



Standards Committee

2nd May 2012

Report from the Director of Legal and Procurement

For Action

Wards Affected:
ALL

Allegation of a breach of the Code of Conduct

***Not for publication (below the line)**

This report is not for publication because it contains confidential information that will be presented to the Standards Committee set up to consider a matter under regulation 17 of the Standards Committee (England) Regulations 2008.

1. SUMMARY

- 1.1 The Investigator appointed by the Monitoring Officer is completing her report into allegations that Councillor A John has breached the Code of Conduct. The investigator's report will be attached to the supplementary report which will be made available shortly.
- 1.2 As part of the statutory process that must be followed when considering an allegation that a member has breached the Code of Conduct, the Committee is required to either accept where made a Monitoring Officer Investigator's finding that there has been no breach of the Code of Conduct or agree to hold a hearing to determine whether there has been a breach of the Code of Conduct.

2. RECOMMENDATIONS

- 2.1 The recommendations will be set out in the supplementary report.

3. DETAIL

Attendance of the press and public

- 3.1 Section 63(1) and (4) of the Local Government Act 2000 makes the Investigator's report confidential and the disclosure of it an offence for which a term of imprisonment can be imposed. However the report can be disclosed to the Standards Committee to enable it to perform its functions.

- 3.2 At the meeting of Standards Committee the information presented, including the Investigator's report, becomes 'exempt' information by virtue of Regulation 8 of the Standards Committee (England) Regulations 2008. The press and public may be excluded from a meeting where exempt information is considered but only if the committee considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In such circumstances the information is also exempt from publication.
- 3.3 It is therefore for the Committee to decide whether the public interest favours the disclosure of the Investigator's report, in which case the meeting and discussions about the report will be held in public and confidentiality over the report will be waived, or whether the public interest favours maintaining the confidentiality of the report, in which case in so far as detail in the report is discussed, the meeting will be held in private and the press and public excluded.
- 3.4 Standards Board guidance states that in most cases the public interest will favour holding the meeting in public because the complaints process should be as transparent and open as possible.
- 3.6 Monitoring Officer advice on the application of the rules in this matter will be included in the supplementary report.

What the committee is required to do?

- 3.8 The purpose of this report is for the Committee to receive the Investigator's report and to make one of the following findings that is required by legislation (for the avoidance of doubt the Committee can make a different finding in relation to each of the different allegations);
- a) That it accepts, where it is made, an Investigator's finding that there has been no breach of the Code of Conduct; or
 - b) That the matter should be considered at a hearing of the Standards Committee.
- 3.9 Members are asked to note that at this time the Committee has no power to make a finding that there has been a breach of the Code of Conduct as a hearing has to be held before the Committee can reach such a conclusion.
- 3.10 A brief summary of the investigation and each allegation along with recommendations will be set out in the supplementary report.

Next steps

- 3.11 The next steps depend on whether the Committee accepts any Investigator's finding in relation to Councillor John that there has been no breach of the Code of Conduct in relation to the allegations or whether the Committee considers that a hearing should be held to determine whether there has been a breach of the Code of Conduct.
- 3.12 If the Committee accepts any investigator's finding that there has been no breach of the Code of Conduct in relation to the allegations then Councillor John will be given the choice as to whether a notice stating that there has been a finding of no breach of the Conduct in these respects and the matters

that relates to is published in the newspaper and placed on the Council's website.

- 3.13 If the Committee decides to hold a hearing in relation to all or any of the allegations then there will be a hearing of the Standards Committee in respect of those matters.

FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report.

4. STAFFING IMPLICATIONS

- 5.1 There are no direct staffing implications arising from this report.

5. DIVERSITY IMPLICATIONS

- 6.1 Officers believe that there are no specific diversity implications in this report.

6. LEGAL IMPLICATIONS

- 7.1 This allegation has been referred to the Committee under Regulation 17 of the Standards Committee (England) Regulations 2008.
- 7.2 Section 63(1)(aa) of the Local Government Act 2000 provides an exemption for the Standards Committee from the strict requirement not to disclose the Investigator's report.

Background Information

Standards Committee (England) Regulations 2008
'Standards Committee Determinations' – Guidance issued by Standards for England
'How the Council will deal with complaints that a member of the Council has breached the Code of Conduct' – Procedure note issued by Brent Council
'Local Determinations of Allegations of Misconduct against Members of the Council' – Procedure note issued by Brent Council

Should any person require any further information about the issues addressed in this report, please contact Fiona Ledden, Director of Legal and Procurement on 0208 937 1292.

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