

CANNOCK CHASE COUNCIL

PARISH COUNCILS STANDARDS SUB-COMMITTEE

20 AUGUST 2007

REPORT OF DIRECTOR OF GOVERNANCE AND MONITORING OFFICER

LOCAL DETERMINATION OF A CASE REFERRED BY THE STANDARDS BOARD FOR ENGLAND
FOR LOCAL INVESTIGATION IN CONNECTION WITH RUGELEY TOWN COUNCIL

1. Purpose of Report

- 1.1 This report seeks the guidance of the Sub-Committee as to how to deal with a particular case which should now be considered at a Hearing.

2. Recommendation

- 2.1 The Sub-Committee is requested to indicate how the matter should now proceed.

3. Background

- 3.1 A complaint was received by the Standards Board for England in respect of a Councillor for Rugeley Town Council. The Standards Board referred the matter to the Monitoring Officer for local investigation. The Monitoring Officer appointed an independent Investigator who has now concluded his investigation and issued his final report. The final report indicates that the Councillor complained of had, in his opinion, failed to comply with the Parish Code of Conduct.
- 3.2 The individual Councillor that was subject to the complaint and investigation is no longer a Councillor. This means that should the Investigating Officer's report be upheld at the Hearing before this Committee, the only sanction the Committee could apply would be one of censure. As a final report has been issued by the Investigating Officer, the Committee is obliged to provide an opportunity for the Councillor complained of to provide a response (the Councillor was interviewed by the Investigator as part of the investigation). The Councillor involved has confirmed that he/she would wish to have the matter heard.
- 3.3 It is good practice for the Committee to determine at the outset, how the hearing should be managed. Guidance from the Standards Board for England prescribes how the hearing should be convened etc, however it would be prudent for the Sub-Committee and all parties to agree a pre-hearing directions hearing to determine data, witnesses and other service matters.

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Section 1

Background

Background detail will be provided at the hearing.

Section 2

Details of Matters to be Considered

Please see report.

Section 3

Contributions to CHASE

Not applicable.

Section 4

Section 17 Implications

Not applicable.

Section 5

Human Rights Act Implications

There are no Human Rights Act implications arising from this report, same for the need for the Sub-Committee to follow the correct procedure for hearing.

Section 6

Data Protection Act Implications

There are no identified implications in respect of the Data Protection Act arising from this report.

Section 7

Risk Management Implications

Not applicable at this stage.

Section 8

Legal Implications

Not applicable at this stage.

Section 9

Financial Implications

Not applicable at this stage.

Section 10

Human Resource Implications

None arising.

Section 11

Conclusions

Please see report.

Background Papers

Annexes