



# Delivering local determinations and setting sanctions

## Exercise 2

You are a member of your authority's standards committee. You have received the following report on the agenda of your hearings sub-committee from your monitoring officer which summarises the investigation report into an allegation that Councillor Present sought improperly to confer an advantage on a person.



Purpose of report – to consider the outcome of an investigation into an alleged breach of the member Code of Conduct by Cllr Present.

Cllr Present has been on the council for five years. He was most recently re-elected in 2008. He signed up to the Code of Conduct on 10 May 2008. He received training about the provisions of the Code on 10 June 2008.

The complainant alleged that Cllr Present had a prejudicial interest in the decision of the Licensing Committee about extending the opening hours of the local lap dancing club because he regularly attended the venue as a guest of the owner, Mr Corleone. Cllr Present is the deputy chair of the committee. The controversial application was granted.

The investigating officer has concluded that these allegations are true and that there is a close friendship between Cllr Present and Mr Corleone. Cllr Present's explanation for his regular attendance at the club was that when the club was first opened Mr Corleone made him an offer that was so good that he did not feel he could refuse and that he had been going ever since. His view is that although he attends the club regularly and knows Mr Corleone well as a result he was not affected by the application since he always left the venue by midnight.

Mr Corleone has not co-operated with the investigation and has refused to answer any questions about his relationship with Cllr Present.

### **Recommendation:**

That the finding of the investigating officer be considered and the sub-committee make one of the findings required under regulation 17(1) of the Standards Committee (England) Regulations 2008.



**What decision would you make and who would you notify of it?**

**How would your decision differ if:**

- (a) Cllr Present was a regular patron of the club but did not know Mr Corleone?
- (b) Cllr Present and his family are shown to have been on holiday with Mr Corleone and his immediate family at Mr Corleone's villa in Sicily two weeks before the application was considered?