

**Winchester City Council
Standards Sub Committee Decision Notice**

Date of Determination
Member
Name of Authority

1 July 2010
Councillor Steven Middleton
New Alresford Town Council

The complaints considered by the Standards Sub-Committee alleged that Councillor S Middleton:

- failed to enter in the Register of Interests (“the Register”) three contracts between Middleton Builders and/or Middleton Builders Limited and New Alresford Town Council (“the Town Council”); and.
- failed to declare those interests arising as a consequence of the three contracts with the Town Council at those various relevant meetings he had attended, and
- had a personal interest which he has failed to declare at meetings of the Town Council by virtue of his association with an individual with an interest in land in New Alresford.

The First Complaint

The Sub-Committee considered that having regard to the course of dealing between Councillor Middleton’s businesses and the Town Council and Councillor Middleton’s experience as a building contractor, each of the three contracts referred to in the complaint constituted contracts between the Town Council and Middleton Builders Limited or Middleton Builders.

The Sub-Committee found that there had been a breach of the Code in respect of the first, second and third contracts and the requirements of the New Alresford Town Council Code of Conduct at Paragraph 13 that such contracts must be entered upon the Register.

The Sub-Committee noted that prior to the hearing Councillor Middleton had accepted that there had been a breach of the Code insofar as the third contract. The Sub-Committee noted that since the complaint had been lodged Councillor Middleton had entered those interests on the Register in accordance with the Code of Conduct.

The Second Complaint

The Sub-Committee found that Councillor Middleton attended a meeting of the Town Council on 9 April 2009 and 9 July 2009 at which reference was made to the third contract and at which payment to Councillor Middleton’s business was approved.

The Sub-Committee found there to be a breach of the Code of Conduct because Councillor Middleton failed to declare a personal and prejudicial

interest and to withdraw from the meeting in accordance with Paragraphs 8,9,10 and 12 of the Code of Conduct.

The Sub-Committee noted that Councillor Middleton accepted that he should have made a declaration and withdraw from each meeting.

The Sub-Committee found no breach in respect of the first and second contract because Councillor Middleton had not attended any meetings of the Town Council at which such contracts had been considered.

The Third Complaint

The Sub-Committee made a finding that Councillor Middleton had not failed to comply with the Code of Conduct because the owner of the land which was the subject of a planning application and considered by the Town Council was not a “relevant person” for the purposes of the Code of Conduct, that there was therefore no personal interest and that consequently that there has been no breach of the Code.

The Sanction

The Sub-Committee decided that a sanction be imposed in relation to the breaches detailed such that Councillor Middleton undertake a formal training session with the Monitoring Officer.

Councillor Middleton has the right to apply in writing to the President of the First Tier Tribunal (Local Government Standards in England) for permission to appeal against that finding. The President must receive the member’s written application within 21 days of the member receiving notice of the Standards Committee’s decision.

Stephen Whetnall
Monitoring Officer
Winchester City Council

22 July 2010