

CHESHIRE EAST COUNCIL

AUDIT AND GOVERNANCE STANDARDS HEARING SUB-COMMITTEE

Date of meeting: 24 November 2015
Report of: Head of Legal Services and Monitoring Officer
Title: Allegation of a breach of the Cheshire East
Council Code of Conduct
Complaint Number: CEC/14-15/MO11

1. Purpose of the Report

- 1.1 To consider the investigation report prepared about the above complaint and to determine what action, if any should be taken.

2. Decision Required

- 2.1 The Hearing Sub-Committee is invited to consider the Investigating Officer's report which concludes that the subject member has breached Cheshire East Council's code of conduct, and the evidence produced by the subject member and determine (i) whether it agrees that a breach of the code has taken place and, if so, (ii) what sanction, if any, to impose.

3. Introduction

- 3.1 This case arises out of allegations made by the complainant about comments made by the subject member in the press and on local radio allegedly calling for the sacking of a Cheshire East officer.
- 3.2 The Hearing Sub-Committee has full powers delegated to it under the council's constitution to deal with hearings and determine what sanction, if any, to impose if a breach of the code of conduct is found to have occurred. The sub-committee's decision is final and there is no right of appeal.

4. Procedure for the Meeting

- 4.1 The procedure to be followed at the meeting is appended to the report **(1)**.
- 4.2 A copy of Cheshire East Council's Code of Conduct Complaints Procedure is also appended to the report **(2)**.

5. The Complaint

- 5.1 The Monitoring Officer received a complaint about comments made by the subject member in the press and on local radio allegedly calling for the sacking of an officer of the Council. .
- 5.2 The substance of the complaint is set out in the complaint form and associated letter provided by the Complainant **(3)**, copies of which were sent to the subject member for information in accordance with the complaints procedure.
- 5.3 The paragraph of the code of conduct which applies is: paragraph 7 (respect for others).
- 5.4 A copy of the council's code of conduct is attached **(4)** for reference purposes.

6. Initial Assessment

- 6.1 The Monitoring Officer in consultation with the Independent Person completed her initial assessment of the complaint on 20 January 2015 and decided that it should be investigated.
- 6.2 The Investigating Officer carried out an investigation and produced a report **(5)** which concluded that a breach of the code of conduct had occurred. The Monitoring Officer, in consultation with the Independent Person, concluded that the case should go before the Hearing Sub-Committee in accordance with the requirements of the complaints procedure. The process at the hearing enables the investigator and subject member to fully explain their respective cases.

7. Parties attending the Hearing

- 7.1 The investigator has confirmed that he will be present at the meeting and will be accompanied by one witness.
- 7.2 The subject member has confirmed that he will be present at the meeting and will be accompanied by one witness.

8. Matters for Determination

- 8.1 The sub-committee needs to decide whether or not it is satisfied that a breach of the council's code of conduct for members has occurred and if so, which paragraphs of the code have been breached.
- 8.2 If satisfied that a breach of the code has occurred the sub-committee will need to decide what sanction, if any, should be imposed as a result. The list of available sanctions is set out in the complaints procedure **(1)**

9. Decision

- 9.1 If, having considered the matter, the sub-committee finds that the subject member has not breached the council's code of conduct, no further action will be taken and the decision will be published on the council's website if the subject member wishes.
- 9.2 If a breach is found to have occurred, that fact and the sanction imposed will be published on the council's website as part of the minutes of the meeting.
- 9.3 In either case the decision will be announced at the meeting and confirmed in writing as soon as possible but in any event within 10 working days. The Monitoring Officer will prepare a formal decision notice in consultation with the Chairperson and send a copy to the complainant and subject member.

Officer: Anita Bradley
Designation: Head of Legal Services and Monitoring Officer
Tel No. 01270 686 003
Email: MonitoringOfficerCEC@cheshireeast.co.uk