

Agenda Item No:

Report No:

Report Title: Investigator's Report: Complaint against Councillor P Burnaby-Davies, Rodmell Parish Council

Report To: Standards Committee **Date:** 4 August 2009

Ward(s) Affected: Rodmell

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 Mrs Lindy Smart against Councillor Pauline Burnaby-Davies of Rodmell Parish Council.

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 appears to be a failure to comply with Rodmell Parish Council's Code of Conduct.
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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 Mrs Lindy Smart against Councillor Pauline Burnaby-Davies of Rodmell Parish Council.
- 3 The Monitoring Officer can undertake investigations himself/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 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 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 agrees with the Investigating Officer's findings that there appears to be a breach of the Code of Conduct.

If the Standards Committee accepts the Investigating Officer's report and considers 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.

- 5 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.

6 Financial Appraisal

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

7 Environmental Implications

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

8 Risk Management Implications

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.

9 Background Papers

Correspondence relevant to the investigation (confidential).