

STANDARDS HEARING PANEL

Agenda Item 2

Brighton & Hove City Council

Subject:	Hearing of an allegation of failure by former Councillor Older to comply with the Code of Conduct		
Date of Meeting:	13 December 2011		
Report of:	Monitoring Officer		
Contact Officer:	Name:	Liz Woodley	Tel: 291509
	Email:	Liz.woodley@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report deals with a complaint that former Councillor Averil Older has failed to comply with the Members' Code of Conduct.

2. RECOMMENDATIONS:

- 2.1 That the Panel determine the complaint that former Councillor Averil Older has failed to comply with the council's Code of Conduct.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 11 March 2011 Ms Holly Smith made a complaint about the conduct of former Councillor Older at the Council Budget Meeting on 3 March 2011.

- 3.2 The Standards Assessment Panel referred the complaint for investigation by the Monitoring Officer having considered that the conduct, if proven, would amount to a breach of the following provisions of the Code of Conduct:-

Paragraph 3(1) You must treat others with respect

Paragraph 5 You must not conduct yourself in a manner which could reasonably be regarded as bring your office or authority into disrepute.

- 3.3 The Investigating Officer undertook an investigation and his report is attached as Appendix 1. He concluded that there had been a breach of paragraph 3(1), but no breach of Paragraph 5.

3.4 The Standards Hearing Panel considered the report at a meeting on 4 October 2011. Without making any finding that there had been a failure to comply with the Code, it determined that the matter should be considered at a meeting of the Hearing Panel. That meeting should be conducted in accordance with the council's adopted procedure for Local Determination Hearings. A copy of that procedure is attached as Appendix 2.

3.5 In accordance with the agreed procedures, a pre-hearing summary has been produced and provided in advance to the complainant, the subject member, members of the panel and the Investigating Officer. A copy of the summary is attached as Appendix 3. The summary is meant to highlight areas of agreement and disagreement between the subject member and the Investigating Officer. In fact, there is no dispute as to the facts.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 There has been no consultation on this report. None is envisaged by the council's Local Determination Hearings procedures.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are none.

Legal Implications:

5.2 The Local Government Act 2000 and the Standards Committee (England) Regulations 2008 set out a framework for dealing with complaints that members may have breached the Code of Conduct. By virtue of section 57A (6) of the 2000 Act, the Standards Board is entitled to issue guidance with respect to the conduct of investigations and hearings. The council's procedures have been drawn up having regard to that guidance, and this complaint has been processed in accordance with those procedures.

Lawyer Consulted: Name Liz Woodley

Date: 21/11/11

Equalities Implications:

5.3 There are no direct equalities implications arising from this report.

Sustainability Implications:

5.4 There are no sustainability implications arising from this report.

Crime & Disorder Implications:

5.5 There are no crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 There are no risk or opportunity management implications arising from this report.

Public Health Implications:

- 5.7 There are no public health implications arising from this report.

Corporate / Citywide Implications:

- 5.8 There are no corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Investigating Officer's report
2. Procedure for Local Determination Hearings of Allegations of Member Misconduct
3. Pre-hearing summary

Documents in Members' Rooms

1. None

Background Documents

1. None