



## **TO THE CHAIR AND MEMBERS OF THE STANDARDS COMMITTEE**

11 September 2007.

### **BUSINESS REPORT**

#### **1. CODE OF CONDUCT**

- 1.1. Members of the Committee will be aware that earlier this year, the Government published a new Model Code of Conduct. On the 23 May 2007, the Council formally adopted the new Code.
- 1.2. Following discussions with the monitoring officers of the other Tees Valley Authority it was decided that it would be beneficial to arrange a training session within the Tees Valley area for all authorities. Some years ago, a similar event was organised by Redcar and Cleveland Borough Council and was well received by those Members who attended.
- 1.3. Stockton Borough Council have had discussions with Peter Keith-Lucas, who is a very experienced solicitor, and who presented the Redcar training. The date of 25<sup>th</sup> October has been agreed with Mr Keith-Lucas and this Council has been allocated 25 places. Invites have been sent to members of the Standards Committee and the remaining places will be offered to other Councillors.

#### **2. PARISH TRAINING**

- 2.1. Following the implementation of the new Code of Conduct it was felt appropriate to offer training to the new parish councils within Middlesbrough, i.e. Nunthorpe and Stainton & Thornton Parish Councils.
- 2.2. Both Parish Councils have taken up the offer and the respective dates are 3<sup>rd</sup> October and 9<sup>th</sup> October.

#### **3. OFFICERS GIFTS AND HOSPITALITY REGISTERS**

- 3.1. Members will be well aware of the requirement applied to Members in respect of the notification of any offers of gifts or hospitality.

3.2. There are similar requirements in respect of Officers, but whereas with Members a central register is maintained, each Department keeps a separate record in relation to Officers. However, I have now been advised that a similar system should be adopted for Officers as for Members. It is, therefore, proposed that a central record of all offers of gifts or hospitalities to officers will be maintained by my service.

#### 4. STANDARDS BOARD BULLETIN

4.1. The Standards Board, in July, issued Bulletin No. 37. The bulletin which is appended to this report deals with a number of issues including the new Code of Conduct, disclosing confidential information and bias.

4.2. Whilst it may only have been introduced in May 2007, the Standards Board have already had to deal with a number of issues relating to the new code. Under the new code, requirements for the register of members' interests are slightly different to the old code. As a result all members had to complete a new form. In respect of Middlesbrough Council, following implementation of the Code, members were sent copies of the new form for registration.

4.3. As regards the register of gifts over £25, the Standards Board believes that the new code requires a member to register any such gift received in connection with official duties. The code does not require the member to register the interest of the person giving the gift. However, that person's interest may be relevant in determining whether a member has to declare a personal interest, i.e. the new three year rule.

4.4. Paragraph 4 (a) of the new code prohibits Councillors disclosing confidential information. Disclosure, however, may be in the public interest providing the member can satisfy four requirements, i.e. it is reasonable, it is in the public interest, it is done in good faith and made in compliance with the reasonable requirements of the authority. This does mean that the Council has to have some reasonable requirements which are often contained in policies or protocols relating to whistleblowing or member/officer relations. I will be reviewing the Council's policies and protocols to ensure such requirements are in place and are reasonable.

4.5. The bulletin also includes the latest statistics. During the year ending 31<sup>st</sup> March 2007, there were 653 complaints, compared with 605 for the previous year. Of the 653 complaints, 84% were not referred for investigation. In respect of those referred for investigation 51% resulted in no further action and a further 31% resulted in a finding of no evidence for breach.

## PRE-DISPOSITION, PRE-DETERMINATION OR BIAS

- 4.6. Appended to this report is an occasional paper prepared by the Standards Board dealing with pre-disposition etc. It is proposed to send a copy of the paper to all members for information.

Richard Long  
Director of Legal & Democratic Services

## BACKGROUND PAPERS:

Standards Board Occasional Paper issue 1  
Standards Board Bulletin No. 37.