

STANDARDS HEARING SUB-COMMITTEE

Meeting Date	19 June 2017
Report Title	COMPLAINT OF MEMBER MISCONDUCT: SBC 1.17
Portfolio Holder	Leader
Report Lead	Donna Price, Interim Deputy Head of Legal Partnership (Solicitor) and Monitoring Officer (Swale)
Lead Officer	Robin Harris, Senior Lawyer
Key Decision	No
Classification	Open with Restricted Appendices
Forward Plan	Reference number N/A

Recommendations	1. 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
	2. 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 and/or recommended to full Council.

1. Purpose of Report and Executive Summary

- 1.1.1 This report concerns the Hearing of the Complaint of Member Misconduct: SBC 1.17. It presents the Investigating Officer'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 recommended to the Council.

2 Background

- 2.1 On the 5 January 2017 the previous Monitoring Officer in consultation with the Independent Person considered the complaint of alleged misconduct and referred the matter for investigation to an Independent Investigating Officer. The Decision Notice is at Appendix IV.

3 Proposals

- 3.1 The Investigating Officer 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 recommend, if any.

3.2 The Investigating Officer’s Report is attached as exempt Appendix I, including Appendices A-C. Members will see from the Pre-Hearing Process Summary and the email correspondence between the Subject Member and the Investigating Officer setting out the areas of dispute [Appendices II & III] that he disagrees with some of the Investigating Officer’s findings of fact and denies being in breach of paragraphs 5 and 8, including the principle of leadership of the Code of Conduct.

3.2 The Subject Member’s Declaration of Acceptance of Office and the Hearing Procedure for this Sub-Committee are attached as Appendices V and VI.

4 Alternative Options

4.1 There are no alternative options.

5 Consultation Undertaken or Proposed

5.1 Not applicable.

6 Implications

Issue	Implications
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 the Localism Act 2011.
Crime and Disorder	None identified at this stage
Sustainability	None identified at this stage
Health and Wellbeing	None identified at this stage
Risk Management and Health and Safety	None identified at this stage
Equality and Diversity	None identified at this stage

7 Exempt Appendices

7.1

- **APPENDIX I** – The Investigator’s report, including appendices (A-C)
- **APPENDIX II** – The pre-hearing process summary
- **APPENDIX III** – Email correspondence between the Subject Member and the Investigating Officer setting out the areas of dispute
- **APPENDIX IV** – Decision Notice
- **APPENDIX V** – Declaration of Acceptance of Office
- **APPENDIX VI** – Hearing Procedure