

At a meeting of the STANDARDS COMMITTEE held in the CIVIC CENTRE, SUNDERLAND on FRIDAY, 26 MARCH 2010 at 1.00 p.m.

Present:-

Mr G N Cook in the Chair

Councillors M Forbes, Tate and Wares, together with Mr J P Paterson, Mr C Stewart and Councillors G W K. Hepple and A R Wilkinson (Hetton Town Council).

Also in Attendance:-

Councillor P Watson

Prior to the commencement of the meeting, the Chairman took the opportunity to welcome the Leader of the Council to the meeting of the Standards Committee.

Apologies for Absence

There were no apologies for absence received.

Minutes

The minutes of the meeting of the Committee held on 29 January 2010 were submitted.

1. RESOLVED that the minutes be confirmed and signed as a correct record.

Declarations of Interest

The following Councillors declared personal interests in the report below for the reasons indicated:-

Item 4 – Annual Report on the Work of the Standards Committee 2009-2010	Councillor Tate	Referenced in the report regarding Members' business dealings
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Annual Report on the Work of the Standards Committee 2009 – 2010

The Chief Solicitor submitted the second annual report on the work of the Standards Committee and invited the Committee to consider the report, prior to its presentation to the full Council in June 2010. The report would be used to complete the annual return questionnaire issued by Standards for England.

(For copy report – see original minutes).

The Assistant Chief Solicitor outlined the report, highlighting that the Committee had agreed a list of activities to be undertaken during 2009/2010. She drew attention to the Protocol on Members' Business Dealings with the Council which the Committee had endorsed. As a point of clarification, Councillor Tate stated that his query had related to his membership of Easington Lane Community Access Group in his own right, not to his position on Easington Lane Community Access Point, to which he was appointed by the Council.

Training undertaken by Members of the Committee during the year was detailed in the report. Mr. Stewart advised that he had also attended an 'Improving Standards' event hosted by North Tyneside Council on 7 May 2009, but this was not reflected in the report.

The Annual Report also referred to the Local Assessments which had been carried out by the Assessment Sub-Committee and the Assistant Chief Solicitor informed the Committee that all cases were reported to the Sub-Committee within the 20 day timescale recommended by Standards for England.

With regard to relationships, the Committee were informed of the interactions between the Committee, other Standards Committees, Leaders of Political Groups, members and the public. It was noted that there was a proposal to raise public awareness of the work of the Standards Committee with the inclusion of another article in Sunrise magazine.

The Assistant Chief Solicitor also highlighted the comments made relating to standards issues in the CAA report and the score of 3 out of 4 for Use of Resources.

The Chairman welcomed the report and commented that the Committee had had a busy year. The Leader of the Council stated that it was an excellent report and the good work of the Standards Committee was borne out by the comments of the Audit Commission. The CAA highlighted the important role which the Committee played in the governance of the Council and their involvement in the development of protocols and procedures.

The Leader thanked the Chairman and the Members of the Committee on behalf of the Council for the work they had done over the preceding year. He emphasised that the Committee was valued as a body but it did not get the publicity it deserved. The Chairman thanked the Leader for his comments and said that he appreciated the support of the Executive in the work of the Standards Committee. He was pleased to note that the Committee had put in place protocols and rules which were clear and useful to Members in their work.

Having considered the report, it was:-

2. RESOLVED that the Annual Report be noted and recommended to the Council.

Adjudication Panel for England becomes known as First-Tier Tribunal (Local Government Standards in England)

The Chief Solicitor submitted a report outlining the role of the First-Tier Tribunal in hearing cases referred to it by an Ethical Standards Officer or a Standards Committee.

(For copy report – see original minutes).

The Assistant Chief Solicitor informed the Committee that the Tribunal now had additional powers and procedures. It has the power to summon witnesses or require witnesses to produce documents which relate to its hearings.

Tribunal hearings can now be conducted orally or by written representations and the President of the Adjudication Panel for England has been appointed as a Principal Judge of the First-Tier Tribunal.

The process for appeals has also changed. Where previously these were heard in the High Court, these will now be referred to the Upper Tribunal. A subject member may appeal to the Upper Tribunal against the finding that they failed to comply with the Code of Conduct or if they have received a suspension or sanction. If a subject member was successful at the First-Tier Tribunal, an Ethical Standards Officer or Standards Committee could appeal the decision on a point of law to the Upper Tribunal.

The First-Tier Tribunal also has the power to make an order for costs if it considers that a party has acted unreasonably in bringing, defending or conducting the proceedings. It was queried whether cost orders could be made against individuals or individual Members of a Standards Committee. The Chairman noted that individuals who acted unreasonably in bringing an appeal could be asked to pay the cost. It was not to be expected, that the Standards Committee of any local authority would act flippantly. However, in that event the decision was not that of an individual, and it was to be expected that liability would fall on the authority rather than an individual Member.

Members having considered the report, it was:-

3. RESOLVED that the contents of the report be noted.

(Signed) G N COOK
Chairman