

<b>STANDARDS COMMITTEE ADJUDICATION SUB-COMMITTEE PRE HEARING</b>	<b>AGENDA ITEM No. 4</b>
<b>7 April 2011</b>	<b>PUBLIC REPORT</b>

Contact Officer(s):	Kim Sawyer, Deputy Monitoring Officer	Tel. 452527
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## **MONITORING OFFICER'S INVESTIGATION REPORT INTO A COMPLAINT**

<b>R E C O M M E N D A T I O N</b>
<b>FROM : SOLICITOR TO THE COUNCIL &amp; MONITORING OFFICER</b>
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 2 December 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. 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 No hearing date is proposed at present as the member was found not to have breached the Code.
- 2.2 The Sub-Committee's role here is to decide, based on the facts in the report, whether it agrees that the Code has not been breached or if there is a case to answer.
- 2.3 If the Sub-Committee believes there is a case to answer, i.e. it disagrees with the findings in the report, there will be a hearing. Members will be asked to indicate a suitable date and time for the hearing.
- 2.4 If the Sub-Committee agrees that the Code has not been breached, the Monitoring Officer will arrange for a notice to be published in a local newspaper. The notice will state the standards committee's finding, and give reasons for it. In cases where the Sub-Committee finds that the Code has not been breached, the subject member is entitled to insist that the notice is not published anywhere.

- 2.5 The Sub-Committee must, as soon as possible after making its decision, give written notice of its finding to the subject member and the complainant. The Monitoring Officer will be asked to arrange this on behalf of the Sub-Committee

#### **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.