

<b>MEETING:</b>	<b>AUDIT AND GOVERNANCE COMMITTEE</b>
<b>DATE:</b>	<b>12 NOVEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>STANDARDS PANEL REPORT, 2 NOV 2012</b>
<b>PORTFOLIO AREA:</b>	<b>CORPORATE SERVICES</b>

## **Wards Affected**

County-wide

## **Purpose**

To consider the recommendations of the Independent Person, following the Standards Panel meeting on 2 November 2012

## **Recommendation(s)**

### **THAT:**

- (a) **The Audit & Governance Committee considers the report of the Standards Panel meeting on 2 November 2012;**
- (b) **The Audit & Governance Committee approves the recommendations of the independent person following the Standards Panel meeting; and**
- (c) **The Audit & Governance Committee reports the outcome of these breaches to Council.**

## **Introduction and Background**

1. Council has adopted a new system for resolving complaints against members, which was approved by the Audit and Governance Committee, at its meeting on 21st September 2012.
2. Under this process, complaints which were otherwise ready for final determination under the old regime, but which had not been concluded by the Standards Committee, fell to be considered by a newly constituted Standards Panel who would consider the facts and/or previous findings and make an appropriate report to this committee.
3. This report relates to the first of two complaints that remain outstanding from the old regime.

## **Key Points Summary**

- The Standards Panel met on Friday 2 November to consider a complaint made on 23 April 2012 that Councillor Mark Hubbard had failed to comply with the members' code of conduct;
- This was the first case to be considered under the new standards regime. The former scheme ended on 1<sup>st</sup> July this year. The case comprised two separate, but linked, complaints.
- The process of addressing the two complaints had already commenced under the previous scheme. They had been referred for investigation following consideration by an assessment sub-committee.
- A report of the investigation had been considered by the former Consideration Sub-Committee, and the complaints had been referred for hearing.
- The Panel considered the investigation report and the subject member's comments and decided that there had been a breach of the code of conduct;
- The Panel discussed and agreed what sanctions it would be appropriate to recommend to the Monitoring Officer for decision by the Audit & Governance Committee.

## **Alternative Options**

4. The alternative options are to:
  - accept the findings in the report, but impose an alternative sanction;
  - accept the findings and impose no sanction;
  - reject the findings and recommendations.

## **Reasons for Recommendations**

5. The Panel agreed that the subject member had failed to comply with one of the Ten General Principles of Public Life that define the standards that members should uphold, which serve as a reminder of the purpose of the code of conduct and which form part of the code.
6. The Panel considered that the subject member had also failed to comply with paragraph 4(a)(iv) of the code of conduct.

## **Key Considerations**

7. The Standards Panel considered that the subject member had failed to comply with one of the Ten Principles of Public Life and with Paragraph 4(a)(iv) of the members' code of conduct. The Panel considered that such conduct could have seriously

affected the reputation of the council and that the subject member had failed to follow due process in order to comply with the reasonable requirements of the council.

## **Financial Implications**

8. None arising directly from this report.

## **Legal Implications**

9. The Council's Standards Committee and the previous regime for resolving complaints about the conduct of elected members were abolished on 1st July 2012 by the Localism Act 2011. Complaints unresolved at that date fall to be concluded in accordance with the new scheme to ensure a clear transition from the previous standards regime to the new local complaints system. The content of this report complies with the requirements of the Localism Act.

## **Risk Management**

10. If complaints are not handled expeditiously then public confidence may be undermined and the Council's ethical credibility may be undermined.

## **Consultees**

11. None.

## **Appendices**

12. Report of the Standards Panel meeting on 2 November 2012 (attached as an appendix to this report).