

Standards Committee

A meeting of Standards Committee was held on Tuesday, 12th September, 2006.

Present: Cllr P Baker, Mr T Bowman (Parish Representative), Cllr J A Fletcher, Mr F W Hayes (Chairman), Mr L W Hedley (Parish Representative), Cllr N Teasdale

Officers: D.E. Bond, J. Grant and M. Henderson (LD)

Also in attendance:

Apologies: Councillor Sherris, Mrs E. Chapman (Independent Member) and Mrs F. Robinson (Independent Member)

527 Introduction

The Chairman explained that the Committee had been called to consider the Final Report of an Investigation under Section 60(2) of the Local Government Act 2000 by the Council's Head of Legal Services into an allegation concerning a Member of the Council.

528 Quorum

The Chairman confirmed that the Committee was quorate.

529 Purpose of the Meeting and Procedure to be followed

The Council's Monitoring Officer provided brief background information relating to processes that had taken place following receipt of the complaint referral from the Ethical Standards Officer up to the finalisation of the Investigation report and presentation for consideration at this meeting.

He explained that the finding of the Investigation had been that, having regard to the specific complaint, there had not been a failure by the Member concerned to comply with the Council's Code of Conduct.

The Monitoring Officer then informed the Committee that the procedure to be followed at the meeting and the Committee's deliberations on the Investigation report, referred to in the Chairman's introduction, should be in accordance with the following documents:-

- Local Authorities (Code of Conduct) (Local Determination) Regulation 2003 as amended by the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004
- the Standards Board for England Guidance for Monitoring Officers and Standards Committees – Local Investigations
- the Council's Standards Committee Procedure for Local Investigation of Referred Complaints.

Members were provided with extracts from the documents and the Monitoring Officer reminded the Committee of some key aspects.

Particular reference was made to the two possible decisions that the Committee could arrive at, following its consideration of the investigation report:-

- that it accepted the finding contained in the investigation report or,
- that the matter should be considered at a hearing of the Standards Committee.

It was stressed to the Committee that this meeting was not a hearing and that Members could not challenge the facts in the report, but could ask for clarification of any points of uncertainty. The Committee's role was to decide whether, based on the facts set out in the investigation report, it agreed with the finding or believed there was a case to answer at a Hearing.

530 Exclusion of the Press and Public

The Monitoring Officer explained that he had not received any representations requesting that the contents of the investigation report should remain confidential. He indicated that he considered that the report did not contain confidential or exempt information under the provisions of Schedule 12A of the Local Government Act 1972.

RESOLVED that the report, and the Committee's consideration of it be open to the public.

531 Final Report - Reference under Section 60(2) of the Local Government Act 2000 to the Monitoring Officer, Stockton-on-Tees Borough Council - Standards Board Reference Number SBE 13981.06

Members noted that the Complaint alleged that a Member of Stockton on Tees Borough Council had failed to declare a personal and prejudicial interest in planning application 04/3426 due to her friendship with the developer, and therefore failed to comply with the Code of Conduct for Members. Full details of the allegation were provided within the investigation report.

Members discussed and fully considered the report, its findings and recommendation.

Members asked a number of questions in order to clarify certain issues in the report.

532 The Standards Committee's decision

Having considered the Investigation Report and the facts contained in it the Committee arrived at its decisions and identified detailed reasons for those decisions. The decisions were as follows, with the detailed reasons being set out within the Committee's Notice of Finding:-

RESOLVED that

1. the Councillor did not have a personal interest to declare at the Planning Committee meeting held on 11 January 2006 in respect of the application due to an alleged friendship with the Developer and therefore did not fail to comply with the Council's Code;

2. the application, in particular the increase in traffic did not affect the Councillor's well-being or financial position to a greater extent than other Council Taxpayers, ratepayers or inhabitants of the Council's area, and that the demolition of the former nightclub should not reasonably be regarded as having affected the Councillor to a greater extent than other inhabitants of the area;

3. whilst the discharge of Conditions 11 and 15 of the permission relating to the application site conferred an advantage to the Developer, there was no evidence that the Councillor improperly used her position in order to confer such an advantage. Such an advantage was obtained due to the application being acceptable in planning terms; and that with regard to a disadvantage, the Developer was disadvantaged by delay and by attending a number of site visits in order to resolve the conflicting and differing requests in respect of the means of enclosure. However, such requests were not as a result of the Councillor using her position improperly. The Councillor passed on the views of residents and those of the Parish Council to both the Developer and to the Council. She did this in her role as the Ward Councillor for the area and not to confer an advantage or disadvantage on the Developer.

RECOMMENDED to Council that

4. the Council's draft Planning Code of Good Practice be reviewed, updated and approved by the Council in order to provide detailed guidance to Members when dealing with planning applications.