

Agenda Item No: 9 **Report No:** 108/09
Report Title: Investigator's Report into Standards Board Complaint
Report To: Standards Committee **Date:** 22 June 2009
Ward(s) Affected: Ouse Valley and Ringmer
Report By: District Solicitor and Monitoring Officer
Contact Officer(s): Catherine Knight

Purpose of Report:

To table a report by the Investigating Officer into a complaint by Gareth and Sarah Roberts against Councillors Tim Cogdon and Sue Crosthwaite of South Heighton Parish Council, for consideration.

Officers Recommendation(s):

- 1 That the Standards Committee considers the Investigating Officer's report and decides whether it:
 - (a) agrees with the Investigating Officer's findings that there was not a failure to comply with South Heighton Parish Council's Code of Conduct; or
 - (b) is not satisfied with the Investigating Officer's findings and believes there is a case to answer.

Reasons for Recommendations

- 1 To comply with the law and statutory guidance issued by the Standards Board following investigation of this complaint by the Monitoring Officer under Section 57A of the Local Government Act 2000.

Information

- 2 The attached report concerns an allegation made by Gareth and Sarah Roberts against Councillors Tim Cogdon and Sue Crosthwaite of South Heighton Parish Council

- 3 The Monitoring Officer can undertake investigations him/herself or appoint some other person to undertake the investigation. On this occasion the Monitoring Officer has undertaken the investigation and her report is attached.
- 4 The report was initially produced as a "draft" and it was circulated to Gareth and Sarah Roberts and Councillors Cogdon and Crosthwaite for comment.

Mr Roberts wrote to the Monitoring Officer with detailed comments on 8 June 2009. As a consequence some revisions were made to the report although the Monitoring Officer's findings remain unchanged. The Investigating Officer did not consider all of Mr Roberts' comments to be relevant and/or significant. However, the Standards Committee is advised that Mr Roberts' comments are included in full at Document D in the background papers.

- 5 The Standards Committee has a duty to consider the Investigating Officer's report and to decide whether it agrees with the findings in that report.

Statutory guidance issued by the Standards Board states that at this meeting, the Standards Committee should simply consider the report; it should not seek to interview witnesses or take representations from the parties. The Standards Committee's role at this stage is to decide whether, based on the facts set out in the report, it

- (a) agrees with the Investigating Officer's findings that there was no breach of the Code of Conduct; or
- (b) is not satisfied with the Investigating Officer's findings and believes there is a case to answer.

- 6 If the Standards Committee does not accept the Investigating Officer's report and believes there is a case to answer the Standards Committee will hold a hearing, at a future date, to make a final determination on whether the Code was breached. Such a hearing must be held within three months of the date of the Investigating Officer's final report and will be carried out in accordance with rules set out in the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as amended and in accordance with statutory guidance issued by the Standards Board.

- 7 Please note that the background papers attached to the Investigating Officer's report are marked "confidential". While the Investigating Officer's findings may be disclosed, the disclosure of information gathered during the course of an investigation may be an offence under Section 63 of the Local Government Act 2000. Section 63 prohibits the disclosure of information gathered during an investigation. The background papers should therefore be treated as confidential.

The Investigating Officer is required to supply the Standards Committee with a bundle of evidence relied upon in the investigation, but these are confidential.

Financial Appraisal

- 8 These are statutory duties under the Local Government Act 2000. The District Council is responsible for carrying out investigations and hearings on Town and Parish Council Code of Conduct matters.

This investigation was carried out in-house and incurred no costs other than staff time.

Environmental Implications

- 9 I have completed the Environmental Implications Questionnaire and there are no significant effects as a result of these recommendations.

Risk Management Implications

- 10 I have completed the Risk Management questionnaire and this Report does not require a risk assessment because the changes/issues covered by this Report are not significant in terms of risk.

Background Papers

- 11 Correspondence and interview notes relevant to the investigation (confidential).