

SHEFFIELD CITY COUNCIL

HEARING SUB-COMMITTEE DECISION RECORD

The following decision was taken on Wednesday 8 May 2024 by the Hearing Sub-Committee (Audit and Standards).

Item No

5. CONSIDERATION OF INVESTIGATORS REPORT SC.2023.10

Complaint Reference-	SC.2023.10
Subject Member-	Councillors X&Y
Council-	Sheffield City Council
Complainant-	Mr J
Date of Decision-	8 th May 2024
Breach of Code -	No

I write to inform you of the decision of the Hearing Sub-Committee that considered the Investigators report dated April 2024 into complaint reference SC.2023.10 regarding a potential breach of the Members Code of Conduct by the Councillors X & Y.

The meeting followed the Hearing Sub-Committee Procedure that was provided with the agenda and report.

Sub-Committee Members

Councillors Mohammed Mahroof (Chair), Henry Nottage and Laura McClean and Dr. James Brackley (Non-Voting independent Co-opted Member)

Officers in attendance

David Hollis, General Counsel and Monitoring Officer.
Sarah Hyde, Democratic Services Team Manager.

Others

Investigator – VWV Solicitors
Complainant - Mr J

As per the Hearing Sub-Committee procedure, Councillors X & Y and the complainant Mr J were invited to attend the meeting. Councillors X & Y did not attend the meeting.

The Investigator outlined the findings of the investigation. Mr J and Sub-Committee Members were given the opportunity to ask questions of the Investigator.

Following consideration of the report presented by the Monitoring Officer and the Investigator, the Sub-Committee determined that Councillors X & Y were acting in an official capacity at the time the complaint occurred and therefore the Members' Code of Conduct does apply.

The Sub-Committee could make any of the following recommendations: -

- Recommend to Council or to Committees that he/she be removed from any or all Committees or Sub-Committees of the Council and from any external appointments made by the Council.
- Instruct the Monitoring Officer to arrange training for the member.
- In a case where the breach relates to use of the Council's IT systems, that the Member's access to those systems is withdrawn.
- That policies/procedures are amended.
- That a briefing/information note be issued.
- That an apology be given.
- That the Member is censured in writing and a copy of the letter is published on the Council's website.
- Take no action where it is not considered appropriate in the circumstances to impose a sanction.

Decision

The Sub-Committee decided to take no further action.

Reasons

The Sub-Committee gave careful consideration to the Investigators report in taking account of the evidence and law, including but not limited to the need to take into account the scope of the Code of Conduct regime generally, the specific application of the relevant provisions and the effect of Article 10, and concluded that in relation to the Complaint which was investigated that Councillors X & Y did not breach the Members Code of Conduct.

Appeal

There was no right of appeal to the Council against this decision. However, if the complainant feels that we have not dealt with the complaint properly then they can refer it to the Local Government and Social Care Ombudsman at <http://www.lgo.org.uk/make-a-complaint/how-to-complain> or phone 0300 061 0614.