

Bath & North East Somerset Council

MEETING:	Standards Committee	
MEETING DATE:	25 th November 2010	AGENDA ITEM NUMBER
TITLE:	Reference to Committee of Monitoring Officer Report	
WARD:	ALL	
LIKELY TO BE TAKEN IN EXEMPT SESSION		
List of attachments to this report: 1. Public Interest Test – Appendix 1 2. Monitoring Officer Report into complaint concerning Cllr X – 16-10 B&NES – Appendix 2		

1 THE ISSUE

- 1.1 To receive the Report of the Monitoring Officer into a complaint concerning the conduct of Councillor X and determine how it should be dealt with.

2 RECOMMENDATION

That the Committee

- 2.1 Determines that the public interest is best served by excluding the public during consideration of the report and resolves accordingly
- 2.2 Agrees the matter is suitable for local determination, rather than reference to the Adjudication Panel for England
- 2.3 Authorises the holding of a hearing into the complaint and
- 2.4 Authorises the Monitoring Officer to make the necessary arrangements for such purpose

3 FINANCIAL IMPLICATIONS

- 3.1 The financial implications of the holding of this hearing is contained within the budget held by the Monitoring Officer.

4 THE REPORT

- 4.1 The Regulations made under the Act require the committee to take a preliminary view on the investigation report. This initial consideration can have two

purposes:-

- a. In the event that the report concludes that there has been no breach, that the matter should nevertheless be referred for a hearing or
 - b. In the event that the report concludes that there has been a breach whether or not the matter should be referred to the Adjudication Panel for England.
- 4.2 The only role the committee has in the light of the conclusions reached in the investigation Officer's report is whether or not to refer the matter for determination elsewhere. The Officer's recommendation is that the matter is not serious enough as to warrant the attention of the Adjudication Panel for England and accordingly the committee should merely note the report and indicate that a hearing should be held as required.
- 4.3 The Committee will note that it is recommended in the Public Interest Test that the report should at this stage be treated as exempt. The arguments for and against disclosure are contained in that test and the Committee will need to decide whether it agrees with the recommendations.

5 RISK MANAGEMENT

5.1 Not applicable.

6 EQUALITIES

It is intended that any hearings conducted will be conducted in accordance with the principles of fairness and natural justice.

Contact person	<i>Vernon Hitchman Monitoring Officer (01225) 395171</i>
Background papers	<i>Standards Board Guidance</i>
Please contact the report author if you need to access this report in an alternative format	