
NOTICE OF MEETING

GOVERNANCE AND AUDIT AND STANDARDS - (HEARING) SUB COMMITTEE

MONDAY, 12 DECEMBER 2016 AT 9.30 AM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Vicki Plytas on 023 9283 4058

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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

(NB This agenda should be retained for future reference with the papers for the meeting.)

Please note that the agenda and non-exempt papers for the meeting are available to view online on the Portsmouth City Council website: www.portsmouth.gov.uk

Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting. Email requests are accepted.

Please note that any deputations for this meeting should clearly state to which item they relate and will be heard immediately before that item after which the sub-committee will consider whether or not to move into exempt session as appropriate.

A G E N D A

- 1 Election of Chair**
- 2 Declarations of Members' Interests**
- 3 Exclusion of Press and Public - if required**

That in view of the contents of the following item on the agenda the Committee is RECOMMENDED to consider adopting the following motion:

“That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985, the press and public be excluded for the consideration of the following item on the grounds that the report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government

Act, 1972”.

The public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) England Regulations 2012, regulation 5, the reasons for exemption of the listed items is shown below. Members of the public may make representation as to why the item should be held in open session. A statement of the Council’s response to representations received will be given at the meeting so that this can be taken into account when members decide whether or not to deal with the item under exempt business. (NB The exempt/confidential committee papers on the agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. Members are reminded of standing order restrictions on the disclosure of exempt information and are invited to return their exempt documentation to the Senior Local Democracy Officer at the conclusion of the meeting for shredding.)

Item	Exemption Para No.*
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4. Consideration of a Complaint against a Member	1 and 2
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1. Information relating to any individual

2. Information that is likely to reveal the identity of an individual

4 **Consideration of a Complaint against a Member** (Pages 3 - 8)

(Please note that provision has been included for the item to be heard in exempt session if required.)

The purpose of the report is to advise Members of the procedure to be followed on the consideration of the investigation report and the findings which they may reach.

RECOMMENDED

That the Sub Committee consider the investigation report in accordance with the attached procedure (Appendix A) and decide on one of the findings in paragraph 3 (e)

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.

Agenda Item 4



Portsmouth
CITY COUNCIL

Title of meeting:	Governance and Audit and Standards Hearing Sub-Committee
Date of meeting:	12 December 2016
Subject:	Consideration of the report by Peter Baulf into a Complaint against a Member
Report by:	City Solicitor
Wards affected:	N/A
Key decision:	No
Full Council decision:	No

1. Purpose of report

To advise Members of the procedure to be followed on the consideration of the report of Peter Baulf and the findings which they may reach.

2. Recommendations

That the Sub Committee consider the report by Peter Baulf in accordance with the attached procedure (Appendix A) and decide on one of the findings in paragraph (3.e)

3. Background

- a. Members will be aware that two complaints have been made that allege Councillor Hunt failed to comply with the Council's Code of Conduct and an investigation report by Peter Baulf has been produced regarding the complaints.
- b. The purpose of this meeting is for the report to be considered by the Hearing Sub-Committee to enable them to decide on one of the findings set out in paragraph (3 e).
- c. The procedure to be followed by the Hearing Sub-Committee is set out in Appendix A. A copy of the procedure has in advance of today's meeting been supplied to the Complainants and Councillor Hunt.
- d. The Hearing is a formal meeting of the Council and is not a court of law. It does not hear evidence under oath but it does decide factual evidence on the balance of probabilities.
- e. The Sub-Committee can make one of the following findings:-

- i. That the Councillor did not fail to comply with the Code of Conduct;
- ii. That the Councillor did fail to comply with the Code of Conduct but that no action needs to be taken in respect of matters considered at the Hearing;
- iii. That the Councillor did fail to comply with the Code of Conduct and that one of, or any combination of the following sanctions should be imposed:
 - 1. Censure of the Councillor;
 - 2. Restriction for a period not exceeding six months of the Councillor's access to Council premises or Councillor's use of Council resources, provided that those restrictions are reasonable and proportionate to the nature of the breach and do not unduly restrict the Councillor's ability to perform the functions of a Councillor;
 - 3. Recommending to the Councillor's Group Leader (where applicable) that he be removed from any position on the Council or an outside body to which he has been appointed;
 - 4. Reporting the findings of the Sub-Committee to the Council
- f. Any sanction imposed shall take effect immediately, except where the Sub-Committee directs that it shall take effect on a later date within the following six months.
- g. Once a decision is reached the finding and the reasons shall be confirmed in writing to the Member and Complainants as soon as is reasonably practicable. A summary of the findings and reason for them will also be placed on the Council's website.

4. Equality impact assessment

The contents of this report do not have any relevant equalities impact and therefore an equalities impact assessment is not required.

5. Legal implications

The City Solicitor's comments are included in this report.

6. Director of Finance's comments

There are no financial implications arising from the recommendations set out in this report.

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Signed by:

Appendices:

Appendix A - Hearing Procedure

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

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Appendix A

Hearing Procedure

1. Deputations will be heard / received immediately before a decision is made whether to move into exempt session.
2. The Sub-Committee will decide whether or not to move into exempt session.
3. Peter Baulf will present his report to the Sub-Committee.
4. Subject Member or his legal representative will then be able to ask any questions of Peter Baulf in relation to the report.
5. The Sub-Committee may ask any questions of Peter Baulf.
6. Subject Member will present the response, if they wish to do so, this may include the calling of witnesses.
7. The Sub Committee may ask any questions which they wish of the Subject Member and any witnesses.
8. The Sub Committee will consider its decision in private.
9. The Sub Committee will announce its decision in public session.

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