

Bath & North East Somerset Council

MEETING:	Standards' Committee	
MEETING DATE:	10th December 2015	EXECUTIVE FORWARD PLAN REFERENCE: <i>[Cabinet reports only]</i>
TITLE:	Investigation into Complaint 04-15, 05a-15, 05b-15, 05c-15 Dunkerton Parish Council	
WARD:	All	
LIKELY TO BE TAKEN IN EXEMPT SESSION		
List of attachments to this report: 1. Public Interest Test (Open) 2. Hearing procedure (Open) 3. Report of Investigating Officer (Exempt)		

1 THE ISSUE

- 1.1 The Committee is asked to consider the complaint, set out in the report of the Investigating Officer.

2 RECOMMENDATION

- 2.1 The Committee is asked to consider the report of the Investigating Officer.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Following receipt of the complaint and consideration by the Monitoring Officer and Independent Persons an Investigating Officer was appointed to investigate the concerns raised.
- 4.2 The Investigating Officer has completed their enquiries and their report is attached at exempt Appendix 3.
- 4.3 The Committee is asked to consider the report under the procedure attached at Appendix 2.

5 RISK MANAGEMENT

- 5.1 N/A

6 EQUALITIES

An Equality Impact Assessment has not been completed as it is not relevant.

7 CONSULTATION

7.1 The subject member; complainant; the Independent Person and Standards' Committee Chair have been consulted.

Contact person	<i>Maria Lucas Monitoring Officer & Head of Legal & Democratic Services – (01225) 395171</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix 1 (Open)

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref:

Meeting: Standards Committee

Date: 10th December 2015

Author: Maria Lucas Monitoring Officer & Head of Legal & Democratic Services

Report: Complaint 04-15, 05a-15, 05b-15, 05c-15 Dunkerton Parish Council

Indicate which of the following categories the report / appendix falls in to;

1. The report constitutes confidential information, and the meeting must therefore resolve to exclude the public.

Confidential information is defined as:

- (i) Information furnished to the Council by a Government department upon terms which forbid the disclosure of the information to the public;
- (ii) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

2. The report/appendix constitutes exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below:

Stating the exemption:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption concerning Appendix 3 outweighs the public interest in disclosure at this time. It is therefore recommended that the meeting resolve to exclude the public. The paragraphs below set out the relevant public interest issues in this case.

Factors for withholding:

- The report contains what are, at this stage, unproven allegations. The stage at which there is a significant public interest in openness is when a view has been taken by the Committee on whether the allegations are true or false.

Factors for disclosure:

- There is a general presumption in favour of openness.

Reasons why the public interest favours withholding:

- It is considered that the prejudice to the interests of the member, the subject of the complaint, were the report to be made public at this stage, outweigh any benefit of openness.
- It is considered that the public interest is not served by having possible unfounded allegations entered into the public domain until such time as a body that is competent has dealt with and decided on the allegations made.

Appendix 2 (Open)

STANDARDS' COMMITTEE HEARING

PROCEDURE WHERE INVESTIGATING OFFICER HAS BEEN APPOINTED

1. The Investigating Officer presents his report.
2. The Committee asks any questions of clarification of the Investigator.
3. The Complainant and then the Subject Member (in both cases with the agreement of the Chair) seek any points of clarification of the Investigator.
4. The Complainant may address the Committee on the Issues contained in the report.
5. The Subject Member may address the Committee on the issues contained in the report.
6. The Committee may ask any further clarification questions (with the agreement of the Chair).
7. The Committee excludes all other parties and considers the issues.
8. Other parties are invited back to the meeting.
9. The Committee announces its decision with brief reasons.
10. The written decision notice is supplied to all parties within 5 working days.