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| <b>STANDARDS HEARING SUB-COMMITTEE</b> | <b>Agenda Item: 3</b> |
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| <b>Meeting Date</b>     | 5 October 2012                                   |
| <b>Report Title</b>     | <b>COMPLAINT OF MEMBER MISCONDUCT: SBC 02.12</b> |
| <b>Portfolio Holder</b> | Leader   |
| <b>SMT Lead</b>         | Director of Corporate Services                   |
| <b>Head of Service</b>  | Interim Head of Legal and Democratic Services    |
| <b>Lead Officer</b>     | Assistant Solicitor                              |
| <b>Key Decision</b>     | <b>No</b>  |
| <b>Classification</b>   | <b>Open with Restricted Appendices</b>           |
| <b>Forward Plan</b>     | <b>Reference number N/A</b>                      |

|                        |   |
|------------------------|---|
| <b>Recommendations</b> | 1. That the Standards Hearing Sub-Committee conducts the hearing in accordance with the Hearing Procedure for the Standards Sub-Committee.                                    |
|                        | 2. That the Standards Sub-Committee considers the Investigator's report and determines whether there has been any breach, or breaches, of the Code of Conduct                 |
|                        | 3. If the Standards Sub-Committee finds that there has been a breach, or breaches, of the Code of Conduct, that it should determine what sanction, if any, should be imposed. |

## **1. Purpose of Report and Executive Summary**

- 1.1.1 This report concerns the Hearing of the Complaint of Member Misconduct: SBC 02.12. It presents the Investigator's report, which found that there has been a breach of the Members' Code of Conduct. The Sub-Committee is asked to determine whether there has been any breach, or breaches, of the Code of Conduct. If it finds that there has been a breach, then to determine what sanction, if any, should be imposed.

## **2 Background**

- 2.1 On the 28 February 2012, the Standards Referrals Sub-Committee considered the complaint of alleged misconduct. The decision of the Standards Referrals Sub-Committee was to refer the complaint to the Monitoring Officer for investigation. On the 4 September 2012, the Standards Consideration and Pre-

hearing Sub-Committee considered the Investigator's Report and decided that it should be referred to a hearing.

### **3 Proposals**

- 3.1 The Investigator found that there had been a breach of the Code. The Standards Hearing Sub-Committee is now being asked to hear the matter and decide whether or not there has been a breach, or breaches, of the Code of Conduct. If it determines that there has been a breach, the Sub-Committee must consider what sanction to impose, if any.
- 3.2 The Investigator's Report is attached as exempt Appendix I. Members will see from the Pre-Hearing Process Summary and forms completed by the Subject Member [Appendices III(a) and (b)] that he disagrees with some of the Investigator's findings of fact and denies being in breach of paragraphs 9 and 12 of the Code of Conduct.
- 3.3 The Hearing Procedure for this Sub-Committee is attached as Appendix IV.

### **4 Alternative Options**

- 4.1 The proposals in this report are subject to the transitional arrangements set down in article 7 of the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012. These arrangements are mandatory so a departure from these proposals would not be recommended.

### **5 Consultation Undertaken or Proposed**

- 5.1 Not applicable.

### **6 Implications**

| <b>Issue</b>                     | <b>Implications</b>   |
|----------------------------------|---|
| Corporate Plan                   | None  |
| Financial, Resource and Property | The cost of servicing the Council's committees will be met within existing budgets.   |
| Legal and Statutory              | The proposals in this report relate to duties imposed by Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008, and are being carried out under the transitional arrangements set down in article 7 of the |

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|---------------------------------------|--|
|                                       | <p>Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012.</p> <p>The Report has been prepared in consultation with the Assistant Solicitor and any relevant legislation has been included in the body of the report.</p> |
| Crime and Disorder                    | None identified at this stage  |
| Risk Management and Health and Safety | None identified at this stage  |
| Equality and Diversity                | None identified at this stage  |
| Sustainability                        | None identified at this time.  |

## 7 Exempt Appendices

### 7.1

- **APPENDIX I** – The Investigator’s report, including appendices a) to g)
- **APPENDIX II** – The pre-hearing process summary
- **APPENDIX III(a) and (b)** – Areas in dispute with comments from the Subject Member and Investigator
- **APPENDIX III (c)** – Form d - Arrangements for the standards committee hearing completed by the Subject Member
- **APPENDIX IV** – Hearing Procedure