



**MINUTES OF A MEETING OF THE STANDARDS COMMITTEE ADJUDICATION SUB-COMMITTEE PRE-HEARING HELD AT THE FORLI ROOM - TOWN HALL
ON 2 DECEMBER 2010**

Present: Councillors N Khan and G Murphy

Independent Members: D Whiles (Chairman) and B Fearon

Officers Present: Amy Brown, Solicitor
Louise Tyers, Scrutiny Manager

1. Apologies

There were no apologies for absence.

2. Declaration of Interests

Councillor Murphy declared a personal interest in that his Group Leader was mentioned in the exempt annex.

3. Exclusion of the Press and Public

The deputy Monitoring Officer had recommended that the annex remained exempt as it related to the deliberations of a Standards Committee or sub-committee established under the provisions of Part 3 of the Local Government Act 2000. The public interest test had been applied to the information that was contained within the annex and it was considered that the need to retain the information as exempt outweighed the public interest in it because it related to as yet unproven allegations against a Councillor and until the Committee had the opportunity to consider the information in the investigation report it was not considered appropriate for information to be in the public domain.

A reporter from the Evening Telegraph requested permission to be able to make a case as to why the annex should be considered in public. He stated that paragraph 1.2 of the public report stated that the Monitoring Officer had found that there had been a failure to comply with the Code of Conduct and therefore he argued that it was in the public interest for details of the case to be made public.

The Solicitor clarified that it would be the Committee and not the Monitoring Officer who would ultimately decide if there had been a breach in the Code of Conduct. Tonight's meeting was to decide if the full hearing would be held in public.

The recommendation to consider the annex in exempt session was put to the vote and was agreed unanimously, therefore it was:

RESOLVED that in accordance with Standing Orders, the exempt annex relating to agenda item 4, Monitoring Officer's Investigation Report into a Complaint, which, in accordance with Paragraph 7c, Schedule 12(a) Part 1 of the Local Government Act 1972 contained exempt information relating to the deliberations of a Standards Committee or sub committee established under the provisions of Part 3 of the Local Government Act 2000 and the press and public would be excluded from the meeting when it was discussed.

4. Monitoring Officer's Investigation Report into a complaint against an Elected Member

The press and public were excluded from the meeting.

On 12 August 2010 the Standards Committee Assessment Sub-Committee met and concluded that there was sufficient evidence for this complaint to be investigated. The deputy Monitoring Officer had investigated the complaint and her report was attached as an exempt annex.

In respect of the first two sections of the complaint, the Monitoring Officer's finding was that there had been a failure to comply with the Code of Conduct. A breach of the Code meant that this matter was automatically referred for hearing. In respect of the remaining section, the Monitoring Officer's conclusion was that there had not been a failure to comply with the Code.

Subject to any objection by the member it was proposed that this matter would be heard in public in January 2011.

RESOLVED

- (i) that a hearing will be held in January 2011 to consider this matter; and
- (ii) that the hearing will be held in public unless there is a valid reason.

CHAIRMAN
7.10 - 7.42 pm