

Wiltshire Council

Standards Committee

2 MAY 2012

Outcome of Standards Hearing Sub-Committee

Purpose of Report

1. To report the outcome of the Standards Hearing Sub-Committee which was held on 21 February 2012 to consider an allegation of a breach of the Code of Conduct for Members.

Background

2. On 20 April 2011 the Monitoring Officer of Wiltshire Council received a complaint from Mr Robert Willis regarding the alleged conduct of Councillor Alan Hill, a member of Wiltshire Council. The allegation concerned Councillor Hill's alleged comments and manner towards the complainant, Mr Willis during a visit to the site of Mr Willis' planning application in September 2010.
3. On 13 May 2011, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor Hill. 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 of Conduct:

(5) – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

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.

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 paragraph 5 of the Code of Conduct. The Investigator's report found **no breach** of paragraph 6(a) of the Code of Conduct.

5. On 6 December 2011 the Investigator's report went before the Standards Consideration Sub-Committee. The Sub-Committee considered both alleged breaches of paragraphs 5 and 6(a) of the Code of Conduct and decided:
 - In respect of paragraph 5 of the Code of Conduct 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.
 - In respect of paragraph 6(a) of the Code of Conduct, to accept the Investigating Officer's finding of no breach.
6. The Standards Hearing Sub-Committee met on 21 February 2012 and found that a breach of paragraph 5 of the Code of Conduct had occurred but that no further action should be taken. The decision notice is attached at **Appendix A**.
7. The Chairman and members of the Sub-Committee may wish to comment on the hearing orally 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 of a final report. In this case, the complaint was referred for investigation on 13 May 2011 and the final report was issued on 8 November 2011, within the 6 month deadline.
9. 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 8 November 2011 and the Standards Hearing Sub-Committee met on 21 February 2012, slightly outside the 3 month deadline. The delay that occurred was due to the Christmas holiday period and the availability of members of the Hearing Sub-Committee during January 2012.

Proposals

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

Training and Communications Issues Arising

13. 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

14. 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