly to the Town Council. However, it was noted that this fact could be disputed in the absence of a written quotation from a third party.

The Investigating Officer also made comment to the obvious breakdown in good relations between some Dartmouth Town Councillors. Nonetheless, the importance of the Committee considering this issue in isolation was stressed.

Based on the findings of fact, evidence and research conducted, the Investigating Officer wished to recommend that Cllr Cawley undertake training on the Code of Conduct. The training was to be conducted by the Clerk to the Town Council and evidenced in writing to the Monitoring Officer of South Hams District Council.

Cllr Cawley highlighted to the Committee that he had originally been a co-opted member of the Town Council and he stated that he had not received any training or guidance on the Code of Conduct. Cllr Cawley advised that he had subsequently received training and paperwork relating to the new Code of Conduct. In response to a question, Cllr Cawley confirmed that the training had been by virtue of an informal one-to-one session with the Clerk to Dartmouth Town Council.

In respectfully asking that the Committee do not impose any sanctions on him, Cllr Cawley advised that he was acting in good faith in undertaking the works. As a consequence, Cllr Cawley questioned whether his actions and the levels of monies involved were worthy of such a crime that sanctions needed to be imposed.

Once those present were content that they had no further questions or points which they wished to raise, the Committee proceeded to retire for deliberation.

#### **c) Committee Findings**

Before advising of the Committee's findings, the Chairman wished to advise Cllr Cawley that there was nothing to prevent him undertaking future work for the Town Council, providing that the correct procedures were followed.

The Chairman advised that it was the Committee's finding that Cllr Cawley did breach the Code of Conduct. It was the Committee's decision to direct Cllr Cawley to undertake formal training on the Code of Conduct, to be

arranged to the satisfaction of the Monitoring Officer of South Hams District Council, within the next three months.

Cllr Cawley was invited to comment on the finding and subsequently questioned the appeals procedure. In response, the Legal Advisor informed him of the procedure and advised that further information would be sent to him, via an attachment to the formal decision notification.

S.4/07

#### **MEMBERS' ATTENDANCE – ANNUAL REVIEW 2006/2007**

The Committee considered a report which demonstrated the level of Member's attendance at public meetings of the Council for the municipal year 2006/2007.

The report noted that the performance target for Members was to attend at least 50% of all meetings of the bodies to which they had been appointed. This target had been met and the degree of commitment and dedication shown by Members in attending formal meetings of the Council and its bodies was commended.

In discussion, the following points were raised:

- a) Members highlighted that attendance at meetings formed only part of the role of a councillor and did not reflect the level of work done within their respective wards, or in representing the Council on other bodies;
- b) The Committee wished for an additional column to be included in the future which took into account Members who were unable to attend a meeting, because they were attending another meeting on behalf of the Council at the same time. It was accepted that the onus must be on each individual Member to advise Member Support Services that they were unable to attend a meeting due to this reason. Officers advised that they would place an article in the Members' Bulletin advising of this change in recording methods;
- c) Members also requested that the table include in the future an additional column highlighting the previous years' attendance levels. It was hoped that this would allow for any annual trends and comparisons to be identified and monitored.

#### **RESOLVED**

That the report be noted.

(Meeting commenced at 10.00 am and concluded at 11.00 am).

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Chairman