

Report of	Meeting	Date
Monitoring Officer	Standards Committee	18 th June 2009

CASE UPDATE

PURPOSE OF REPORT

1. To advise Members of recent cases which have been considered nationally.

RECOMMENDATION(S)

2. That the report be noted.

ADJUDICATION PANEL DECISIONS

3. Ten decisions of the Adjudication Panel have been published since the last meeting of the Standards Committee. Six of these related to appeals against a Standards Committee decision and the remaining four were cases investigated at first instance by Ethical Standards Officers. The Ellistown and Westbury decisions (both of which are attached) essentially highlight the same issue relating to the need for investigator's reports and Standards Committee's findings to demonstrate clearly what evidence is relied upon to establish breaches of the Code.
5. The Middlesborough case (also attached) is the most recent in a line of decisions from both the Panel and Courts dealing with the vexed question of when a Councillor is acting in his or her official capacity. In this case a Councillor was found to be giving the impression that he was acting as such when posting comments on an on line web forum under a pseudonym. The Panel indicated that the conclusion as to whether a Councillor was giving that impression was fact sensitive. Paragraphs 30 and 31 of the decision set out the evidence that the Panel considered to be relevant in the particular case.

STANDARDS BOARD CASES

6. According to statistics recently published by the Standards Board only 6.2% of cases considered by Standards Committees are now being referred to the Standards Board for investigation. These are resulting in a slow but steady stream of reported cases. The vast majority of cases have resulted in a finding of no breach of the Code. One case where a breach was found involved a Councillor from Gosport Borough Council. It was alleged that he had failed to declare a personal and prejudicial interest in an item of business relating to a local music festival. The Ethical Standards Officer found that there was a close association between the Councillor and the festival organiser and that the item of business considered could reasonably be regarded as affecting the festival organiser's wellbeing or financial position. As a result, the ethical standards officer found that the failure to declare a personal interest was a breach of the Code.

7. The ethical standards officer did not consider, however, that a reasonable member of the public, aware of the relevant facts, would be likely to think that the Councillor's interest was significant enough to prejudice his judgement of the public interest and found that no further action was necessary. This provides a useful reminder that a breach of the Code does not necessarily mean that a sanction need to be imposed.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Andrew Docherty	5102	12 February 2009	REPORTS/1202