

Standards Hearing Sub-Committee



17 October 2024

Title	Determination of Complaint against a Councillor
Purpose of the report	To make a decision
Report Author	Karen Limmer Interim Group Head of Corporate Governance
Ward(s) Affected	All wards
Exempt	Yes: Appendix A
Exemption Reason	Appendix A contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006 Paragraph 1 and 2 – Information relating to any individual or any information which is likely to reveal the identity of an individual.
Corporate Priority	This item is not in the current list of Corporate Priorities but still requires a decision.
Recommendations	Committee is asked to: Make a determination of the Complaint
Reason for Recommendation	In accordance with the Council's Arrangements for dealing with Allegations against Councillors, this Sub-Committee is required to make a determination of the complaint.

1. Summary of the report

What is the situation	Why we want to do something
<ul style="list-style-type: none"> Following a complaint, the Assessment Sub-Committee decided that it should be formally investigated. That has taken place, and the Hearing Sub-Committee needs to consider whether or not they agree with the findings and if so, consider any further action in relation to the complaint. 	<ul style="list-style-type: none"> To uphold the Nolan Principles and in accordance with Council's Arrangements for dealing with Complaints against councillors as published.

This is what we want to do about it	These are the next steps
<ul style="list-style-type: none"> To make a finding in relation to the investigation of the complaint. 	<ul style="list-style-type: none"> To consider the Investigator's Report.

1.1 The Sub-Committee is required to consider the Investigator's Report and determine the complaint against Councillor Jo Sexton that she has failed to comply with the Members' Code of Conduct.

1.2 The Sub-Committee is asked to review the report and hear from a number of witnesses in order to determine whether the Councillor has breached the Code of Conduct.

2. Complaint

2.1 The complaint made by an employee, the Group Head of Place, Protection and Prosperity, relates to the conduct of Councillor Sexton and whether or not it may amount to bullying, in breach of the Council's Code of Conduct.

2.2 On receipt of the complaint, the Monitoring Officer consulted with the Independent Person in accordance with the Council's published Arrangements for dealing with standards allegations. An Assessment Sub-Committee was held on 13 May 2024, and decided that the complaint should be investigated.

2.3 Mr Peter Bryant was appointed as the external investigator to consider and report on the complaint. The Final Confidential Report is attached at exempt Appendix A.

3. Hearings process

3.1 The purpose of the hearing is to consider the Report, hear any representations and make a determination on the basis of that evidence, and (if appropriate) decide on any action to be taken. The Independent Chair may direct the manner in which the hearing is to be conducted but otherwise the following general principles will apply:

(a) The Investigator will present his report and explain his conclusions

(b) The Investigator will call witnesses to support his conclusions

(c) Committee Members and the councillor concerned will have the opportunity to question the Investigator

(d) The Independent Person may be asked to comment

(e) The Councillor concerned will make representations to the Sub-Committee and give evidence

(f) The Sub-Committee (after private deliberation if necessary) will inform the Councillor of its decision and any action to be taken

(g) A written notice will be published after the hearing

4. Possible Outcomes

4.1 If the Sub-Committee finds that the Councillor did not fail to comply with the Code of Conduct, it may dismiss the complaint.

- 4.2 If the Sub-Committee finds that the Councillor did fail to comply with the Code of Conduct, it may decide on any or a combination of the following actions:
- (a) Require the Councillor to publish an apology either privately or in public
 - (b) Require the member to attend training
 - (c) Censure the member
 - (d) Send a report to Council to censure the member
 - (e) Require the Monitoring Officer to publish a report in the newspaper or on the Council's website about the Councillor's conduct
 - (f) Withdraw privileges provided by the Council such as computer equipment, internet or email access
 - (g) Recommend to the Councillor's group leader that the councillor be removed from a committee or an outside body (as appropriate): or
 - (h) A combination of any of the above.
- 4.3 The Sub-Committee may set the time frame for the actions required to be taken.
- 4.4 The Sub-Committee has no power to suspend or disqualify a councillor or withdraw allowances.

5. Contact

- 5.1 Karen Limmer Interim Group Head of Corporate Governance.

Background papers: Assessment Panel papers for the Hearing on 13 May 2024

Appendices:

Appendix A: Investigation Report of Peter Bryant