

STANDARDS COMMITTEE ADJUDICATION SUB-COMMITTEE PRE HEARING	AGENDA ITEM No. 4
2 December 2010	PUBLIC REPORT

Contact Officer(s):	Kim Sawyer, Deputy Monitoring Officer	Tel. 452527
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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 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 has investigated the complaint and her report is attached as an exempt annex. The deputy 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 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 the first two sections of the complaint, the Monitoring Officer's finding is that there has been a failure to comply with the Code of Conduct. A breach of the Code means that this matter is automatically referred for hearing. The Members have to decide whether the alleged breach is appropriate to be heard by the adjudication sub-committee or referred on to the Adjudication Panel for England. Referral to the Adjudication Panel will only be necessary for the most serious cases.
- 1.3 In respect of the remaining 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.

2. PROPOSED HEARING DATES

- 2.1 The proposed hearing dates for this matter are:
 - Monday 17 January all day; or
 - Tuesday 25 January from 2pm
- 2.2 Subject to any objection by the member it is proposed that this matter be heard in public. The sub-committee should raise any concerns about information within the report they consider to be exempt at this stage.

3. NEXT STEPS

- 3.1 Following this report the Member will be contacted and asked to outline any evidence in dispute and be advised of the hearing procedure.

4. LEGAL, FINANCIAL AND HUMAN RIGHTS IMPLICATIONS

- 4.1 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.

5. BACKGROUND INFORMATION

None.