

STANDARDS COMMITTEE ADJUDICATION SUB-COMMITTEE PRE HEARING	AGENDA ITEM No. 4
Date 3 June 2009	PUBLIC REPORT

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MONITORING OFFICER'S INVESTIGATION REPORT INTO A COMPLAINT

R E C O M M E N D A T I O N
FROM : SOLICITOR TO THE COUNCIL & MONITORING OFFICER
That the Committee consider the contents of the Monitoring Officer's investigation report into a complaint and determines whether to take any further action.

1. PURPOSE - FOR DECISION

- 1.1 On 21 January 2009 the Standards Committee Assessment Sub-Committee met and concluded that there was sufficient evidence for this complaint to be investigated. The Monitoring Officer has investigated the complaint and her report is attached as an exempt annex. The Monitoring Officer recommends that this annex remains exempt in accordance with Paragraph 7c, Schedule 12(a) of Part 1 of the Local Government Act 1972 in that it relates 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 has been applied to the information that is contained in the annex and it is considered that the need to retain this information as exempt outweighs the public interest in it because it relates to as yet unproven allegations against a Councillor and until the Committee has had the opportunity to consider the information in the investigation report it is not considered appropriate for the information to be in the public domain. It will be for the Standards Adjudication Sub Committee to decide at the pre-hearing whether it wishes to meet in public or keep the information as exempt.
- 1.2 The investigation report contains details of the complaint which has been divided into three sections. In respect of one section, the Monitoring Officer's conclusion is that there has not been a failure to comply with the Code. The Standards Sub-Committee must consider whether it agrees with that finding, and, if so, must determine whether or not to take any further action.
- 1.3 In respect of the two remaining sections of the complaint, the Monitoring Officer's finding is that there has been a failure to comply with the Code of Conduct. The Standards Sub-Committee is required to consider whether or not it agrees with the conclusion of the Monitoring Officer, and if that is the conclusion then it must consider whether to hold a Determination Hearing at which the subject member will be given the right to representation.

2. LEGAL, FINANCIAL AND HUMAN RIGHTS IMPLICATIONS

- 2.1 There are no specific financial implications of this report. In respect of both legal and human rights implications, the Monitoring Officer confirms that that this investigation has been carried out under Section 59 of the Local Government Act 2000 and is therefore compliant with all legal requirements and is consistent with the Human Rights Act.

3. BACKGROUND INFORMATION

None.

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