

STANDARDS COMMITTEE

20 November 2006

COMPLAINT RELATING TO COUNCILLOR WRIGHT

REPORT OF CITY SECRETARY AND SOLICITOR – AS MONITORING OFFICER

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The report relates to a complaint made about Councillor Wright which was referred by the Standards Board to the Monitoring Officer for local investigation. The complaint relates to Councillor Wright's involvement in a planning application for alterations to the Wallers Ash Shooting Ground, South Wonston.

As Stephen Whetnall had previously given some advice on this matter to Councillor Wright, he advised the parties that he would not undertake the investigation himself, nor advise the Committee.

The investigation was undertaken by Bevan Brittan LLP, a firm of solicitors with some expertise in this work, and is attached as Appendix A.

The complaint was to the effect that Councillor Wright failed to declare a personal and prejudicial interest at a meeting of the Planning Development Control Committee (PDC) on 29 July 2004. This allegation was subsequently withdrawn when it became apparent that Councillor Wright had not attended that meeting.

The complaint also anticipated a breach of the Code at a meeting of PDC to be held on 16 February 2006, though it was not referred by the Standards Board to the Council until after the meeting had taken place. Bevan Brittan concluded that Councillor Wright had a personal interest in the planning application by virtue of the noise impact upon his home. He had declared this interest at the meeting and Bevan Brittan found that he did not have a prejudicial interest and so was not required to withdraw from the meeting.

The view of Bevan Brittan, therefore, is that there was no failure by Councillor Wright to comply with the relevant provisions of the Code of Conduct.

Howard Bone, Deputy Monitoring Officer, will advise the Committee for this item.

RECOMMENDATIONS:

- 1 That the Committee determines whether:
 - (a) it accepts the conclusions of the investigator's report, stating its reasons, that there has not been a breach of the Code of Conduct, or
 - (b) it considers that the matter should be considered further and determined by a Standards Sub-Committee.
- 2 If the Committee accepts the conclusions of the investigator's report, then it should also consider whether there is a need for any general guidance arising from the issues raised.

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DETAIL:

1 Introduction

- 1.1 The Ethical Standards Officer at the Standards Board referred this complaint to the Monitoring Officer for local investigation.
- 1.2 The report of Bevan Brittan, appointed to undertake the investigation, is set out in Appendix A. The complaint is set out in detail in paragraph 1, page 3 of the report. Findings of fact are contained in paragraph 4, pages 5 to 10. This is followed by an analysis of whether there had been a failure to comply with the Code in paragraph 5, pages 10 to 16.
- 1.3 The detailed supporting papers to the report are also attached as Appendices 1 to 111 (for Members of the Committee).
- 1.4 Bevan Brittan's conclusion and recommendation that there was no failure to comply with the Code is set out in paragraph 6, page 17 of the report.

2 Role of the Committee

- 2.1 If the Investigator had found that there had been a breach of the Code then the Local Government Act 2000, associated regulations and guidance, would require a formal hearing to be held. The formal procedure would be conducted in accordance with Standards Board Guidance for local hearings. A Standards Sub-Committee, chaired by an Independent Member, would conduct the hearing with the investigator and Councillor concerned having the opportunity to state their cases.
- 2.2 However, if an investigator considers that there has not been a breach of the Code, then the procedure is for that report to be made to a full meeting of the Standards Committee itself, to see if the Committee accepts that view. The purpose of the meeting is not to conduct a hearing. Neither the Councillor, nor others involved, are allowed to give evidence or make representations at the meeting. For that reason, and to avoid additional expense, Bevan Brittan will not be at the meeting.

3 Procedure at the Meeting

- 3.1 Howard Bone, Deputy Monitoring Officer, will be available to advise on law and procedure. Members should first raise any questions of this nature in public session.
- 3.2 It is up to the Committee whether it debates the issue in public session or whether it goes into exempt session (under paragraph 7(c) Schedule 12A Local Government Act 1972) to consider its findings.

- 3.3 The Committee's decision should be announced in public session. The options are that the Committee accepts the report's conclusions that there has not been a breach of the Code, or that it considers that the matter should be considered further and determined by a Standards Sub-Committee.
- 3.4 After the matter is determined a public notice has to be placed in the press indicating the finding and giving reasons. However, the Councillor can request that the notice is not published if the finding is that there has not been a breach of the Code.
- 3.5 If the Committee decides there is no need for a hearing, it should then consider whether there are any issues for future general guidance. If a hearing is thought to be needed then any issues of this nature should be left for the Sub-Committee to determine.

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

- 4.1 Relevant to "our values as an organisation determine the quality of services we provide".

5 RESOURCE IMPLICATIONS:

- 5.1 The cost of using an external firm to undertake the investigation, and the associated internal costs in obtaining information and making other associated arrangements is £7,000 approx. The cost can be met from existing budgets.

BACKGROUND DOCUMENTS:

Report from Bevan Brittan LLP, and appendices.

APPENDICES:

Appendix A – Report of Investigation - Bevan Brittan LLP

Appendices 1-3 – Supporting background documents to the Report (supplied to the Committee, Councillor Wright and the complainant).