

**WILTSHIRE COUNCIL
STANDARDS COMMITTEE**

9 MARCH 2011

Outcome of Standards Consideration Sub-Committee

Purpose of Report

1. To report the outcome of the Standards Consideration Sub-Committee which was held on 14 December 2010 to consider an allegation of a breach of the Code of Conduct for Members.

Background

2. On 5 May 2010 the Monitoring Officer of Wiltshire Council received a complaint from Mr David Durston regarding the alleged conduct of Councillor Christopher McGowan, a member of Aldbourne Parish Council. It was alleged that Councillor McGowan had failed to disclose an interest in the piece of land on which the parish allotments are situated and, as Chairman of the allotments Committee, had endeavoured to prevent the rehabilitation of a section of land which adjoined his home. The complainant further alleged that Councillor McGowan's wife had recently acquired part of this land.
3. On 25 May 2010 the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor McGowan. In accordance with section 57A(2) of the Local Government Act 2000, as amended, the Sub-Committee decided to refer the complaint to the Monitoring Officer for investigation. They considered that if proven, the behaviour giving rise to the complaint may be capable of breaching the following paragraphs of the Code:

6(a) – You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

9(1) - Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

10(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

4. The Monitoring Officer delegated his investigatory powers to Mrs Marie Lindsay, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000. The Investigator's report found that there had been no breach of the Code of Conduct.
5. On 14 December 2010 the Investigator's report went before the Standards Consideration Sub-Committee. The Sub-Committee considered the alleged breach of paragraphs 6(a), 9(1) and 10(1) of the Code of Conduct and accepted the Investigating Officer's finding of no breach. The decision notice is attached at **Appendix A**.
6. The Chairman and members of the Sub-Committee may wish to comment on the hearing orally at the meeting.

Main considerations for the Committee

7. The Standards Committee has set a target time of 6 months from the Assessment Sub-Committee's referral of a complaint for investigation to the completion of the investigation and issuing of a final report. In this case, the complaint was referred for investigation on 25 May 2010 and the final report was completed on 18 November 2010, within the 6 month deadline.
10. The Standards Committee has set a target time of 3 months from the issuing of the final report to a Determination Sub-Committee hearing. The Investigator issued her report on 18 November 2010 and the Consideration Sub-Committee met on 14 December 2010. A Determination Sub-Committee hearing was not required, however the Consideration Sub-Committee did meet well within the 3 month deadline.

Proposals

11. The Standards Committee is asked to note the outcome of this matter.

Training and Communications Issues Arising

12. There are no general training or communications issues arising from the proposals made in this report that would require the formation of a task and finish group of the Standards Committee.

Risks

13. There are no risks associated with the proposals made in this report.

Ian Gibbons
Monitoring Officer

Report Author: Marie Lindsay – Ethical Governance Officer

The following unpublished documents have been relied on in the preparation of this report: None