

STANDARDS COMMITTEE

ALLEGED BREACH OF THE CODE OF CONDUCT 24th January 2014

Report of the Monitoring Officer

PURPOSE OF REPORT

To enable the Committee to consider the Investigating Officer's report in complaint 3/13.

This report and appendix 1 are public, but appendix 2 (the investigating officer's report) is exempt from publication by virtue of paragraph 1 (information relating to any individual) of Schedule 12A to the Local Government Act 1972 . The Committee will consider at the commencement of the meeting whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

RECOMMENDATIONS

- (1) That the Committee consider whether it is appropriate and in the public interest for the hearing to take place in public, with the Investigating Officer's report (or part thereof) being made available to the public.**
- (2) That the Committee consider the Investigating Officer's report in accordance with the Standards Committee's Hearing Procedure, and determine whether or not there has been a breach of the Code of Conduct, and, if so, the appropriate sanction or recommendation.**

1.0 Introduction

- 1.1 The Committee is required to consider, in accordance with the Standards Committee's Hearing Procedure, (included in Appendix 1 to this report) the Investigating Officer's report (Appendix 2 to this report), and to determine whether there has been a breach of the relevant Code of Conduct, and if so, the appropriate sanction.
- 1.2 In accordance with the Pre-hearing Procedure, the Committee would normally have the pre-hearing forms submitted by the Subject Member and the Investigating Officer's comments thereon. However, the Subject Member has declined to complete such forms. He was advised of the date of this hearing on the 20th November 2013, and was advised also that if he wished to be represented or to call witnesses, then he should inform his representative and witnesses of the date of the hearing. This was reiterated and further information about the hearing given in a letter to the Subject Member of the 18th December 2013. The Subject Member had indicated on the 20th November that he would not be attending the meeting.

2.0 Proposal Details

- 2.1 The Committee will first need to consider whether or not the press and public should be admitted to the hearing. Appendix 2, (which is the investigating officer's report and the appendices thereto) has been marked as exempt because it contains information about named individuals. It was felt inappropriate that such documents should be made public in advance of their consideration by the Committee at this hearing. However, in considering whether or not to hold the hearing in public, the Committee will wish to consider whether the public interest in transparency and openness outweighs the public interest in withholding the information. The Committee will wish to consider any representations from the Subject Member and the Investigating Officer on this point.
- 2.2 If the Committee is minded to hold the hearing in public, then it would be appropriate to make the investigating officer's report available to the public. However, in view of the personal data included in the appendices to the investigating officer's report, some of which relates to persons who are not parties to the complaint, the Committee may feel that it is appropriate that those appendices should remain exempt from publication, with the press and public excluded from any part of the hearing (if any) where it is necessary to discuss those appendices in such detail that that personal data would be disclosed.
- 2.3 In the event that the Committee were minded to exclude the press and public from the hearing, it would be necessary for it to resolve that in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting on the grounds that it could involve the possible disclosure of exempt information as defined in paragraph 1 of Schedule 12A of that Act.
- 2.4 Having decided whether or not to proceed in public, the Committee should proceed with the hearing following its Hearing Procedure (included in Appendix 1).
- 2.5 The Independent Person, Mr Tony James, will be present at the hearing in an advisory, non-voting capacity.
- 2.6 The Committee should make a determination as to whether or not there has been any breach of the relevant Code of Conduct. If the determination is that there has been a breach, the Committee will proceed to consider the appropriate sanction. The sanctions available to the Committee are set out in paragraphs 20 and 21 of the Hearing Procedure (Appendix 1), bearing in mind that the Subject Member is a parish/town councillor.