

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON WEDNESDAY, 27 MAY 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: Monitoring Officer and Member Support Services Manager

Also in attendance and participating:

Mr G Rowe (Investigating Officer)

S.2/09 **MINUTES**

The minutes of the meetings of the Standards Committee held on 21 April 2009 and 19 May 2009 were confirmed as a correct record and signed by the Chairman.

S.3/09 **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.4/09 **REPORT OF INVESTIGATING OFFICER: COMPLAINT SH02/160608**

(a) Report of the Investigating Officer

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

The Committee proceeded to consider a report from the Investigating Officer into an allegation under Section 60(2) of the Local Government Act 2008 concerning Cllr Tony James, formerly of Sparkwell Parish Council.

In introducing his report to the Committee, the Investigating Officer advised of his findings that Cllr James had breached paragraphs 3(1), 6(a) and 9(1) of the Code of Conduct.

(At the point when the Committee was satisfied that it had no further questions to ask of the Investigating Officer, it retired for its deliberations and was accompanied by the Monitoring Officer (in an advisory capacity only) and the Member Support Services Manager (in a recording capacity only)).

(b) Establishing the Facts of the Case and Applying the Alleged Breaches of the Code to these Facts

The Chairman announced that the Committee had unanimously accepted the findings of the Investigating Officer (as outlined in paragraphs 5.1 to 5.4 of his presented report).

(c) Representations from the Investigating Officer

Since the Committee had determined that there had been a failure to comply with the Code of Conduct, the Investigating Officer advised that he was mindful that Cllr James was not present to make any representations. As a consequence, the Investigating Officer referred to the submission of Cllr James and outlined the supporting letters which had also been received.

(At 3.30pm, the Committee, with the Monitoring Officer (in an advisory capacity only) and the Member Support Services Manager (in a recording capacity only) retired to consider the form of what (if any) sanctions should be recommended in this instance.

(d) Recommended Sanctions

The Chairman informed those present that the Committee was recommending the following sanctions for Cllr James:-

- Censure;
- A written apology to Cllr Fairman; and
- In the event that he was to re-join a Council in the area within the next three years, he undertake a prior training course.

On a more general point, the Committee reinforced the wish for the Monitoring Officer to establish whether training for all Sparkwell Parish Council Members was required.

S.5/09

REVIEW OF THE CONSTITUTION

Members considered a report which informed the Committee of the current review of the Council's Constitution.

The report stated that the current Constitution was considered to be fit for purpose and compliant with statutory requirements. In addition, there was felt to be no call for major change in its executive arrangements.

The Committee considered Parts 1 and 2 of the Constitution on a page by page basis. Members supported the changes as recommended by the Monitoring Officer and proposed the incorporation of some additional further minor amendments.

Once the Constitution had been fully reviewed, the Committee also felt it would be beneficial for all Council Members to be issued with a revised version.

It was then:

RECOMMENDED

That Council be **RECOMMENDED** to:-

1. make no major changes to the executive arrangements for the Council; and
2. approve the minor amendments to Parts 1 and 2 of the Constitution (as set out in the Appendix to the report) and the further minor additions as outlined in the meeting.

S.6/09

REVIEW OF THE ROLE OF THE STANDARDS COMMITTEE

Members considered a report which was presented at the request of the Committee to examine how it may develop and extend its activities in pursuit of its statutory functions in a more proactive way.

In respect of potential means of providing and maximising the take-up of training for town and parish councillors, the Committee suggested a number of possible alternative ideas. It was concluded that this issue required some further reflection and it was therefore:-

RESOLVED

That the report be deferred for reconsideration at a future meeting of the Standards Committee.

(Meeting commenced at 2.30 pm and concluded at 4.50 pm).

Chairman