

To: Standards Committee

Date: 21 January 2009 **Item No:** 3

Report of: Head of Law and Governance

Title of Report: Consideration of Investigating Officers report

Summary and Recommendations

Purpose of report:

- 1) To introduce to the Committee the Investigating Officer's report in relation to Complaint ref:703/4/18/1; and
- 2) Set out what action the Committee must now take in relation to that report.

Report Approved by:

Finance: N/A

Legal: N/A

Policy Framework: Not Applicable

Recommendation: the Committee must determine to either 1) Uphold the Investigating Officer's finding that there was no failure to comply with the Member Code of Conduct and dismiss the allegation; or
2) Refer the matter to a Local Determination hearing.

Introduction and Background

- 1 On 21 September 2009, the Standards Committee received a complaint against Councillor Roy Darke of Oxford City Council from Dr Susan Mallett.
- 2 On 2 October and 26 November 2009, the Assessment Panel of this Committee met to consider the complaint. The Panel referred the complaint to the Monitoring Officer for investigation. The Monitoring Officer appointed Helen Lynch, Solicitor, as Investigating Officer.

- 3 The investigation report is appended and the Investigating Officer has concluded that there was no failure to comply with the Code.

Next steps

- 4 The Standards Committee is now required to consider the Investigating Officer's report and on the basis of the facts in that report decide whether to uphold the Investigating Officer's finding of no failure to comply with the Code or whether to refer the matter to a local determination hearing.
5. The Standards Committee must make this decision on the basis of the Investigation Report only. It should not seek to interview witnesses or receive representations from the parties.
6. If the Standards Committee accepts the Investigating Officer's report that Councillor Darke did not fail to comply with the Code of Conduct, the complaint is effectively closed. However, the Standards Committee must arrange for a notice to be published in a local newspaper, on the authority's website and/or in any other publication. The notice should state the Standards Committee's findings and give reasons for it. Councillor Darke has the right to request that such a notice is not published.
7. If the Standards Committee do not accept the Investigator's finding and conclude that a hearing should be held, I will make the necessary arrangements and commence the pre-hearing process.
8. The Standards Committee must give written notice of its decision to Councillor Darke and Dr Mallett.

Recommendation:

The Committee must determine whether to:

- 1) Uphold the Investigating Officer's finding that there was no failure to comply with the Member Code of Conduct; or
- 2) Refer the matter to a Local Determination hearing.

Name and contact details of author:

Alec Dubberley, Democratic Services Officer
01865 252402

Background papers: None identified

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