

STANDARDS SUB-COMMITTEE

Wednesday, 18th September, 2013 at 6.00 p.m.
in Committee Room 4 at the Council House, Dudley

PRESENT:-

Councillors Cowell, Mrs. Martin, Taylor and Tyler

Officers:-

Assistant Director, Law and Governance; and
Mr. J. Jablonski (Directorate of Corporate Resources).

Also in Attendance:-

Councillor R. Burston

together with one member of the public

1. **ELECTION OF CHAIR**

RESOLVED

That Councillor Cowell be elected Chair of the Sub-Committee for the remainder of the 2013/14 municipal year.

Councillor Cowell - in the Chair

2. **DECLARATIONS OF INTEREST**

No member declared an interest in any matter to be considered at this meeting.

3. **STANDARDS INVESTIGATION - COUNCILLOR R. BURSTON**

A report of the Monitoring Officer was submitted on the outcome of a standards investigation undertaken in respect of Councillor R. Burston in accordance with the Members' Code of Conduct and the local Standards Arrangements set out in the Council's Constitution.

The Assistant Director, Law and Governance (who is also the Deputy Monitoring Officer) in his presentation of the content of the report submitted, referred to the procedure that would be followed, which had been discussed with Councillor Burston.

Councillor Burston confirmed that whilst he knew that he was entitled to have a representative present, he had decided to proceed without a representative.

The Assistant Director then made particular reference to the personal statement made by Councillor Burston at the meeting of the Council on 15th July, 2013, concerning internet searches that had been made on his Council provided computer equipment to internet sites of an adult nature.

In view of the statement made by Councillor Burston concerning the breach of the provisions of Section 3 of the Members Code of Conduct and paragraphs 11 and 12 of the Guide for Members Internet Access, Use of E-mail and Councillors' Websites, it had subsequently been determined that the matter required formal investigation and referral to this sub-committee.

As part of the investigation carried out a sample of fifty of the searches and images accessed on Councillor Burston's computer had been referred to the Internet Watch Foundation for formal review. Their conclusion was that they did not find any of the images to be of an illegal nature.

However, whilst the images were not of an illegal nature, the access did constitute a breach of the Council's protocols governing the use of its IT equipment and the standards set out in Section 3 of the Members Code of Conduct.

Members were also reminded of the additional actions taken by Councillor Burston, set out in paragraph 7 of the report submitted, as referred to in his statement to the Council.

The action the Sub-Committee could take, following a finding of a breach of the Code of Conduct, must also be proportionate taking account of the facts and circumstances of each individual case. A list of possible actions, although not exhaustive, was set out in paragraph 8 of the report. The Assistant Director confirmed that the Sub-Committee had no legal power to suspend or disqualify a Member from office.

Having presented the contents of the report, Members then asked questions of the Assistant Director, one of which related to whether any further checks had been made on Councillor Burston's computer usage. In response it was noted that a further check had been made in August and no inappropriate sites had been accessed since June, 2013. It was also confirmed that Councillor Burston did not have any other computer equipment, apart from that provided by the Council.

Councillor Burston then made a statement, in particular reiterating the full apology he had made to full Council and apologising to Members of the Sub-Committee and to IT and other Council staff for his actions resulting in the investigations carried out.

Following the statement made by Councillor Burston, Councillor Tyler asked a number of questions relating to computer usage. Councillor Burston confirmed that the images accessed from January to June, 2013 were the only images found on Council equipment.

Also, in relation to whether he had ever been spoken to by the Council, or his employer, if relevant, about accessing inappropriate websites, Councillor Burston replied that he had been made aware by his group personally about the accessing of inappropriate websites and that approximately ten years ago, the then Leader of the Council and the then Chief Executive had had a meeting with him about accessing images of a similar nature to those now referred to.

It was also clarified that no Council IT officers had raised anything with him on this matter.

In response to a question from the Chair whether he would be carrying on accessing inappropriate sites, Councillor Burston replied that he would not.

At the end of questions asked, Councillor Burston and the member of the public left the meeting, to enable the Sub-Committee to consider the information reported on and referred to at the meeting so that they might make a determination.

Having made a determination in this matter, Councillor Burston and the member of the public were invited to re-join the meeting and the Chair outlined the decision of the Sub-Committee to Councillor Burston.

RESOLVED

That, based on the investigation carried out, and the evidence before the Standards Sub-Committee, the Sub-Committee having found that his behaviour was highly inappropriate, but that he had shown remorse, voluntarily resigned from the Shadow Cabinet and relinquished his Member's Allowances for the rest of the year, authorise the Chair of the Audit and Standards Committee to send a formal warning letter to Councillor Burston.

The meeting ended at 6.55 p.m.

CHAIR