

DECISION NOTICE: NO BREACH

Reference WC 09/10

Subject Member

Councillor Christopher McGowan of Aldbourne Parish Council

Complainant

Mr David Durston

Consideration Sub-Committee Membership

Mr Stuart Middleton, Chairman (Independent)
Mr David MacLaren-Webster (Parish Councillor)
Councillor Julian Johnson (Wiltshire Council)

Monitoring Officer

Ian Gibbons

Investigating Officer

Marie Lindsay

Clerk

Anna Thurman

Complaint

On 5 May 2010 the Monitoring Officer of Wiltshire Council received a complaint from Mr David Durston regarding the alleged conduct of Christopher McGowan, a member of Aldbourne Parish Council.

The complaint concerned allegations that Councillor McGowan had failed to disclose an interest in a piece of land on which the parish allotments are situated and that, as Chairman of the Allotments Committee, he endeavoured to prevent the rehabilitation of a piece of this land which adjoins his home. It was further alleged that Councillor McGowan's wife recently purchased part of this land

On 25 May 2010, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor McGowan. 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. They considered that if proven, the behaviour giving rise to the complaint may be capable of breaching the following paragraphs of the Code:

6(a) – You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

9(1) - Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

10(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

The Investigator's report found that there **had not** been a breach of paragraphs 6(a), 9(1) or 10 (1) of the Code of Conduct

Decision

The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on 14 December 2010 and, having carefully considered the Investigating Officer's report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to accept the Investigator's finding that no breach of the Code had occurred.

Reasons for decision

The Sub-Committee was satisfied on the basis of the information documented in the Investigator's report that Councillor McGowan's actions did not amount to a breach of the Code of Conduct.

Summary of evidence considered

The Sub-Committee considered the following:

1. The written complaint.
2. The Investigator's report, which contained evidence from witnesses who were interviewed and various documents, including extracts of minutes of meetings of the Parish Council.

This decision notice is sent to the person making the allegation, the member against whom the allegation was made, Aldbourne Parish Council and Standards for England.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed **Date**

Chair of Consideration Sub-Committee