

REPORT FOR: STANDARDS COMMITTEE

Date of Meeting: 13 September 2011

Subject: **Standards Decisions**

Responsible Officer: Hugh Peart, Director of Legal and Governance Services

Exempt: No

Enclosures:

Appendix 1:
Adjudication Panel Decision – Dartford Borough Council (Member: Former Councillor Leadbeater)

Appendix 2:
Adjudication Panel Decision – Coventry City Council (Member: Councillor Matchet)

Appendix 3:
First Tier Tribunal Decision – London Borough of Havering (Member: Councillor Mark Logan)

Section 1 – Summary

This report sets out three Standards for England cases.

Recommendation:

That the committee notes the attached standards decisions.

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 Appendixes 1, 2 and 3 are three such decisions. All of the cases deal with issues of bringing a Councillor's office or Council into disrepute.
4. The cases are summarised as follows:

Case No: APE 0389

A councillor accessed and downloaded inappropriate material on the internet using a computer provided by the council. He was convicted for doing so. Even though that activity may be perceived as private in nature, it constituted behaviour which brought his office into disrepute as he had used the council's equipment. He was disqualified from office for five years.

Case No: APE 0474

The councillor, as Lord Mayor of the council, hosted an event which was ceremonial and a fund raiser for the Lord Mayor's charities. During the evening, he had a conversation with a woman attending the event, some of which was of a sexually explicit nature. The Tribunal found that this conversation was highly embarrassing, offensive and disreputable. The Mayor's conduct was found to have brought his office and the authority into disrepute. He was given a 3 month suspension from office and required to provide a written apology.

Case No: LGS/2010/0485

The councillor had arranged, of his own volition, for another councillor to be observed and his commuting and travelling arrangements to be monitored and noted. This was undertaken by covert surveillance and

the information was used to found an allegation by the appellant that the councillor was neither residing nor working in the borough and so did not qualify to stand for election as a local councillor. The local Standards Sub-committee found that the appellant had breached paragraphs 3(1) and 5 of the Code of Conduct and imposed a one month suspension (during which member's allowances would not be paid) requiring him to undertake relevant training. The Tribunal held that the appeal would be refused and the decision of the Standards Committee would be upheld.

5. Members are requested to note the attached decisions.

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.

Section 3 – Financial Implications

There are no financial implications associated with this report.

Section 4 – Corporate Priorities

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

Name: Jennifer Hydari	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 25.08.11		
Name: Matthew Adams	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 30.8.11		

Section 6 - Contact Details and Background Papers

Contact: Jessica Framer, Head of Legal Practice – Legal & Governance Services, 0208 420 9889.

Background Papers: None.