

AGENDA ITEM

PLANNING COMMITTEE

26 JUNE 2014

REPORT OF DIRECTOR OF LAW AND DEMOCRACY

STANDARDS PANEL

SUMMARY

The Standards Panel met on 2 May 2014 to consider an allegation of disclosure of legally privileged information contrary to the Council's Code of Conduct for Members. This report provides details of the Panel's decision, which included reporting the outcome of the hearing to the Planning Committee and to Council.

RECOMMENDATION

The Committee is asked to receive the report.

DETAIL

1. The allegation considered by the Standards Panel was that Councillor Mark Chatburn ("the Councillor") had disclosed legally privileged information, namely Counsel's Opinion, given in confidence to Members of the Planning Committee in connection with an application for planning permission for residential development (13/2184/OUT) in relation to a site at Urlay Nook Road, Eaglescliffe, Stockton-on-Tees.
2. Having considered the Investigating Officer's report and submissions, and having sought and considered the Independent Person's views, the Panel determined that the Councillor had knowingly disclosed legally privileged advice that had been provided to him in confidence, and which was marked as exempt information under paragraph 5 of Schedule 12A of the Local Government Act 1972; that the publication of this information in the public domain by placing a copy of the privileged legal advice on the Councillor's blog, and by linking that blog to the Councillor's twitter account, did not fall within any of the exemptions specified in paragraph 6(a)-(d) of the Council's Code of Conduct for Members, and that it therefore constituted a breach of paragraph 6 of the Code.
3. Further details of the Panel's decision are provided at the **Appendix** to this report.
4. Just before the Panel's hearing, the Local Government Ombudsman made a decision in relation to a separate matter that, amongst other issues, concerned a complaint about the Counsel's advice being given, in confidence to Planning Committee Members in connection with the Urlay Nook Road planning application. The Ombudsman found that, in reaching its decision, she would have expected the Planning Committee to have considered the advice from Counsel, and that the Council had acted without fault in relation to the determination of the application.

CONSULTATION

5. Consultation has taken place previously in relation to the Council's governance arrangements regarding confidential information, most recently in connection with the adoption of the new Code of Conduct for Members.

Director of Law and Democracy

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IMPLICATIONS

Financial Implications

There are none arising directly from this report.

Legal Implications

None arising directly from this report.

Council Plan Implications

Effective corporate governance.

Risk Assessment

The likelihood of a recurrence is considered to be a low to medium risk, given the Panel's decision regarding the release of confidential information in the future, and the Council's existing procures relating to exempt/confidential information.

Equality Impact Assessment

It is not considered that an assessment is necessary. No change of policy or governance is proposed.

Human Rights Implications

The relevant provisions of the European Convention on Human Rights were considered during the Standards Panel hearing and are specifically referred to in the Investigating Officer's report.

Background Papers:

none

Ward(s) and Ward Councillors:

The allegation considered by the Standards Panel was not ward specific. It concerns all Councillors who receive confidential information.

Property Implications:

None