

**Title: Standards Board Complaint - SBE 18404.07  
Report of Investigation - Finding of No Breach**

**Reporting officer: Tim Darsley, Monitoring Officer**

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### **1. Purpose**

To consider the report of investigation into a complaint about Councillor Russell Hawker as a member of Westbury Town Council.

### **2. Background**

In April 2007, William Braid of Westbury complained to the Standards Board for England (SBE) about the conduct of Councillor Hawker in relation to a number of matters. Having reviewed the case, the SBE referred one element of the complaint for local investigation. This concerned the alleged failure to declare a prejudicial interest at a Westbury Town Council meeting on 12 March 2007. The case was passed to the Monitoring Officer on 11 July 2007.

Earlier in 2007, Councillor Hawker had himself referred a similar but separate matter to the SBE. This involved his failure to declare a personal interest at a meeting of the Town Council's Highways, Planning and Development Committee on 19 February 2007. This had also been referred to the Monitoring Officer for local investigation.

Investigations into both complaints have been carried out by Maria Memoli, an independent legal consultant. The investigations took place during late 2007 and early 2008. Draft reports were issued in May 2008. The final reports on both investigations were issued on 17 October 2008. Copies of the two reports have been provided for all members of the Standards Committee.

The earlier self-referral was found to have involved a breach of the Code and will be considered by the Hearings Sub Committee on 15 December 2008. The investigation into the complaint by William Braid has found that no breach of the Code occurred in that case. In accordance with the relevant Regulations, that investigation report must now be considered by the Standards Committee for it to decide whether it agrees with the investigator's findings or not.

### **3. Procedure**

With a report finding no breach, the Committee's role is to consider the facts as set out in the report and decide whether it agrees with the finding or whether it believes that there is a case to answer. The Committee should simply consider the report. It is not able to interview witnesses or take representations from the parties.

If the Committee agrees that the Code of Conduct has not been breached, arrangements will be made for a notice to be published. The notice will state the Committee's findings and give the reasons for it. The Councillor involved is entitled to ask that the notice is not published.

If the Committee disagrees with the finding and decides that there is a case to answer, it will be necessary to hold a hearing to make the final determination on whether the Code of Conduct was breached.

#### **4. Risk Management**

None identified.

#### **5. Financial Implications**

There are none.

#### **6. Legal and Human Rights Implications**

The procedure to be followed is as set out in the Local Authorities (Code of Conduct) (Local Determinations) Regulations.

#### **7. Recommendation**

It is recommended that the Committee considers the Report of Investigation and decides whether:

(a) It agrees that there has been no breach of the Code

**or**

(b) It believes that there is a case to answer and that a Hearing should be held.

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