

DECISION NOTICE:

BREACH OF THE CODE OF CONDUCT - NO SANCTION

Reference WC 10/10

Subject member

Cllr. Mark Griffiths

Complainant

Mr Terry Chivers

Hearing Sub-Committee membership

Mr Gerry Robson OBE Chairman (Independent)

Cllr Ernie Clark (Wiltshire Council)

Miss Pam Turner (Parish Council)

Monitoring Officer/Deputy Monitoring Officer

Frank Cain

Clerk

Pam Denton

Complaint

On 7th May 2010 the Monitoring Officer for Wiltshire Council received a complaint from Mr T Chivers concerning the alleged conduct of Councillor Mark Griffiths, a member of Wiltshire Council and Melksham Town Council.

The complaint alleged that at meetings of the Melksham Area Board held on the 3rd February 2010 and the 24th March 2010, Councillor Griffiths failed to declare an interest, either personal or prejudicial, and to take action appropriate to that interest, when grant applications made by Melksham Town Council, an authority of which Councillor Griffiths is also a member, were discussed.

The complaint was assessed by the Standards Assessment Sub-committee of Wiltshire Council on 25th May 2010, and was referred to the Monitoring Officer for investigation.

The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Investigating Officer, pursuant to section 82A of the Local Government Act 2000.

The Investigator found that there **had** been a breach of the paragraphs 7, 9(1), 12, 13(1) and, 13(2) of the Code of Conduct.

The Standards Consideration Sub-Committee considered the Investigating Officer's report on 11 January 2011 and decided that the alleged breaches of the Code should be referred to a Standards Committee Hearing for determination.

A hearing was therefore conducted by the Hearing Sub- Committee on 30 March 2011 in accordance with Regulations 18 and 19 of the Standards Committee (England) Regulations 2008 and the Council's Procedure for Determination of Complaints.

Decision

NO BREACH OF THE CODE OF CONDUCT

Paragraph 7 “ When reaching decisions on any matter you must have regard to any relevant advice provided to you by your authority's monitoring officer, where that officer is acting pursuant to his or her statutory duties.”.

The Hearing Sub-Committee found unanimously that Cllr. Griffiths' actions, as set out in the agreed findings of fact, did not amount to a breach of paragraph 7 of the Code of Conduct for Members.

BREACH OF THE CODE OF CONDUCT

Paragraph 9(1) Disclosure of personal interests

The Hearing Sub-Committee found unanimously that Cllr. Griffiths' actions, as set out in the agreed findings of fact, did amount to a breach of paragraph 9(1) of the Code of Conduct for Members.

BREACH OF THE CODE OF CONDUCT

Paragraph 12 Effect of prejudicial interests on participation

The Hearing Sub-Committee found unanimously that Cllr. Griffiths' actions, as set out in the agreed findings of fact, did amount to a breach of paragraph 12 of the Code of Conduct for Members.

BREACH OF THE CODE OF CONDUCT

Paragraph 13 (1) and 13 (2) Registration of member's interests

The Hearing Sub-Committee found unanimously that Cllr. Griffiths' actions, as set out in the agreed findings of fact, did amount to a breach of paragraph 13 (1) and 13 (2) of the Code of Conduct for Members.

Reasons for decision

The sub-committee agreed that there had been no intent on Cllr Griffiths part to gain advantage for himself or constituents or any body. Cllr Griffiths sought advice and on receipt made a judgement about his actions. The sub-committee found that there had been technical breaches but as mentioned above, no intent to gain an advantage.

NO SANCTION

The Sub-Committee resolved that no action need be taken in relation to the matters raised at the hearing.

This decision notice is sent to the complainant, the member against whom the allegation was made, the Standards Committee of Wiltshire Council and the Standards Board for England.

Summary of evidence considered and representations made

The Sub-Committee considered the following evidence and representations:

1. The written complaint.
2. The Investigator's report dated 29 November 2010, which contained evidence from interviews conducted with the subject member, the complainant, and a number of witnesses, as well as copies of relevant documents, including the minutes of the relevant meeting and the letter complained of.
3. Further representations made by the subject member and the Investigator at the Hearing.
4. Legal advice on Personal and prejudicial interests.
5. Responses by the subject member and Investigator to questions posed by the Sub-Committee at the hearing.

Right of appeal

A member subject to a Standards Committee finding may apply in writing to the President of the Adjudication Panel for England for permission to appeal against that finding.

The President must receive the member's written application within 21 days of the member receiving notice of the Standards Committee's decision.