

WILTSHIRE COUNCIL

STANDARDS COMMITTEE

19 MAY 2010

Outcome of Standards Hearing Sub-Committee

Purpose of Report

1. To report the outcome of the Standards Hearing Sub-Committee which was held on 12 April 2010 to consider an allegation of a breach of the Code of Conduct for Members.

Background

2. On 23 June 2009 the Monitoring Officer of Wiltshire Council received a complaint from Councillor David Sherlock regarding the alleged conduct of Councillor Paul Evans, a member of Tidworth Town Council. The complainant alleged that at a meeting of Tidworth Town Council on 2 June 2009 Councillor Evans behaved in such a manner as to bring his office or authority into disrepute and failed to treat others, including the complainant, with respect.
3. On 7 July 2009, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor Evans. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint should be referred to the Monitoring Officer for investigation.
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 a breach of the following paragraphs of the Code of Conduct:
 - 3(1) – You must treat others with respect
 - 5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
5. On 9 February 2010 the Investigator's report went before the Standards Consideration Sub-Committee. The Sub-Committee considered both alleged breaches of paragraphs 3(1) and 5 of the Code of Conduct. The Sub-Committee agreed that the matter should be referred to a Standards Committee Hearing for determination, pursuant to paragraph 17 (1) (b) of the Standards Committee (England) Regulations 2008.
6. The Standards Hearing Sub-Committee met on 12 April 2010 and the decision notice is attached at **Appendix A**.

7. The Chairman and members of the Sub-Committee may wish to comment on the hearing orally at the meeting

Main considerations for the Committee

8. 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 7 July 2009 and the final report was issued on 20 January 2010, slightly over 6 months later.
9. The investigation was subject to a slight delay as Councillor Evans did not initially respond to the Investigator's request for an interview. A period of 5 weeks elapsed between Councillor Evans being invited to attend an interview and the interview being carried out.
10. A total of 8 interviews were carried out during the course of the investigation, including interviews with 5 witnesses and 2 interviews with the complainant. In order to limit time and resources two of these interviews were carried out over the telephone.
11. The Standards Committee has set a target time of 3 months from the issuing of the final report to the conclusion of a Determination Sub-Committee hearing. The Investigator issued her report on 20 January 2010 and the Standards Hearing Sub-Committee met on 12 April 2010, within the 3 month deadline. In general, the pre-hearing process that has to be undertaken within this timescale may present difficulties in meeting this target for future cases, particularly when findings of fact contained within the Investigator's report are subject to dispute.
12. The Standards Committee decided on 10 March 2010 that, subject to availability of "hub" venues within the statutory timescales, local determination hearings should be held in the Wiltshire Council "hub" office most local to the subject member's division or ward. As a result of the current re-development of the Bourne Hill 'hub', the Standards Hearing Sub-Committee meeting of 12 April was held at Sarum College in Salisbury. This facilitated the attendance at the hearing of the subject member, the complainant and four additional witnesses. An additional cost was placed on the Council for the hire of Sarum College, however such costs will not be necessary once work at the Bourne Hill site has been completed.

Proposals

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

Training and Communications Issues Arising

13. 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.

14. There are specific training issues for Councillor Evans and Tidworth Town Council which are being followed up by the Monitoring Officer.

Risks

15. 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