

WILTSHIRE COUNCIL

STANDARDS COMMITTEE

20 July 2011

Outcome of Standards Hearing Sub Committee – Case reference WC10/10

Purpose of Report

1. To report the outcome of the Standards Hearing Sub Committee held on 30th March 2011 to consider an allegation of breaches of the Code of Conduct for Members.

Background

2. On 7th May 2010 the Monitoring Officer for Wiltshire Council received a complaint from Mr T Chivers concerning the alleged conduct of Councillor Mark Griffiths, a member of Wiltshire Council and Melksham Town Council.
3. The complaint alleged that at meetings of the Melksham Area Board held on the 3rd February 2010 and the 24th March 2010, Councillor Griffiths, attending the meetings in his capacity as a Wiltshire Councillor, failed to declare an interest, either personal or prejudicial, and to take action appropriate to that interest, when grant applications made by Melksham Town Council, an authority of which Councillor Griffiths is also a member, were discussed.
4. On the 25th May 2010, 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 of the Standards Committee decided to refer the allegation to the Monitoring Officer for investigation.
5. The Monitoring Officer delegated his investigatory powers to Mr Roger Wiltshire, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000.
6. The investigators report found –
 - That Councillor Griffiths had a personal interest as defined in paragraph 8(1)(a)(ii)(aa) of the Code of Conduct.
 - That there **had** been a breach of paragraph 9(1) of the Code of Conduct, (Disclosure of personal interests).
 - That Councillor Griffiths had a prejudicial interest as defined in paragraph 10 of the Code of Conduct.
 - That there **had** been a breach of paragraph 12 of the Code of Conduct, (Effect of prejudicial interests on participation).

- That there **had** been a breach of paragraph 13 of the Code of Conduct, (Registration of members' interests) , (1)....you must, within 28 days of: (b) your election or appointment to office..... register in your authority's register of members interests.....details of your personal interests.....
 - That there **had** been a breach of paragraph 13 of the Code of Conduct, (Registration of members' interests) (2)....,you must, within 28 days of becoming aware of any new personal interest or change to any personal interest....., register details of that new personal interest or change.....
 - That there **had** been a breach of paragraph 7(1)(b) of the Code of Conduct, you must have regard to any relevant advice provided to you by your authority's Monitoring Officer.
7. The Consideration Sub-Committee of the Standards Committee of Wiltshire Council met on the 11th January 2011 and, having carefully considered the Investigating Officers report and findings, in accordance with Regulation 17 of the Standards Committee (England) Regulations 2008, decided to refer the allegations above to the Hearing Sub-Committee of the Standards Committee for determination. The Consideration Sub-Committee was satisfied that the matter was suitable for local determination.
 8. The Hearing Sub-Committee of the Standards Committee of Wiltshire Council met on the 30th March 2011 and their decision is attached as appendix A.
 9. The Chairman and members of the Sub-Committee may wish to comment on the hearing at the meeting.

Main considerations for the Committee.

8. 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 a final report. In this case, the complaint was referred for investigation on 25th May 2010 and the final report was issued on 29th November 2010.
10. Three interviews were carried out during this investigation. One of the interviews was carried out in the Wiltshire Council Offices, County Hall; the two remaining interviews were carried out at the respective home addresses of the interviewees.
11. The Standards Committee has set a target of three months from the issuing of the final report to the conclusion of a determination Sub Committee hearing. The final report was issued on the 29th November 2010 and the Standards Hearing Sub Committee met on the 30th March 2011, missing the target. The pre hearing process that has to be undertaken within the three month target leaves little room for delay and difficulties may arise when arranging the

hearing date e.g. availability of a suitable venue, availability of staff, committee members, the subject member and any witnesses.

Proposals

12. The Standards Committee is asked to note the outcome of this matter.

Ian Gibbons

Monitoring Officer

Report author:

Roger Wiltshire
Ethical Governance Officer
