

**Standards Sub-Committee
5 December 2022**

***PART 1**

TITLE OF REPORT: Further Hearing – Complaint 9-2022

REPORT OF: THE SERVICE DIRECTOR LEGAL AND COMMUNITY & MONITORING OFFICER

COUNCIL PRIORITY: People first/ sustainability/ A brighter future together.

1. EXECUTIVE SUMMARY

1.1 This report has been prepared subsequent following a request by the Subject Member to vacate the Final Determination Hearing ('FDH') date from 15 December 2022 to another date.

2. RECOMMENDATIONS

That Standards Sub-Committee

2.1. In the Part 2 report (to be confirmed in public once considered in Part 2).

3. REASONS FOR RECOMMENDATIONS

3.1. A request was made by the Subject Member.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 In Part 2 report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 There was consultation with the Parties. Otherwise see Part 2.

6. FORWARD PLAN

6.1 N/A, this is a Regulatory non-executive function.

7. BACKGROUND

7.1 In Part 2 report.

8. RELEVANT CONSIDERATIONS

8.1 In Part 2 report.

9. LEGAL IMPLICATIONS

9.1. Under section 28(6) the Localism Act 2011, the Council is obliged to have arrangements in place under which allegations can be investigated and a decision on allegations taken. The Procedure is the adopted arrangements of the Council, last approved in October 2021 by the Standards Committee under its terms of reference.

- 9.2. If the authority receives a complaint of a breach of the Code of Conduct, it is therefore obliged to follow its adopted procedures and to do so in a manner that meets the legal duties under section 27 (promotion and maintain standards of conduct by Member) and arguably to be seen to doing so.
- 9.3. Under section 7.7 of the Standards Committee terms of reference, the Sub-Committee conducts hearings into allegations that a Member has breached the Code of conduct. The Members and quorum is 3, with the Chair elected by the Sub-Committee for each hearing. In addition to the Independent Person attending, the Reserve Independent Persons) may attend.
- 9.4. Otherwise in Part 2 report.

10. FINANCIAL IMPLICATIONS

- 10.1 In Part 2 report.

11. RISK IMPLICATIONS

- 11.1. The Member Code of Conduct and process for carrying out investigations into breaches of the Code are part of the Council's overall governance framework. To retain public confidence in the Council, it is important to ensure that where a matter has been referred for investigation that any investigations are carried out fully and, arguably, again, the results openly and transparently reported.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1 October 2010, a major piece of legislation. The Act also created a Public Sector Equality Duty, which came into force on the 5 April 2011. There is a General duty, described in 12.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. The contents of this report do not directly impact on equality, in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 In Part 2 report.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 Other than additional time to arrange this further hearing and support from the various parties (circa 7-10 hours), none currently identified.

15. ENVIRONMENTAL IMPLICATIONS

15.1 There are no known Environmental impacts or requirements that apply to this report.

16. APPENDICES

16.1 In Part 2 report.

17. CONTACT OFFICERS

17.1 Jeanette Thompson, Service Director Legal and Community & Monitoring Officer.

18. BACKGROUND PAPERS

18.1 In Part 2 report.