

EAST HERTS COUNCIL

STANDARDS COMMITTEE –16 SEPTEMBER 2009

REPORT BY LEGAL OFFICER

9. COMPLAINT IN RESPECT OF A COUNCILLOR, REFERENCE  
EHDC/02/2009

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'D' RECOMMENDATION - that

1.0 Purpose/Summary of Report

1.1 To consider a complaint in respect of Councillor W Ashley, a Member of East Hertfordshire District Council.

2.0 Contribution to the Council's Corporate Objectives

2.1 **Fit for purpose, services fit for you**

*Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.*

3.0 Background

3.1 The Committee will consider whether the matters to be considered appear to disclose exempt or confidential information under the provisions of Schedule 12A of the Local Government Act 1972 as amended by the Standards Committee (England) Order 2008. The categories are set out at Appendix 'A9' (Pages 9.4 - 9.6).

3.2 Consideration of the complaint.

3.3 The Committee will consider the Investigator's report and make one of the following findings:

- a) that it accepts the finding of no failure to comply with the Code of Conduct;
- b) that the matter should be considered at a hearing of the Standards Committee;

- c) that the matter should be referred to the Adjudication Panel for England for determination.

#### 4.0 The complaint

- 4.1 Details of the complaint are set out in the Investigating Officer's report

#### 5.0 Report

- 5.1 The Committee is invited to make one of the following findings:

- a) that it accepts the finding of no failure to comply with the Code of Conduct;
- b) that the matter should be considered at a hearing of the Standards Committee conducted under Regulation 18; or
- c) that the matter should be referred to the Adjudication Panel for England for determination.

- 5.2 The Committee may only make a finding under sub-paragraph (b) if—

- (a) it has determined that the action it could take against the Member would be insufficient were a finding of failure to be made; and
- (b) the president or deputy president of the Adjudication Panel has agreed to accept the referral.

- 5.3 In order to assist the Committee, the sanctions available to the Standards Committee and the Adjudication Panel for England if there is a failure to comply with the Code of Conduct are at Appendix 'B9' (Pages 9.7 - 9.8).

The investigators' report provides further information. Please find attached the Investigator's report at Appendix 'C9' (Pages 9.9 - 9.14).

Accompanying evidence has already been provided to the Standards Committee which supports the Investigating Officer's findings of fact.

#### 6.0 Consultation

- 6.1 None.

7.0 Legal Implications

7.1 The procedures are in accordance with the regulations.

8.0 Financial Implications

8.1 None.

9.0 Human Resource Implications

9.1 None.

10.0 Risk Management Implications

10.1 The case should be determined in accordance with the regulations having regard to the relevant guidance.

Background Papers

Appendix 'A9'	Categories of Exempt Information
Appendix 'B9'	Sanctions for Local Investigations
Appendix 'C9'	Investigator's report

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