

**CONFIDENTIAL - NOT FOR PUBLICATION - Contains exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.**

## **STANDARDS HEARING SUB-COMMITTEE**

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DRAFT MINUTES OF THE STANDARDS HEARING SUB-COMMITTEE HELD ON  
10 APRIL 2013 AT ST JOHN'S PARISH CENTRE, TROWBRIDGE, BA14 9EA

### PRESENT:

Cllr Chris Caswill, Cllr Howard Greenman and Cllr Christopher Williams

### Also Present:

Mr Colin Malcolm - Independent Person (Monitoring Officer and Sub-Committee)  
Caroline Baynes - Independent Person (Subject Member)

Ian Gibbons - Monitoring Officer and Legal Adviser to the Sub-Committee

Frank Cain, Head of Legal - representing the Investigating Officer

Mr Ian Taylor - Complainant

[Witnesses in attendance: Mr K. Harvey; Mr G. King; Mr. S. Andrews ]

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### 1 Election of Chairman

#### Resolved:

**Councillor Christopher Williams should continue as Chairman following his appointment at the meeting on 20 March 2013.**

### 2 Chairman's Welcome, Introduction and Announcements

The Chairman welcomed the parties to the meeting, explained the purpose of the meeting and asked those present to introduce themselves.

### 3 Declarations of Interest

There were no declarations of interest.

4 **Exclusion of the Press and Public**

On the basis of their earlier decision on 20 March 2013 to exclude the public the Sub-Committee felt that this should remain the position pending consideration of Councillor Hawker's request for an adjournment, and therefore:

**Resolved:**

**In accordance with section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in item 5 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

5 **Minutes of the meeting of the Sub-Committee on 20 March 2013**

**Resolved:**

**To approve the minutes of the previous meeting as circulated, subject to including copies of the additional documents referred to in the minutes (Mr Morland's e-mails to the Monitoring Officer dated 27 February 2013; 1 March 2013; 2 March 2013; 6 March 2013 (2); and 18 March 2013) as an Appendix to the Minutes.**

6 **Standards Committee Hearing Complaint regarding the alleged conduct of Councillor Russell Hawker of Westbury Town Council**

The Monitoring Officer advised the Sub-Committee that Cllr Hawker had decided not to attend the meeting but he had requested a postponement of the hearing on grounds set out in his email correspondence to the Monitoring Officer since the previous meeting on 20 March 2013. The grounds included:

- Cllr Hawker's legal adviser had decided to stand down and he was now without legal advice and representation on a complex matter. He was unable to prepare his defence properly as a result;
- His witnesses were unable to attend the hearing;
- The process was unfair and was being rushed through; the substantive hearing was fixed without proper consultation with the parties.

- He had only received documentation from Mr Cain On 7 April 2013 leaving insufficient time for him to respond.
- It was inappropriate for this matter to be heard during the pre-election period.

Having heard from Mr Cain on behalf of the investigating officer, the complainant, Mr Taylor, and both independent persons, Caroline Baynes and Colin Malcolm, the Sub-Committee decided to agree a postponement of the hearing.

The Sub-Committee had particular regard to the fact that Cllr Hawker was currently without legal representation following Mr Morland's decision to cease acting for him after the previous preliminary hearing, and the unavailability of Cllr Hawker's witnesses, particularly his key witness, Mr Parker, who was out of the country until 15 April. They decided an adjournment was appropriate in these circumstances in the interests of fairness to enable Cllr Hawker to prepare and put his defence properly.

The Sub-Committee wished to make it clear that it was Cllr Hawker's responsibility to ascertain the availability of the witnesses he wished to call in his defence and, once a date has been agreed, to secure their attendance. The Sub-Committee also made it clear that any further adjournment of the case would be highly unlikely to be granted.

The Chairman thanked the witnesses who had made themselves available for the hearing and apologised that it had not been possible to proceed.

The Sub-Committee therefore:

**Resolved:**

**To adjourn the hearing on 10 and 11 April 2013 and to ask for the matter to be re-listed on the first available date after 3 June 2013**

(Duration of meeting: 10.00 am to 12.15 pm)

The Officer who has produced these minutes is Ian Gibbons, Solicitor to the Council and Monitoring Officer direct line 01225 713052, e-mail [ian.gibbons@wiltshire.gov.uk](mailto:ian.gibbons@wiltshire.gov.uk)

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