

5 LOCAL INVESTIGATION CONCERNING COUNCILLOR JOHN LANE OF BROMYARD AND WINSLOW TOWN COUNCIL

Report By: County Secretary and Solicitor

Wards Affected

Bromyard

Purpose

1. To consider the Report of the investigation into an allegation that there has been a breach of the Code of Conduct and to decide:
 - where the Report makes a finding of no failure to comply with the Code of Conduct to make one of the following findings :
 - a. acceptance of the finding that there has been no failure; or
 - b. that the matter should be considered at a hearing of the Standards Committee. The hearing must be held within 3 months of issuing the final report
 - where the Report makes a finding that there has been a failure to comply with the Code of Conduct, to conduct a hearing in relation to the allegation that the member failed to comply

Background

2. The Local Government Act 2000 enables Ethical Standards Officers to refer allegations that a councillor has breached the Code of Conduct to the local Monitoring Officer for investigation.
3. The Monitoring Officer (or their nominee) must then notify the member who is the subject of the allegation, the person who made the complaint, and the clerk of the relevant town or parish council advising that the matter is now the subject for local investigation.
4. An investigation has been carried out into this matter in accordance with the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended).
5. Under the Regulations, if the report makes a finding that there has not been a failure to comply with the Code of Conduct (a "finding of no failure") the Standards Committee must consider that report and make one of the following findings.
 - A finding of acceptance (that it accepts the Monitoring Officer's finding of no failure); or

Further information on the subject of this report is available from
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

- that the matter should be considered at a hearing of the Standards Committee (where the Committee decides there is a case to answer).
6. If a finding of acceptance is made, a written notice must be given to the Standards Committee, the member who is the subject of the allegation, the Ethical Standards Officer, the complainant and any Parish Council concerned and arrange for a notice to be published in at least one local newspaper. (This notice shall not be published if the councillor concerned so requests.)
 7. Where the Monitoring Officer conducts an investigation and the Report concludes that there has been a failure to comply with the Code of Conduct, the Standards Committee shall convene a hearing in relation to the allegation that the member failed to comply with the Code of Conduct which must be held within 3 months of the date of the final report.

Report of the Investigation

8. The Committee will find at Agenda item 7 the Monitoring Officer's confidential report into this allegation.

RECOMMENDATION

THAT the Standards Committee

- (1) **consider the Monitoring Officer's report at Agenda item 7; and**
- (2) **either**
 - (a) **where the Report contains a finding that there has been no failure to comply with the Code of Conduct that the Standards Committee accepts the Monitoring Officer's finding of no failure (a finding of acceptance); and that written notice of this finding be given to**
 - **the councillor who is the subject of the finding of no failure;**
 - **the Ethical Standards Officer concerned;**
 - **the parish council concerned;**
 - **the person who made the allegation that gave rise to the investigation; and**
 - **subject to the consent of the councillor concerned, that a notice be published in at least one newspaper circulating in Herefordshire stating that the Standards Committee has found that there has not been a failure on the part of the councillor concerned to comply with the Code of Conduct of Bromyard Town Council.**

OR

- (b) where the Report contains a finding that there has been no failure to comply with the Code of Conduct, consider that there is a case to answer and that the matter needs to be considered at a hearing of the Standards Committee on a date to be agreed.
- (3) Where the report makes a finding of a failure to comply with the Code of Conduct agree to consider the matter at a hearing of the Standards Committee on a date to be agreed.

BACKGROUND PAPERS

- None