

<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>No</b>
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## CABINET

12 DECEMBER 2012

### REFERENCE FROM CORPORATE MANAGEMENT COMMITTEE

#### **A.1 CONDUCT COMMITTEE: INVESTIGATION OF COMPLAINTS**

(Report prepared by Ian Ford)

#### **PART 1 – KEY INFORMATION**

##### **PURPOSE OF THE REPORT**

To consider, within the prescribed period within the Constitution, the decision of the Corporate Management Committee in respect of Executive Decision number 2205, which was called-in, and to adopt a final decision.

##### **EXECUTIVE SUMMARY**

The Cabinet, at its meeting held on 7 November 2012, discussed the outcome of a recent Conduct Committee meeting and decided that an investigation should be carried out and that the outcomes of such investigation should be reported to the Conduct Committee and made available to Cabinet members.

That decision was called-in for scrutiny by Councillors P J Oxley, I J Henderson and Shearing. The Corporate Management Committee considered the call-in at its meeting held on 28 November 2012.

##### **RECOMMENDATION(S)**

**That, in accordance with the Constitution, Cabinet reconsider its decision (number 2205) and decide whether to confirm, rescind or amend the decision as its final decision on this matter.**

#### **PART 2 – SUPPORTING INFORMATION**

##### **BACKGROUND**

At the meeting of the Cabinet held on 7 November 2012 the Leader of the Council reported that the Leader of the Liberal Democrat Group (Councillor Shearing) in protest at, amongst other things, the outcome of a recent meeting of the Conduct Committee had informed him that he would no longer attend meetings of the Cabinet.

Councillor Candy reminded Cabinet that at the recent meeting of the Conduct Committee the Chairman of that Committee (Councillor Nicholls) had called for a thorough review of the processes and procedures of the Committee. Councillor Candy expressed her grave concern at the comments made by the Monitoring Officer at that meeting in regard to the way in which the respondent Councillor Halliday had been interviewed by the members of the Independent Panel. Having considered those concerns Cabinet had decided:-

“That an investigation be carried out into the way the recent complaint against Councillor Halliday was dealt with, with particular regard to any mistakes made and any instances of bias, and that the outcomes of this be reported to the Conduct Committee and made available to Cabinet members.”

Councillor P J Oxley, supported by Councillors I J Henderson and Shearing called-in that decision for scrutiny on the following grounds:-

“We require the above-mentioned decision to be called-in because we believe that the decision is inappropriate and wrong in principle, in that the Executive are seeking to intervene in, and to interfere with, the role of both the Independent Panel and the Conduct Committee. It is of fundamental importance to the good governance of the Council that issues relating to the conduct of Councillors are outside the remit of the Executive and the decision taken by the Cabinet undermines this separation of responsibilities. We consider the decision of the Cabinet to be contrary to the Policy Framework in that the Cabinet has assumed powers and responsibilities that have not been given to it by the Council.”

The Corporate Management Committee considered the call-in at its meeting held on 28 November 2012 and decided:-

“The Committee refers the decision back to the decision maker (i.e. Cabinet) and requests it be amended to make it clear that the outcome of the investigation will be reported to the Conduct Committee and all Members of the Council, thus recognising the fact that conduct matters are the responsibility of the full Council.”

#### **CURRENT POSITION**

The Corporate Management Committee has decided that Executive Decision 2205 be referred back to Cabinet. Cabinet are now required to consider the views of the Corporate Management Committee and decide whether it wishes to confirm, rescind or amend that decision as its final decision on this matter.

#### **BACKGROUND PAPERS FOR THE DECISION**

None.

#### **APPENDICES**

None.