

Cheltenham Borough Council

Standards Committee - 11th September 2009

**Code of Conduct for Councillors
Consideration of Reports of Investigating Officer**

Report of the Borough Solicitor & Monitoring Officer

1. Executive summary and recommendation

1.1 This report advises the committee of the outcome of investigations into allegations of a breach of the Borough Council's Code of Conduct by Councillors Barnes and Driver.

1.2 **It is recommend that the committee considers the report of the investigating officer and decides whether to accept the finding that neither Councillors Barnes nor Driver failed to comply with the Code of Conduct or to refer either or both of the matters for a hearing at a future meeting.**

2. Summary of implications

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| 2.1 | Financial | None arising from this report
Mark Sheldon, Chief Finance Officer
01242 264123
mark.sheldon@cheltenham.gov.uk |
| 2.2 | Legal | The legal implications are set out in this report and in the accompany reports of the investigating officer |
| 2.3 | Human Resources | None arising from this report
Julie McCarthy, HR Operations Manager
01242 264355 |
| 2.4 | Equal opportunities, social justice and anti-poverty | None |
| 2.5 | Environmental | None |
| 2.6 | Health and safety | None |
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3. Background

- 3.1 In May 2009 a number of persons complained to the Standards Committee that both Councillors Barnes and Driver had acted in breach of the Borough Council's Code of Conduct for Councillors. The Standards (Initial Assessment) Sub-Committee decided that these complaints should be investigated.
- 3.2 Sarah Farooqi, solicitor, was appointed to investigate the complaints and a copy of her final investigation reports are attached as appendices 1 and 2.
- 3.3 The investigating officer has concluded that in each case there has not been a breach of the code of conduct. In such circumstances the investigation procedures adopted by the committee requires me to refer the investigation report to the committee for consideration. When the committee considers the report, it must make one of the following findings:
- that it accepts the investigating officer's finding that the councillors have not failed to comply with the Code of Conduct for Councillors as set out in the allegation; or
 - that either or both of the matters should be considered by the Standards (Hearings) Sub-Committee conducted in accordance with the hearings procedure adopted by the committee
- 3.4 At this meeting the committee should simply consider the report; it should not seek to interview witnesses or take representations from the complainants or the councillors involved. The investigating officer will attend the meeting to answer questions. The committee's role at this stage is to decide whether, based on the facts set out in the report, it agrees with the investigating officer's findings or believes that in either matter there is a case to answer.
- 3.5 If the committee agrees that the code of conduct has not been breached then arrangements will be made for a notice to that effect to be published. The notice will state the committee's findings and give reasons for it. In these circumstances the councillor concerned would be entitled to ask for the notice not to be published in local newspapers.
- 3.6 If the committee decides that there is a case to answer in respect of either matter, arrangements will be made to hold a meeting of the Standards (Hearings) Sub-Committee to make a final determination on whether there was a breach of the code of conduct.
- 3.7 The committee may, should it so wish, make recommendations to the Monitoring Officer on any matters arising from the report.

Background papers

Cheltenham Borough Council's Code of Conduct

Contact officer

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