

**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

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**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:

<b>Title of document</b>	<b>Location</b>