

Consideration of Complaint M011102

Final Decision-Maker	Audit, Governance and Standards Hearing Panel
Lead Head of Service	Patricia Narebor, Head of Legal Partnership
Lead Officer and Report Author	Christine Nuttall, Senior Lawyer, Corporate Governance (Locum)
Classification	Part 2 matters will be considered in the absence of the public and press for the reasons indicated within the report.
Wards affected	Not applicable.

Executive Summary

The Audit, Governance and Standards Hearing Panel is invited to consider the report of the Investigating Officer and determine what action, if any, to take in respect of complaint numbered M011102.

This report makes the following recommendations to this Hearing Panel:

1. To receive the Investigator's Report and decide on the outcome of the complaint.

Timetable

Meeting	Date
Audit, Governance and Standards Hearing Panel	20 th June 2018

Consideration of Complaint M011102

1. INTRODUCTION AND BACKGROUND

This report is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons set out below.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

2. COMPLAINT

The Monitoring Officer received a complaint under the Councillors' Code of Conduct, reference number M011102. The Monitoring Officer in consultation with the Independent Person decided that the complaint merited formal investigation and appointed an Investigating Officer to undertake the investigation and informed the Parties of the appointment.

The report of the Investigating Officer provides a summary of the business to be transacted in consideration of complaint numbered M011102.

3. EXCLUSION OF THE PRESS AND PUBLIC

The Investigator's Report with Appendices have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Hearing Panel may decide that the press and public be excluded from the meeting during consideration of matters set out in Part 2 pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest would not be served in publishing the information.

Paragraphs 1 and 2 of Part 1 of Schedule 12A exempts information relating to any individual and information which is likely to reveal the identity of an individual.

The Subject Member has requested that the hearing be held in private.

If the Hearing Panel declines to pass a resolution that the press and public be excluded from the meeting, the papers listed under Part 2 of this report will be made available to the public at the meeting and will be posted on the Council's website at the conclusion of the meeting.

PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT

4. CONSIDERATION OF COMPLAINT MO11102

The Hearing Panel is invited to consider the report of the Investigating Officer and determine what action, if any, to take in respect of the above Complaint.

Issue	Implications	Sign-off
Impact on Corporate Priorities	Maintaining appropriate standards of Member conduct contributes indirectly to all Corporate Priorities.	Monitoring Officer
Risk Management	No risks have been identified for this report.	Head of Legal Partnership
Financial	There are no financial implications arising from this report.	Head of Legal Partnership
Staffing	No staffing issues have been identified in this report.	Head of Legal Partnership
Legal	The Hearing Panel is required to determine all complaints referred to them by the Monitoring Officer where a Member of a Council in the Borough is alleged to have breached their respective Councillors' Code of Conduct under the provisions of the Localism Act 2011.	Monitoring Officer
Privacy and Data Protection	The Hearing will increase the volume of data held by the Council. We will hold that data in line with any requirements of the Localism Act 2011 and the Data Protection legislation.	Head of Legal Partnership
Equalities	There are no equality issues associated with this report.	Head of Legal Partnership
Crime and Disorder	There are no crime and disorder implications associated with this report.	Head of Legal Partnership
Procurement	Not applicable.	Head of Legal Partnership

Appendices:

Appendix 1: Code of Conduct for Councillors

Appendix 2: Computer Use Policy 1.3

Exempt Appendices

By virtue of paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 the following Appendices are exempt because they contain information relating to any individual (paragraph 1) and information which is likely to reveal the identity of an individual (paragraph 2) and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

Exempt Appendix 3: Investigating Officer's Report

Exempt Appendix 4: Member Complaint Form

Exempt Appendix 5: Mid Kent Audit Report

Exempt Appendix 6: Subject Member Witness Statement

Exempt Appendix 7: Witness Statement of Head of Mid Kent Audit

Exempt Appendix 8: Witness Statement of Mid Kent Services Director