STANDARDS COMMITTEE **30 SEPTEMBER 2010**

PROTOCOL IN RELATION TO MEMBERS' BUSINESS DEALINGS

COUNCILLOR GRAEME MILLER

Report of the Chief Solicitor

1. **Introduction**

The protocol for Members' business dealings with the Council requires that any Member proposing to enter into a business dealing with the Council should notify the Chief Executive in writing at the earliest opportunity. The Protocol requires that such notifications should be reported to the Standards Committee.

2. **Previous Notice given by Councillor G. Miller**

2.1 The Committee will recall that it received a report on a notification given by Cllr Graeme Miller at its meeting on 29 September 2009. Cllr Miller is the Chief Executive and Managing Director of TWEBLO (Tyne and Wear Education Business Link Organisation), which is a charity with not for profit status and a Company Limited by guarantee.

2.2 In summary, the circumstances were as follows:-

TWEBLO until the 31st of March 2009 received its funding as a NGO from the LSC (Learning and Skills Council) to actively promote education, training and work experience/work related learning activity across Tyne and Wear involving all 5 local authorities. The contract had come to an end and the funding was passported directly to the 5 local authorities.

It had been agreed by the 5 Tyne and Wear Local Authorities that for the Academic Year August 2008 – July 2009 delivery would continue on the TWEBLO business plan as presented to the LSC and that funds for the April to July 2009 period would be forwarded to TWEBLO for this period to cover activity being delivered to schools.

2.3 This was extended by the five Authorities to cover the academic year August 2009 to July 2010 and then further extended to 30 September 2010 to cover the transition period.

3. **Current Position**

3.1 Subsequently, Sunderland City Council has hosted the Connexions Hub on behalf of the five Tyne and Wear authorities. Staff in the hub are employed by the Council and provide various services related to the education and training of 14 - 19 year olds. The Tyne and Wear Authorities currently pay the Tyne and Wear Education Business

Link Organisation (TWEBLO), to carry out health and safety assessments in respect of work experience placements.

From 1 October 2010 the other four Tyne and Wear authorities intend to transfer the health and safety assessment work to the Connexions Hub. The Council will continue to contract with TWEBLO until 31 March 2011. The transfer will constitute a change in service provision under the Transfer of Undertakings (Protection of Employment) Regulations 2006. Muckle Solicitors, acting on behalf of TWEBLO, initially notified Sunderland City Council that five members of TWEBLO staff were assigned to the economic entity (TWEBLO) and would transfer to the Council, including Councillor Graham Miller.

It was considered that it would be acceptable for Councillor Miller to be involved in negotiations and be present at meetings between the Council and TWEBLO, given his senior position in the company, on condition that such discussions and negotiations were conducted through solicitors on both sides. Accordingly all meetings and correspondence have been conducted through Muckle LLP on behalf of TWEBLO and my staff on behalf of the Council.

3.2 Subsequently, Councillor Miller has confirmed that in fact he will not transfer his employment to the Council.

3. Recommendation

The Committee is requested to note the contents of this report.