

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

9TH NOVEMBER 2007

REPORT ON ALLEGED BREACH OF THE CODE OF CONDUCT SBE REFERENCE 17438.07

Responsible Portfolio Holder	Councillor Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer

1. SUMMARY

1.1 An allegation was made that a Bromsgrove District Councillor had breached the Code of Conduct. The Standards Board for England ("SBE") referred the matter for local investigation. The investigation has been completed and the Investigating Officer has made a finding of no failure to comply with the Code of Conduct.

2. RECOMMENDATION

2.1 Members are requested to consider the Investigating Officer's report at Appendix 1. Members may decide either:

2.1.1 to accept the Investigating Officer's finding of no failure ("a finding of acceptance"); or

2.1.2 that there is a case to answer and that the matter should be considered at a hearing of the Standards Committee.

3. BACKGROUND

3.1 The SBE referred matter 17438.07 for local determination. The details of the allegation are contained within the Investigating Officer's report at Appendix 1. The Investigating Officer has made a finding of no failure to comply with the Code of Conduct.

3.2 The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 provide that the Standards Committee shall consider the Investigating Officer's report and that the Committee may make one of two findings, namely:

- to accept the Investigating Officer's finding of no failure ("a finding of acceptance"); or
- that there is a case to answer and that the matter should be considered at a hearing of the Standards Committee.

- 3.3 The SBE guidance states that at this meeting the Committee should simply consider the report and should not seek to interview witnesses or take representations from the parties or the Investigating Officer. The Committee's role is to decide whether, based on the facts and information set out in the report, it agrees with the finding of the Investigating Officer or whether it believes there is a case to answer.
- 3.4 The Committee is therefore requested to consider the report at Appendix 1.
- 3.5 If the Committee makes a finding of acceptance, the Monitoring Officer will arrange for a notice to be published setting out the Committee's finding and reasons for it. The subject Member is entitled to ask that the notice not be passed to local newspapers.
- 3.6 If the Committee decides there is a case to answer, a date should be set for a hearing will be held to make a final determination on whether the Code of Conduct was breached. The usual procedures for a full hearing would then apply.

4. FINANCIAL IMPLICATIONS

- 4.1 None.

5. LEGAL IMPLICATIONS

- 5.1 The Local Government Act 2000 ss60-67 provide the statutory framework for the investigation of complaints against Members. The Local Procedure (Code of Conduct) Regulations 2002, Local Authority (Code of Conduct) (Local Determination) Regulations 2003 and the Local Authority (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 govern the conduct of these proceedings.

6. COUNCIL OBJECTIVES

- 6.1 Improvement – it is vital for the reputation and credibility of the Council that complaints against elected Members are seen to be robustly investigated.

7. RISK MANAGEMENT

The main risk associated with the details included in this report is loss of reputation. This risk is being managed as follows: :

Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 3
Key Objective: Effective ethical governance

8. CUSTOMER IMPLICATIONS

- 8.1 None.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None.

10. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	Adherence to the Code of Conduct is a key element of sound governance
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

11. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. APPENDICES

Appendix 1 Investigating Officer's Report

13. BACKGROUND PAPERS

Standards Board for England guidance on:

- Standards Committee Determinations
- Local Investigations

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