

Report



meeting	Standards Committee – Consideration and Hearing Sub-Committee	
date	1 October 2010	agenda item number 5

REPORT OF THE DEPUTY MONITORING OFFICER

COMPLAINT AGAINST COUNCILLOR JASON ZADROZNY

Purpose of the Report

1. To provide the Sub-Committee with sufficient information to enable it to conduct a determination hearing in relation to a complaint that Councillor Zadrozny has breached the Members' Code of Conduct, including consideration of whether the hearing should be held in private.

Not for Publication

2. **Appendix A** to this report is exempt from publication on the grounds that it contains information relating to deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching a finding on a matter referred under the provisions of that Act. This provision applies so long as, in the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. If the Sub-Committee decides that the hearing should be held in public, **Appendix A** should also be made public. In most cases the public interest in transparent decision-making by a standards committee will outweigh the interests of a member who is the subject of a complaint, even if it relates to an unproven allegation that has not yet been determined. However, a member who is the subject of a complaint is allowed to prohibit publication of the committee's notice of finding where that finding is of no failure to comply with the Code of Conduct. This should be taken into account when considering whether the hearing (and consequently **Appendix A**), should be held in public or private.

Information

4. The Council's Standards Committee received a complaint alleging that Councillor Zadrozny breached the Members' Code of Conduct:
5. An Investigating Officer was appointed to investigate the complaint. The report of the Investigating Officer is attached at **Appendix A** to this report (exempt).
6. In accordance with Standards for England's procedures, Councillor Zadrozny was invited to indicate if he disagreed with any of the findings of fact within the investigation report, if he wished additional evidence to be considered, if he wished to be represented at the hearing or call any witnesses, whether he wanted the hearing to be held in private, and if there were any representations to be taken into account if he was found to have failed to follow the Code of Conduct.
7. The Committee should consider whether it would be appropriate for the hearing to be held in private.
8. The issues for the Committee to consider during the hearing are:
 - a. The material facts
 - b. Whether, on the facts, Councillor Zadrozny has breached the Code of Conduct
 - c. If the Committee finds there has been a breach of the Code of Conduct, what sanction, if any, should be imposed
 - d. Whether any recommendations should be made to Nottinghamshire County Council
9. The procedure for the hearing is attached as **Appendix B** to this report. The meeting will be chaired by an independent member.
10. The sanctions which are available to the Sub-Committee if it makes a finding of breach are set out in **Appendix C** to this report.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, crime and disorder and those using the service and where such implications are material they have been described in the text of the report.

RECOMMENDATIONS

12. That the Sub-Committee considers whether the hearing should be held in private, and for the Sub-Committee to proceed with a determination hearing.

HEATHER DICKINSON
DEPUTY MONITORING OFFICER

Comments of the Service Director – Finance

To follow

Legal Services Comments

The Sub-Committee has the authority to consider the matters set out within this report by virtue of Articles 9.3.7, 9.3.8 and 9.3.9 of Part 2 of the Constitution. (SG 24/09/10)

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

Sutton in Ashfield North, Councillor Zadrozny
All