



**Hearing Sub-Committee –
19 April 2012**

Agenda Item No. 5

Title	Code of Conduct Complaint LSF.13.2011
For further information about this report please contact	Andrew Jones Andrew.jones@warwickdc.gov.uk (01926) 456830
Wards of the District directly affected	Bishops Tachbrook
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	
Date and meeting when issue was last considered and relevant minute number	Consideration Sub-Committee 1 February 2012
Background Papers	None

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No

Officer/Councillor Approval

With regard to officer approval all reports *must* be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).

Officer Approval	Date	Name
Relevant Director		N/A
Chief Executive		N/A
CMT		N/A
Section 151 Officer		N/A
Legal		N/A
Finance		N/A
Portfolio Holder(s)		N/A

Consultation Undertaken

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Final Decision? Yes

Suggested next steps (if not final decision please set out below)

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1. **SUMMARY**

- 1.1 The report apprises members of the Hearing Sub-Committee as to the background to today's Committee meeting, asks the Committee to consider the outcome of the Code of Conduct investigation and reach a decision on whether there has been a breach of the Code of Conduct for Members by Councillors Day and Leeke

2. **RECOMMENDATION**

- 2.1 That the Committee considers the findings of the appointed investigator in respect of the conduct of Councillors Andrew Day and Graham Leeke of Bishop's Tachbrook Parish Council and makes any consequent decision it considers appropriate.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Following a complaint to the Monitoring Officer of this Council by a member of the public an Assessment Sub-Committee was convened to determine whether a complaint against Councillors Andrew Day and Graham Leeke should be investigated. The Committee met on 15 April 2011 and decided that the matter should be referred for investigation.
- 3.2 The Monitoring Officer instructed Peter Oliver of Warwickshire County Council Legal Services to undertake the investigation. His report (Appendix 1) into the matter was submitted to the Monitoring Officer on 23 January 2012. It should be noted that some aspects of this report are redacted because these refer to other matters not relevant to this Hearing.
- 3.3 On 1 February 2012 the Consideration Sub-Committee considered the investigator's findings and decided that the matter should be referred to a Hearing Sub-Committee (Appendix 2) for consideration. It should be noted that some aspects of this decision are redacted because these refer to other matters not relevant to this Hearing.
- 3.4 Members of the Hearing Sub-Committee will now need to consider the investigator's findings as detailed in Appendix 1 to this report. Members of the Committee will need to determine whether there is evidence of a breach of the Code of Conduct for Members and if it finds that there has been a breach, what action should be taken.
- 3.5 Set out at Appendix 3 is a written statement from Councillor Andrew Day who is unable to attend the Hearing but did not want the process to be impeded by his absence.

4. **POLICY FRAMEWORK**

- 4.1 The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, to provide for the local assessment of complaints that Members may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.
- 4.2 The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of

misconduct by Council Members. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

- 4.3 In respect of the matter before the Committee today, the Monitoring Officer has followed the legislative requirements to the point where a decision on whether there has been a breach of the Code of Conduct for Members needs to be made.
- 4.4 To ensure that all parties are clear about the procedure for now dealing with this matter a written note is included at Appendix 4.

5. **BUDGETARY FRAMEWORK**

- 5.1 This matter is being dealt with in accordance with the budgetary framework as agreed by this Council.

6. **ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 No alternative options have been considered as the matter now needs to be determined by the Council's Hearing Sub-Committee (Standards Committee).