

Standards Hearing Sub-Committee

Agenda Item No.

30 July 2013

Complaint regarding the alleged conduct of Councillor Russell Hawker, a Member of Westbury Town Council - Reference WC 03/12

1. On the 23rd January 2012 the Monitoring Officer for Wiltshire Council received a complaint from Mr John (Ian) Taylor, regarding the alleged conduct of Councillor Russell Hawker, a member of Westbury Town Council.
2. Mr Taylor alleges that Councillor Hawker has bullied him and behaved disrespectfully towards him at a function held on the 21 October 2011 to launch the refurbished Laverton Institute building, and at meetings of Westbury Town Council, and in emails sent to various recipients in relation to work carried out by Mr Taylor as a member and Chair of the Laverton Institute Management Committee (see appendix A1, pages 32-36).
3. On the 23rd February 2012 the Standards Assessment Sub-committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-committee decided to refer the allegations to the Monitoring Officer for investigation (see appendix A2, pages 37-38).
4. The Monitoring Officer delegated his investigatory powers to Roger Wiltshire, Ethical Governance Officer for Wiltshire Council, under section 82A of the Local Government Act 2000.
5. In the course of the investigation the following paragraphs of the Code of Conduct were considered –
Paragraph 2(1)(a) and 2(1)(b) – Scope
Paragraph 3(1) – You must treat others with respect
Paragraph 3(2) – You must not (b) bully any person; See pages 5 and 6 of the Final Report.

- 6.** The Investigator's report finds that Councillor Hawker failed to treat a member of the public with respect, and there has been a breach of paragraph 3(1) of the Code of Conduct.
- 7.** The Investigator's report finds that Councillor Hawker bullied Mr Taylor and there has been a breach of paragraph 3(2)(b) of the Code of Conduct.
- 8.** A copy of the Investigator's report and further documentation submitted by Cllr Hawker and his former representative, Mr Morland, is included at appendix A.
- 9.** On 1 July 2012 a new standards regime was introduced under the Localism Act 2011. Transitional regulations introduced under that Act provided for the complaint to be dealt with under new arrangements established by the Council. The Monitoring Officer's view, contested by the complainant, is that the complaint should be determined against the Code of Conduct that was in force at the material times when the matters giving rise to the complaint occurred .
- 10.** The Monitoring Officer, in consultation with the appointed Independent Persons, reviewed the matter in accordance with paragraph 6 of Wiltshire Council's Arrangements for dealing with Code of Conduct complaints under the Localism Act 2011. Having carefully considered the Investigating Officer's report and findings, and in accordance with paragraph 6.4 of the arrangements, it was decided to refer the complaint to the Hearing Sub-Committee of the Standards Committee for determination.
- 11.** A preliminary hearing was held on 20 March 2013 to consider preliminary issues raised by the complainant, including the question of the Sub-Committee's jurisdiction to hear the case. A copy of the Minutes of the preliminary hearing is attached at Appendix B.
- 12.** The Hearing Sub-Committee met again on 10 April 2013 and decided to grant Cllr Hawker's request for a postponement of the hearing. A copy of the Minutes of that meeting is attached at Appendix C.
- 13.** The Hearing Sub-Committee is therefore required to determine whether Councillor Hawker's actions have breached paragraphs 3(1), and 3(2)(b) of the Code of Conduct.

Ian Gibbons, Monitoring Officer

Report Author: Ian Gibbons

Appendices:

Appendix A

Investigating Officers report

Subject Members comments and Additional Documentation

Investigating Officers comments

Additional Correspondence

Appendix B

Standards Sub Committee Preliminary Hearing Minutes 20 March 2013

Appendix C

Standards Sub Committee Preliminary Hearing Draft Minutes 10 April 2013