

CORPORATE AFFAIRS COMMITTEE

A meeting of the Corporate Affairs Committee was held on 7 March 2007.

PRESENT: Councillor Clark (Chair), Councillors Elder, McPartland, Mawston, Mrs H Pearson and Porley.

OFFICIALS: J Bennington, C Davies and R G Long.

**** DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

**** MINUTES**

The minutes of the meeting of the Corporate Affairs Committee held on 31 January 2007 were submitted and approved as a correct record.

CONSULTATION PAPER - MODEL CODE OF CONDUCT REVISED - LOCAL AUTHORITY MEMBERS

In a report of the Members' Office Manager the Committee's views were sought in relation to the Government consultation in respect of the revised Model Code of Conduct for local authority Members as shown in Appendix 2 of the report submitted.

The Code of Conduct covered areas of individual behaviour of Members together with rules governing disclosure of interest and requirements to record on the public register any financial and other interest.

The proposed amendments to the existing Code of Conduct together with the consultation questions were summarised in Appendix 1 of the report.

The Committee was advised of the comments of the Standards Committee which had considered the report at its meeting held on 6 March 2007.

The main observations of Members on the consultation document included the following: -

1. Unlawful Discrimination:

The Committee welcomed the proposal that Members must not do anything which may seriously harm the Authority's ability to comply with statutory duties with regard to equality (Section 2 (2) (a)).

2. Bullying and Intimidation:

The Committee welcomed the proposal of a new requirement that a Member must not bully any person (Section 2(2) (b)) and a Member must not intimidate (or attempt to intimidate) anyone who might be a complainant, a witness, or staff supporting any investigations or proceedings Section 2 (2) (c)).

3. Disclosure of Confidential Information:

The Committee expressed reservations about the proposal that in order to comply with the European Convention on Human Rights members would be able to disclose confidential information if such a disclosure was considered reasonable and in the public interest or was made in good faith and did not breach any reasonable requirements of the Authority.

Members referred to the difficulties likely to arise in making a judgement on a public information test and distinguishing between 'in the public interest' and 'of interest to the public'.

Given the extent to which confidential information was dealt with such as that relating to business and partnership arrangements and personal information in respect of certain Committees such as Licensing Committee and Family Placement Panel it was considered that difficulties may arise and the provisions may allow greater opportunity for exploitation and be used for political gain.

4. Behaviour Outside Official duties:

Members expressed concerns about the proposed amendment, following a High Court case relating to the Mayor of London, that Members would only breach the Code in respect of private behaviour for which the member had been convicted.

The Committee agreed that elected members should demonstrate the highest level of honesty and integrity both in their public and private life.

As in the case of current requirements it was considered that a member could bring their office or an authority into disrepute by unacceptable behaviour not necessarily by an unlawful act for which they had been convicted.

5. Use of Position and Resources:

The Committee agreed with the proposed changes in relation to the broadening of the current wording to include 'attempting to use' and 'including party political purposes'.

The Committee supported the new requirement that members must have regard to the Local Authority Code of Publicity made under the Local Government Act 1986.

6. Duty to Report:

The Committee agreed and welcomed the proposal to remove the legal requirement for members to report suspected breaches of the Code of Conduct.

7. Gifts and Hospitality:

The Committee agreed and welcomed the proposal that gifts and hospitality over the value of £25 would have to be included in the public register, which reflected the current practice in Middlesbrough.

8. Bodies Influencing Public Opinion or Policy:

The Committee agreed with the proposal for the requirement for Members to declare membership of, or positions of control or management in, a political party.

9. Interest of Family and Friends:

With regard to the proposal to extend the definition, the Committee expressed concerns and suggested that difficulties were likely to arise because of a lack of clarity as to what was meant by 'close personal relationship' and whether this just referred to individuals or included organisations.

10. Personal interests:

The Committee welcomed the proposal, which would allow members more freedom to debate in meetings on issues that their communities would expect them to address.

11. Public Service Interests:

The Committee agreed with the proposal for the introduction of a new category of interests, which arose, where a member was also a member of another public body.

Members would only have to declare a public service interest during a meeting if they spoke on the issue and not at the start of the meeting as under current arrangements.

12. Prejudicial Interest –Exemptions:

The Committee agreed with the inclusion of: Indemnities under s101 of the Local Government Act; setting of the Council Tax; and considering new Freeman; to the list of circumstances where a Member is deemed not to have a prejudicial interest.

13. Prejudicial Interest – Participation in Meetings:

Whilst the Committee agreed with the proposal to allow Members having a prejudicial interest to attend a meeting for the purpose of making representations they strongly recommended that they should remain in the meeting room whilst the item was being considered subject to such meetings being open to the public.

14. Registering and Declaring Sensitive Information:

The Committee agreed with the proposal that if such information was likely to create a serious risk for the member or someone in their household then it should not appear in the public register and the precise details need not be declared at a meeting.

15. Overview and Scrutiny:

The Committee expressed reservations on the proposal to allow members who were no longer on decision-making committees or not present when the decisions being scrutinised was made, to participate in the scrutiny process.

It was considered that such proposals would result in greater confusion and may impinge on the open and transparent nature of the scrutiny process.

16. Gender Neutral Language:

The Committee expressed the view that the proposals in respect of the above relating to the terms 'he' and 'she' should continue to be used.

ORDERED that Appendix 1 of the report submitted and the comments of the Committee as outlined above form the basis of the Council's response to the Department for Communities and Local Government in respect of the proposed changes to the Model Code of Conduct for Local Authority Members.

DECLARATION OF INTEREST

Name of Member	Type of Interest	Item / Nature of Interest
Councillor Elder	Personal/Non Prejudicial	Polling Stations-in so far as it related to the Linthorpe Ward – prospective Ward candidate.

POLLING STATIONS

Further to the meeting of the Committee held on 27 September 2006 and in a report of the Director of Legal and Democratic Services the Committee was advised of the reasons for the unavailability of certain buildings for polling stations. The report outlined proposed alternative locations for polling stations.

ORDERED as follows: -

1. That approval be given to the following alternative locations for polling stations: -
 - i) University Ward:
 - a) former clinic, corner of Woodlands Road and Clarendon Road to replace Centre House, Southfield Road which had been converted into office accommodation;
 - b) Breckon Hill Community Centre, Breckon Hill Road following the demolition of The Nursery, Breckon Hill Primary School;
 - ii) Gresham Ward:
West Middlesbrough Neighbourhood Trust Resource Centre, Meath Street following the demolition of Meath Street Community Centre;
 - iii) Linthorpe Ward:
Linthorpe Primary School, Roman Road to replace Cleveland Army Cadet Force, Burlam Road which was in use and no longer available;
 - iv) Ladgate Ward:
Mobile, near Marton Manor Primary School, The Derby as the School was currently undergoing extensive building works;
 - v) Hemlington Ward:
the Main Hall, Hemlington Recreation Centre following a change of use of the Bungalow, Hemlington Recreation Centre.
2. That Officers look into the possibility of using The Acorn Centre, Acklam Grange School, off Heythrop Drive, as a polling station within the Kader Ward.

ELECTION FEES

The Director of Legal and Democratic Services submitted a report regarding the election fees paid at Council, Mayoral and Parish elections in Middlesbrough.

It was acknowledged that the need to pay realistic fees continued to be critical to attract the required number of staff.

Whilst it was the responsibility of each Council to set its own level of election fees, discussion had taken place between the Officers of the five local authorities in the Tees Valley area with a view to standardising the election fees in the region as outlined in the Appendix.

ORDERED that the proposed election fees as outlined in the Appendix to the report submitted be approved.