

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on 10 March 2009.

PRESENT: G Fell (Chair);
Councillors Carter, Khan, Lowes, McPartland and Taylor.
Independent Members: Prof. B. Footitt OBE and C J Nestor.
Parish Council Members: Councillors I Bruce and B Macmillan.

OFFICERS: J Bennington, C Davies, R G Long and B Roberts.

**** PRESENT AS AN OBSERVER:** Councillors McIntyre and Purvis.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Davison and C Hobson.

DECLARATIONS OF INTEREST

Name of Member	Type of Interest	Item / Nature of Interest
Mr C J Nestor	Personal Non-Prejudicial	Agenda Item 10 – Appeal MSC 001/2009 – personal references in the report.

** MINUTES

The minutes of the meeting of the Standards Committee held on 9 December 2008 were taken as read and approved as a correct record.

ADJUDICATION PANEL FOR ENGLAND –DECISIONS

The Director of Legal and Democratic Services presented a report which included details of two recent Appeals Tribunal decisions by the Adjudication Panel for England. The Adjudication Panel had heard appeals against decisions made by local authority standards committees where the member was considered to have breached the code of conduct.

The two recent cases outlined in the Appendices were in respect of the following:-

Appendix A – 14 November 2008 – Case Reference APE 01406 – Misuse of Council equipment

Appendix B – 10 February 2009 – Case Reference APE 0414 – comments made by a Member in a local newspaper and public forum.

RECOMMENDED that the information provided be noted.

REGISTERS OF INTERESTS

The Director of Legal and Democratic Services submitted a report which detailed entries made in the Members' Register of Interests and the Register of Gifts and Hospitality in accordance with the Council's Code of Conduct.

Members were reminded that in agreeing topics for its work programme for the year the Committee had resolved to review the entries registered by Members.

Members registered their interests in three ways in accordance with the Council's Code of Conduct and national guidance as follows:-

- (i) By completing an annual declaration of financial and personal interests. An example of the form used had been provided at Appendix (A). Middlesbrough Council's form had been adapted to include additional information that was also required as part of the Council's

Annual Statement of Accounts, relating to disclosure of any material transactions between the Council and Related Parties.

- (ii) By making declarations at meetings where they have interest in a matter to be considered at that meeting. Declarations made in such circumstances were recorded in the minutes of those meetings and were entered in the Register of Disclosures and General Notices. Over 100 declarations had been registered during the current Municipal Year.
- (iii) By declaring and registering when receiving either gifts or hospitality with a value of £25 or more. An example of the form used had been provided at Appendix (B). It was noted that the declaration should include details of the gift or hospitality, its approximate value and details of the person or body who provided it. Although not a requirement, Members also occasionally registered gifts or hospitality of lesser value.

Details of entries in the Register of Gifts and Hospitality received for the current Municipal Year were provided at Appendix C and a fact sheet issued by the Standards Board for England at Appendix D.

It was noted that responsibility for ensuring that such interests were declared and for submitting updates to their entries rested with the Member concerned.

The Registers which may be inspected by the public during normal office opening hours were also available at the meeting. In the context of good practice and working in an open and transparent manner the Committee considered the feasibility of including details of Members' financial/personal interests as declared in the Register of Interests and Register of Gifts and Hospitality to be made available on the Council's Website.

RECOMMENDED as follows:-

1. That the information provided and details of the declarations made be noted.
2. That details of Members' financial/personal interests and of gifts and hospitality offered or accepted by Members should be placed on the Council's Website.

TEES VALLEY TOWN AND PARISH COUNCILS – ETHICAL GOVERNANCE WORKSHOP

In a report of the Director of Legal and Democratic Services the Committee was advised of a forthcoming training event specifically for Town and Parish Councils in relation to ethical governance which Stockton-on-Tees Borough Council were hosting on 8 May 2009.

It was intended for the event to include presentations on the code of conduct and on local assessment arrangements for the determination of allegations of member misconduct.

Each local authority had been asked to nominate two representatives to attend the event. It was confirmed that the eligibility for the payment of expenses for attending the event would be investigated.

NOTED

STANDARDS BOARD – BULLETIN 42

A copy of the Standards Board's Bulletin 42 dated February 2009 had been circulated for the Committee's information.

Reference was made to the extent of the cover of the Local Authorities (Indemnities for Members and Officers) Order 2004 in respect of Independent Members. It was confirmed that Independent Members would be covered whilst undertaking the work of the Standards Committee but that other work such as that of a Parish Councillor would be a matter of the Parish Council concerned.

NOTED

**** EXCLUSION – PRESS – PUBLIC**

ORDERED that the press and public be excluded from the meeting for the whole of the business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

CODE OF CONDUCT – CASE REFERENCE NO. MSC/001/2008

Further to a meeting of the Standards (Hearings) Sub-Committee held on 22 January 2009 and in a report of the Director of Legal and Democratic Services the Committee was informed of documents received from the Adjudication Panel for England.

The Adjudication Panel had asked that the matter be brought to the attention of the Standards Committee and should the Committee wish to submit any comments to the Panel they do so by 11 March 2009.

The Committee considered the documents submitted and a copy of a statement circulated at the meeting which had been received from one of the named Councillors in the said documents.

RECOMMENDED as follows:-

1. That the comments as outlined in the report be referred to the Adjudication Panel for their consideration.
2. That the Adjudication Panel be advised that the alleged comment made by the Chair as identified and referred to in the appeal letter dated 10 February 2009 is incorrect.
3. That a copy of the statement circulated at the meeting from one of the named Councillors in the documents submitted be also referred to the Adjudication Panel.

ANY OTHER BUSINESS – CODE OF CONDUCT – CASE REFERENCE NO. MSC/001/09

The Director of Legal and Democratic Services referred to a meeting of the Standards (Initial Assessment) Sub- Committee held on 27 February 2009 when it had been determined that a local investigation of a complaint be undertaken in respect of Case Reference MSC/001/09.

The Committee was advised that the Councillor concerned had been notified accordingly and an appeal against the decision for the complaint to be investigated further had subsequently been received.

It was confirmed that arrangements would be made for a meeting of the Standards (Review) Sub-Committee to be held in the near future.

NOTED