

Report of the Assistant Director Corporate Services (City Solicitor) to the meeting of Standards Committee to be held on 26 January 2010.

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Subject:

Report of an investigation under S59 Local Government Act 2000 by Standards for England into an allegation concerning Councillor Brian Martin Smith.

Summary statement:

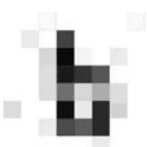
Standards for England have requested that the Standards Committee be brought their report to assist them in discharge of their functions.

Suzan Hemingway
Assistant Director Corporate Services (City
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Portfolio:

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Improvement Area:



Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. Summary

- 1.1 Standards for England have requested that the Standards Committee be brought their report to assist them in discharge of their function.

2. Background

- 2.1 The Council's Standards Committee received a complaint from Professor Clive Upton regarding the conduct of Councillor Brian Martin Smith on 29 May 2009. The Standards Committee Assessment Sub-Committee referred the complaint to Standards for England on 4th August 2009 for the following reasons:
- The Assessment Sub-Committee believe that the status of the member, as an Executive Member, would make it difficult for the Authority to deal with the complaint.
 - The Assessment Sub-Committee consider the case to be of a serious and complex nature which would mean it is difficult to deal with the complaint locally.
 - The complaint potentially indicated some significant government issues within the Authority which ought not to be investigated locally.
 - The Assessment Sub-Committee consider the public perception of the case would be that the Council has a potential interest in its outcome.
- 2.2 Standards for England agreed to refer the matter to their Ethical Standards Officer for investigation. This investigation was completed on 26th November 2009 and the final report was provided to the Monitoring Officer.
- 2.3 Members should note that the report is marked "confidential". Whilst the findings may be disclosed, disclosure of information from parts of the report, and some of the documents in the schedule of evidence may be an offence under Section 63 Local Government Act 2000.
- 2.4 Section 63 prohibits disclosure of information gathered during an Ethical Standards Officer's investigation. A summary of the final report has been placed on the Standards for England website, a copy of the summary is attached to this report at appendix 1.
- 2.5 The Ethical Standards Officer has asked that this report is brought to your attention on his behalf. It is submitted that this will assist you in the discharge of your functions. These functions are the monitoring, advising, training or arranging to train members on matters relating to the Authority's Code of Conduct. In addition they include assessing and reviewing other complaints, considering Monitoring Officer reports and making determinations at hearings. This report is provided to you for these reasons only. The Committee will appreciate that the investigation is now complete and that it has no powers to investigate or make any further findings in this matter.

2.6 Committee members must note that the report must not be disclosed outside the Standards Committee. For this reason the full report is a “Not For Publication” item under the provisions contained in Schedule 12A, Paragraphs 1, 2 and 3 of the Local Government Act 1972.

3. Financial and resource appraisal

3.1 There are no financial or resource implications of the report.

4. Legal appraisal

4.1 There are no specific legal implications of this report but it is submitted that considering the issues raised in the report will assist in the Standards Committee improving compliance with the Code of Conduct.

5. Other Implications

5.1 There are no Equal Rights, Sustainability, Community Safety, Human Rights Act, Trade Union Implications arising from this report.

6. Not for Publication documents

6.1 Standards for England report of investigation SBE-06997-NNQOS under the provisions contained in Schedule 12A, Paragraphs 1, 2 and 3 of the Local Government Act 1972.

7. Recommendations

7.1 That the Standards Committee consider the attached Not For Publication report and discuss the issues arising out of the investigation in the context of the Standards Committee functions.

Reason for Recommendation

7.2 To ensure that the Standards Committee is able to improve compliance with the Members’ Code of Conduct.

8. Appendices

Appendix 1 - Case Summary SBE-06997-NNQOS

Not for Publication Appendix 2 - Standards for England report of investigation SBE-06997-NNQOS