

## **Appeals Tribunal Decision**

<b>Case Ref:</b>	<b>APE 0448</b>
<b>Date of Appeal Tribunal Hearing:</b>	<b>18 September 2009</b>
<b>Relevant Standards Committee:</b>	<b>West Dorset District Council</b>
<b>Date of Standards Committee Decision:</b>	<b>26 June 2009</b>
<b>Name of member concerned:</b>	<b>Councillor Andrew Brewer of Crossways Parish Council</b>
<b>Monitoring Officer:</b>	<b>Roger Greene</b>
<b>Independent Investigator:</b>	<b>Graham Rowe</b>
<b><u>Appeals Tribunal Members:</u></b>	
<b>Chairman</b>	<b>Chris Hughes</b>
<b>Member</b>	<b>Bill Nelson</b>
<b>Member</b>	<b>Peter Dawson</b>

1. The Appeals Tribunal has considered an appeal from the Appellant about the above decision.
2. The Appeals Tribunal has considered written submissions from the Standards Committee and the Appellant.
3. The Appellant had appealed against the Standards Committee's finding that the Appellant had failed to follow paragraph 12 (1) (a) of the Code of Conduct when he failed to declare a prejudicial interest and failed to leave the Council Chamber during a meeting on 26 June 2008 and therefore failed to comply with Crossways Parish Council's Code of Conduct. He was suspended for 3 months.
4. Paragraph 12 (1) (a) of the Code provides:  
  
*"Where you have a prejudicial interest in any business of your authority – (a) you must withdraw from the room or chamber where a meeting considering the business is being held."*
5. The Appellant has appealed against the action, which the Standards Committee decided to take in the light of the failure to follow the provisions of the Code of Conduct. That action was to suspend Councillor Brewer for a period of 3 months .
6. The Appeals Tribunal has determined that the Appellant did fail to follow the provisions of the Code because:

- 6.1. Councillor Brewer is a leading and long-standing member of the Scout Association in Dorset. An application for remission of charges for the Scout Association was considered by the Council. He declared a personal interest but remained in the room and did not speak. Given his long-standing and close association with the Scouts and his position of responsibility within the Crossways Scout Group a member of the public would reasonably consider that his interest was so significant that it was likely to prejudice his judgement of the public interest. He was shown advice of the Monitoring Officer on his situation at the start of the meeting. He did not have time to consider it properly and the Tribunal is satisfied that his actions in the meeting were not in deliberate disregard of the advice and were a mistaken interpretation of the position. The Tribunal accepts the finding by the Standards Committee that he did not seek to improperly influence the proceedings. At that stage he had not received the further training on the Code of Conduct previously directed by the Standards Committee. He has subsequently undergone the training, learnt from it and indicated that in future whenever any item relating to his interests is raised he will declare a personal and prejudicial interest and leave the room. In the light of these findings and submissions we consider that a censure is sufficient sanction in the circumstances.
7. The Appeals Tribunal has partly upheld the finding of the Standards Committee.
  8. The Standards Committee is required to impose the penalty specified at paragraph 6 above.
  9. A copy of this determination is being given to the Appellant, the Standards Board, the Standards Committee, the parish council and any person who made the allegation that gave rise to the investigation.
  10. This determination will be published in a newspaper circulating in the area of the local authority and will also be published on the Adjudication Panel's website at [www.adjudicationpanel.tribunals.gov.uk](http://www.adjudicationpanel.tribunals.gov.uk).

Chris Hughes, OBE  
**Chairman of the Appeals Tribunal**  
18<sup>th</sup> September 2009