

**Monitoring Officer's Report to the MK Standards Committee Hearing  
14<sup>th</sup> September 2006**

## **Annexe A**

### **Ethical Standards Officer's Report**

**CONFIDENTIAL**

SBE13980.06

REPORT OF AN INVESTIGATION UNDER  
SECTION 59 OF THE LOCAL GOVERNMENT ACT  
2000 BY STEVEN KINGSTON, ETHICAL  
STANDARDS OFFICER, INTO AN ALLEGATION  
CONCERNING COUNCILLOR ROBIN BOWEN-  
WILLIAMS, A MEMBER OF BLETCHLEY & FENNY  
STRATFORD TOWN COUNCIL

**19 June 2006**

Confidence in local democracy

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## 1 Summary

- 1.1 Ms Maria Craig alleges that Cllr Robin Bowen-Williams, a member of Bletchley & Fenny Stratford Town Council, has brought his office or authority into disrepute by driving a motor vehicle whilst having consumed alcohol in excess of the legal limit, for which offence he pleaded guilty, was convicted, fined £200 and banned from driving for 12 months.
- 1.2 I consider that, in driving whilst having consumed alcohol in excess of the legal limit, for which he was convicted in the Magistrates' Court, Cllr Bowen-Williams' conduct could reasonably be regarded as having brought his office or authority into disrepute.
- 1.3 My finding, pursuant to section 59(4)(c) of the Local Government Act 2000, is that the matters which are the subject of the investigation should be referred to the Monitoring Officer of Milton Keynes Council for adjudication by the Standards Committee of that Council.

## 2 Relevant Legislation

- 2.1 The Council adopted the Model Code of Conduct [annex SK1] on 19 March 2002.
- 2.2 Paragraph 4 of the Code of Conduct states that a member must not in his official capacity, or in any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.
- 2.3 The Relevant Authorities (General Principles) Order 2001 [annex SK2] lists the principles on which the Model Code of Conduct is based. General Principle 2 states:
 

" Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour."
- 2.4 General Principle 8 of the Order states:
 

"Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them."
- 2.5 Section 5(1) of the Road Traffic Act 1988 [annex SK4] states:

“ 5(1) If a person—

- (a) drives or attempts to drive a motor vehicle on a road or other public place, or
- (b) is in charge of a motor vehicle on a road or other public place, after consuming so much alcohol that the proportion of it in his breath, blood or urine exceeds the prescribed limit he is guilty of an offence.”

2.6 The prescribed concentration of alcohol is 80 milligrams of alcohol in 100 millilitres of blood.

### **3 Councillor's Official Details**

- 3.1 Councillor Bowen-Williams was elected to office in June 2001 and re-elected in May 2004. Councillor Bowen-Williams' term of office is for a period of four years. Councillor Bowen-Williams currently serves on the following committees; Chair of the Finance and General Purposes Committee; member of the Community and Grants Committee; member of the Council Executive Committee.
- 3.2 Councillor Bowen-Williams signed to agree to observe the Code of Conduct on 15 June 2004 following his re-election [annex SK3].
- 3.3. At the time of the incident which gave rise to the allegation, Councillor Bowen-Williams had not received training on the Code of Conduct.

### **4 Evidence and Ethical Standards Officer's Considerations on the Facts**

- 4.1 I have taken into account evidence from the complainant, Ms Maria Craig, Cllr Robin Bowen-Williams, and documentary evidence obtained from the Clerk to Bletchley and Fenny Stratford Town Council and the Clerk to the Justices of Aylesbury Magistrates' Court.
- 4.2 On 3 November 2005 Cllr Bowen-Williams had an accident in his car on a country road at Drayton Parslow. No other vehicles were involved in the incident. When tested, Cllr Bowen-Williams was found to have 82 milligrams of alcohol in 100 millilitres of blood, 2 milligrams in excess of the legal limit.
- 4.3 Ms Craig states that Cllr Bowen-Williams' offence occurred near Christmas, at a time when the Council had dedicated its notice boards to a drink awareness campaign [annex SK8]. Ms Courtney, the Town Clerk, states that she cannot recall if this was the case, but it is possible [annex SK11].
- 4.4 Although Ms Craig states that Cllr Bowen-Williams' offence occurred near Christmas, at a time when the Council had dedicated its notice boards to a drink awareness campaign, I do not consider that the offence – which took place on 3 November 2005 – could reasonably be

described as being "near Christmas" and that the existence of any local pre-Christmas publicity campaign is therefore relevant.

- 4.5 In mitigation, Cllr Bowen-Williams states that he believes the accident, in which he lost control of the vehicle, was caused by a tyre blowing out. He states that he did not lose control of the vehicle because he had been drinking. Cllr Bowen-Williams states that at the time he had drunk two pints of standard strength beer and he did not feel incapable of driving and, when tested, he was only slightly above the legal limit [annex SK10].
- 4.6 On 13 December 2005 Cllr Bowen-Williams appeared before Aylesbury Magistrates' Court charged with driving a motor vehicle whilst having consumed alcohol in excess of the legal limit. Cllr Bowen-Williams pleaded guilty. He was convicted and fined £200 and banned from driving for 12 months [annex SK5].
- 4.7 Ms Craig states she believes Cllr Bowen-Williams was convicted of the same offence sometime during the 1990s [annex SK9]. Ms Craig has not provided evidence to support this belief.
- 4.8 Cllr Bowen-Williams states that he has no previous convictions for this offence, as alleged by Ms Craig [annex SK10]. The entry in the court register has nothing listed in the section headed "date last pre-con". which would detail any previous convictions, as no DVLA response had been sought, which might have shown prior driving offences [annex SK5].
- 4.9 I have seen no conclusive evidence to support Ms Craig's claim that Cllr Bowen-Williams had been convicted of the same offence on an earlier occasion. In any event, I do not need to resolve this dispute, because even if Cllr Bowen-Williams had been convicted of a similar offence in the 1990s any such conviction would pre-date by several years the Council's adoption of the Code of Conduct in March 2002. It is not therefore a matter that I could reasonably have considered in reaching my finding.
- 4.10 Articles relating to Cllr Bowen-Williams' conviction were published in the *Milton Keynes News* on 4 and 11 January 2006. The press publicity made prominent reference to Cllr Bowen-Williams' membership of the Town Council [annex SK6 and annex SK7].
- 4.11 Cllr Bowen-Williams chairs the Council's Finance and General Purposes Committee of the Council which has the core responsibility on behalf of the Council for traffic, transport and road safety, amongstst that committee's other responsibilities [annex SK11]. Cllr Bowen-Williams was Chair of that committee at the time of his accident and of his conviction.

- 4.12 Cllr Bowen-Williams states that has received a number of messages in writing, in person and by telephone from local people offering understanding and sympathy, following the publicity arising from his conviction [annex SK10].
- 4.13 At its meeting on 17 January 2006 the Council considered the conduct of Cllr Bowen-Williams. The members present unanimously agreed the following motion:

"The Council regrets that Councillor Bowen-Williams has been found guilty of drink driving and considers it to be a serious matter and necessary for the Councillor, not the Council, to address. The Council does not however consider that Councillor Bowen-Williams should resign over this matter and trusts that he will continue to use his considerable experience for the benefit of the residents of Bletchley and Fenny Stratford"

The minutes state "Members agreed unanimously to this motion, Robin Bowen Williams abstained from voting. Robin publicly emphasized his own personal regret over the incident and regrets any problems that his actions have caused to others" [SK13].

## 5 Reasoning

- 5.1 It is undisputed that Councillor Bowen-Williams has been convicted of driving whilst having consumed alcohol in excess of the legal limit. Paragraph 4 of the Council's Code of Conduct states that:
- 'A member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.'
- 5.2 Paragraph 4 applies to a member regardless of whether he is acting in an official or a private capacity. I have therefore considered whether Councillor Bowen-Williams' conviction constitutes conduct which could reasonably be regarded as bringing his office or authority into disrepute.
- 5.3 The Oxford English Dictionary defines disrepute as 'a lack of good reputation or respectability, discredit'. Anything that diminishes the public confidence in either a member's office or their authority, or which harms the reputation of the authority, will bring that office or authority into disrepute.
- 5.4 It is not necessary to prove that a member's actions have diminished public confidence or harmed the authority's reputation in order to show a failure to comply with paragraph 4. The test is whether or not a member's conduct 'could reasonably be regarded' as having these effects. Any criminal conviction of a member could bring his or her authority into disrepute, but consideration must be given to the individual circumstances of each case.

- 5.5 Whilst I note that Cllr Bowen-Williams was only slightly in excess of the legal limit when driving a vehicle on 3 November 2005, he nevertheless committed an offence under the Road Traffic Act 1988, for which he appeared in court and was convicted. Cllr Bowen-Williams' offence, court appearance and conviction were reported in the local press. Reference to his membership of the Town Council was included prominently in those reports.
- 5.6 Cllr Bowen-Williams was at the time of the offence and conviction, and remains, Chairman of the Council's Finance and General Purposes Committee which has responsibility for traffic, transport and road safety matters on behalf of the Council.
- 5.7 Driving whilst having consumed alcohol in excess of the legal limit is an offence that not only reflects poor judgement but also demonstrates a disregard for the safety and well being of others. Driving whilst under the influence of alcohol in excess of the legally prescribed limit is regarded as socially unacceptable.
- 5.8 In addition, the Relevant Authorities (General Principles) Order 2001, which lists the principles on which the code of conduct is based, states:
- 2) Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- 8) Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
- 5.9 In my view, Councillor Bowen-Williams' conduct fell short of both principles.
- 5.10 I have seen no evidence that at the time of the incident, which resulted in his prosecution and conviction, Cllr Bowen-Williams was engaged in council business. However, even though the conduct related to Cllr Bowen-Williams' private capacity and he was not acting in an official capacity at the time, I consider that, in driving whilst having consumed alcohol in excess of the legal limit, for which he was convicted in the Magistrates' Court, Cllr Bowen-Williams' conduct could reasonably be regarded as having brought his office or authority into disrepute. In my view, Cllr Bowen-Williams therefore failed to comply with paragraph 4 of the Council's Code of Conduct.

## 6 Finding

- 6.1 My finding, pursuant to section 59(4)(c) of the Local Government Act 2000, is that the matters which are the subject of the investigation



should be referred to the Monitoring Officer of Milton Keynes Council for adjudication by the Standards Committee of that Council.



Steven Kingston  
Ethical Standards Officer

19 June 2006