

Report to	<b>Standards Consideration Sub-Committee</b>
Date	<b>19 May 2015</b>
By	<b>Monitoring Officer</b>
Title of Report	<b>Investigation Report concerning Allegation of Failure to Comply with the Members' Code of Conduct</b>
Purpose of Report	<b>To present the Investigation Report to the Standards Consideration Sub-Committee for the Sub-Committee to determine either that there was no failure to observe the Code of Conduct, or that the matter be referred to the Standards Hearings Sub-Committee</b>

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**Recommendation: That the Sub-Committee:**

- 1) receive and consider the Investigation Report set out in Appendix I to this report; and**
  - 2) determine either that there was no failure to observe the Code of Conduct, or that the matter be referred for consideration at a hearing before the Standards Hearings Sub-Committee.**
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**I. Reasons Appendix I to this Report is Not for Publication**

- I.1 Appendix I to this report is not for publication as it contains exempt information within Paragraphs 1 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972, being information relating to any individual, including information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Further, it is considered that, in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing this information. While there may be a public interest in disclosing this information, namely openness and transparency in the Authority's handling of a complaint about the conduct of one of its Members, it is felt that, on balance, this is outweighed by other factors in favour of maintaining the exemption, namely that the Authority's procedures for handling complaints against Members do not permit the Subject Member to participate in the meeting of the Standards Consideration Sub-Committee, which is a consideration of the written evidence only. In its procedures, the Authority indicates its expectation that this meeting shall not normally be open to the press and public. The Authority's procedures go on to provide that, if the matter is referred for consideration by the Standards Hearings Sub-Committee, the Subject Member will have the opportunity to participate in the hearing and that these proceedings shall normally be held in public.

**2. Background**

- 2.1 By letter dated 12 January 2015, an allegation was made that a Member of the Authority (the Subject Member), had failed to comply with the Authority's Members' Code of Conduct (the Code of Conduct).
- 2.2 In accordance with the Authority's Arrangements for Assessment, Investigation and Determination of a Complaint that a Member has failed to Comply with the Members' Code of Conduct (the Procedures), the matter was considered by the Standards Assessment Sub-

Committee which met on 23 January 2015 and 3 February 2015. The Sub-Committee decided that the complaint fell within its jurisdiction and that the alleged conduct, if proven in due course, may amount to a failure to comply with the Code of Conduct.

- 2.3 The Sub-Committee decided to refer the allegation to the Monitoring Officer with an instruction that she arrange a formal investigation of the allegation in accordance with the Procedures.

- 2.4 The Monitoring Officer made arrangements for the investigation to be carried out by the Authority's Deputy Monitoring Officer (the Investigating Officer).

### **3. The Investigating Officer's report and finding**

- 3.1 The Investigating Officer's written report is attached as Appendix I to this report.
- 3.2 As part of the investigation, the Investigating Officer undertook a number of interviews and the relevant statements are set out in the investigation report, in Enclosures 9, 10, 11 and 12.
- 3.3 The Investigating Officer's considerations regarding whether the Subject Member's conduct breached the Code of Conduct are set out in Section 6 of the investigation report, and her finding is set out in Section 7.

### **4. Procedures for Handling Allegations of Failure to Comply with the Code of Conduct**

- 4.1 A copy of the Procedures is included as Enclosure 6 in Appendix I to this report. The Code of Conduct is included as Enclosure 7 in Appendix I.
- 4.2 In accordance with Paragraph 14.1 of the Procedures, in consultation with the Chair of the Governance Committee, the Monitoring Officer appointed and convened this meeting of the Standards Consideration Sub-Committee, the composition of which complies with Paragraph 14.2 of the Procedures.
- 4.3 Paragraph 5 of the Procedures refers to the role of the Independent Person appointed by the Authority under the Localism Act. The Authority has appointed Graham Ault to this role and, in accordance with paragraph 5.3, he has been invited to attend the Sub-Committee's meeting to provide his views on this matter.

### **5. The Task of the Sub-Committee**

- 5.1 The purpose of the meeting is set out in Paragraph 15 of the Procedures. The Sub-Committee must determine whether:
- It finds that there was no failure to observe the Code of Conduct; or
  - The matter should be referred for consideration at a hearing before the Standards Hearings Sub-Committee.

### **6. What are the next steps?**

- 6.1 If the Sub-Committee makes a finding of no failure to observe the Code of Conduct, the Monitoring Officer shall give written notification of this finding to the Subject Member and the Complainant. The Monitoring Officer shall also arrange for a notice to be published on the Authority's website, stating that there has been no failure to comply with the Code of Conduct, unless the Subject Member requests that no such notice be published.
- 6.2 If the Sub-Committee decides that the matter should be referred to consideration at a hearing before the Standards Hearings Sub-Committee, then, in consultation with the Chair

of the Governance Committee, the Monitoring Officer shall appoint, and convene a meeting of, the Standards Hearings Sub-Committee for this purpose.

**7. Risk management**

- 7.1 Any failure to uphold high standards of conduct has the potential to cause reputational damage to the Member concerned, and also to the Authority.

**8. Human Rights, Equalities, Health and Safety**

- 8.1 The Procedures have been designed to strike a fair balance between ensuring robust arrangements for the handling of complaints about Member conduct, and providing the opportunity for Members to respond to any complaint about them.

**9. External Consultees**

- 9.1 None

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Appendix I	Investigation Report with enclosures

SDNPA Consultees	None
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