

WILTSHIRE COUNCIL

STANDARDS COMMITTEE

22 SEPTEMBER 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 5 July 2010 to consider an allegation of a breach of the Code of Conduct for Members.

Background

2. On 15 October 2009 the Monitoring Officer of Wiltshire Council received a complaint from Mr Edward Whiting regarding the alleged conduct of Councillor Maurice Flanagan, a member of Dilton Marsh Parish Council. The complainant alleged that Councillor Flanagan had failed to comply with the statutory requirement to register his interests within 28 days of assuming office as a member of Dilton Marsh Parish Council.
3. On 19 November 2009, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor Flanagan. 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 paragraph of the Code of Conduct:
 - 13(1) – Subject to paragraph 14, you must, within 28 days of –
 - a. this Code being adopted by or applied to your authority; or
 - b. your election or appointment to office (where that is later)register in your authority's register of members interests.....details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a) by providing written notification to your authority's monitoring officer.
5. On 15 April 2010 the Investigator's report went before the Standards Consideration Sub-Committee. The Sub-Committee considered the alleged breach of paragraph 13(1) 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 Committee is advised that Mr Whiting's original complaint also contained additional allegations of potential breaches of the Code of Conduct. These allegations were also referred for investigation by the Assessment Sub-Committee on 19 November 2009 and the Investigating Officer made a finding of no breach. The Consideration Sub-Committee which met on 15 April 2010 upheld the Investigating Officer's finding and it was decided that no further action should be taken. Accordingly, the report which was considered by the Hearing Sub-Committee contained no reference to these other allegations.
7. The Standards Hearing Sub-Committee met on 5 July 2010 and the minutes of the meeting, together with the decision notice, are attached at **Appendix A**.
8. The Chairman and members of the Sub-Committee may wish to comment on the hearing orally at the meeting.

Main considerations for the Committee

9. 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 19 November 2009 and the final report was completed on 9 March 2010, within the 6 month deadline.
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 9 March 2010 and the Standards Hearing Sub-Committee met on 5 July 2010, outside the 3 month deadline. The reason for the target not being met is largely due to constraints on officer time and the need to organise both officer and member availability for Consideration Sub-Committee, pre-hearing and Hearing Sub-Committee meetings. In addition, there are procedural timescales which need to be factored in to the process.
12. In accordance with the Standards Committee's request that local determination hearings should be held in the Wiltshire Council "hub" office most local to the subject member's division or ward, the Hearing Sub-Committee met at Wiltshire Council offices in Bythesea Road.
13. The Standards Committee will note the decision of the Hearing Sub-Committee which refers to the degree of confusion surrounding the submission of Register of Interest forms by the Clerk to Dilton Marsh Parish Council. At the time of Councillor Flanagan's submission of his Register of Interests form, the Clerk mistakenly held onto such forms rather than passing them to the Monitoring Officer for signature and retention. The Sub-Committee recommends to the Standards Committee that it undertakes a review of the procedures surrounding register of interest submissions and highlights the importance of registering personal interests.

Proposals

14. The Standards Committee is asked to note the outcome of this matter and the recommendations of the Hearing Sub-Committee.

Training and Communications Issues Arising

15. 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

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