

REPORT FOR: STANDARDS COMMITTEE

Date of Meeting:	26 April 2011
Subject:	Standards Decisions
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Exempt:	No
Enclosures:	Appendix 1: First Tier Tribunal Decision – Middlesborough Council (Member: Councillor McTigue Appendix 2: First Tier Tribunal Decision - Berwick- Upon-Tweed Borough Council (Member: Councillor Douglas) Appendix 3: Standards for England Guidance on blogging

Section 1 – Summary and Recommendations

Attached to this Report are details of some recent local government standards cases that have been considered by the First Tier Tribunal.

Recommendation:

- 1. That the Committee notes the attached standards decisions**
- 2. That the Committee considers whether to develop a Protocol on Blogging.**

Section 2 – Report

1. While the majority of investigations into complaints that members of local authorities have breached their authority's Code of Conduct are conducted locally, the most serious cases are referred to Standards for England. Where a Standards for England investigation reveals evidence of a serious breach of the Code, the case is referred to the First Tier Tribunal (Local Government Standards in England), part of the General Regulatory Chamber, for a decision. The First Tier Tribunal is also the body that hears appeals against Standards Committee decisions.
2. Standards for England publishes summaries of the cases it investigates on its website. The decisions of the First Tier Tribunal are also publicly available. There is therefore an expanding body of local government standards case decisions available, which can assist authorities and their Standards Committees in interpreting the Code, and help Standards Committees to decide the cases they hear.
3. Attached to this Report at Appendix 1 and 2 are details of two cases which have been considered by the First Tier Tribunal.
4. The first case is a decision of the First Tier Tribunal relating to a complaint of failure to treat others with respect, bringing the office of the member and the authority into disrepute and not using resources in accordance with the authority's reasonable requirements. The interesting issues in this case revolve around whether the Member was acting in their official capacity at the time of the alleged breaches and whether Article 10 of the European Convention on Human Rights impacted on the case.
5. The second is a decision of the First Tier Tribunal relating to a complaint of failure to treat others with respect and bringing the authority into disrepute. Again the issue of official capacity was discussed.
6. Members are requested to note the attached decisions.
7. Additionally, at the Hearing Sub-Committee on 9 February 2011 the Sub-Committee made a recommendation that "the Member Development Panel should consider arranging training for all members on blogging." This has been passed on to the panel and is likely to be on 25th May 2011. They also recommended that "the Standards Committee should consider developing a member protocol on blogging." Members are requested to give a view on whether they wish a Protocol on blogging be developed.
8. Standards for England have produce guidance on the issue of blogging and both the quick guide and detailed guide are attached at appendix 3 for member's information.

Risk Management Implications

Failing to stay informed about developments in .the standards framework may impact on the ability of the Standards Committee to perform its role to a high standard.

Relevant Objectives of the Standards Committee

This report contributes towards the objective of 'Internal Control', as being aware of standards cases that are reported nationally will help the Committee to ensure that it deals with ethical governance issues in accordance with the law and in line with best practice.

Corporate Priorities

This Report is relevant to the corporate priority of united and involved communities: a council that listens and leads.

Financial Implications

There are no financial implications associated with this report.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input type="checkbox"/>	on behalf of the* Chief Financial Officer
Date:		
Name: Matthew Adams	<input type="checkbox"/>	on behalf of the* Monitoring Officer
Date:		

Section 4 - Contact Details and Background Papers

Contact:

Jessica Farmer, Head of Legal Services – Legal Services, 0208 420 9889
Vishal Seegoolam, Acting Senior Professional – Democratic Services, 020 8424 1883

Background Papers: None

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	YES