

Standards Committee

16 September 2010



Decision of the Upper Tribunal in the Appeal by Councillor Clark against the Decision of the First Tier Tribunal

Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To update Members following the Decision of the Upper Tribunal in Councillor Clark's appeal against the decision of the First Tier Tribunal.

Background

2. Councillor Clark of West Rainton and Leamside Parish Council appealed against Durham County Council's Standards Committee's findings that he failed to comply with the Code of Conduct.
3. On 28 January 2010 the First Tier Tribunal partly upheld and partly rejected the decision of the Standards Committee.
4. Councillor Clark appealed the decision of the First Tier Tribunal to the Upper Tribunal and the appeal was heard on 11 June 2010. The appeal has been allowed.
5. In his decision, Upper Tribunal Judge Ward states that "Councillor Clark's appeal against the decision of the First Tier Tribunal involved the making of an error of law and is set aside. The decision is remade in the terms that Councillor Clark's appeal against the decision of the Standards Committee is upheld". A copy of the Decision of the Upper Tribunal is attached as Appendix 1.

Recommendations and Reasons

6. Standards Committee is requested to note the content of this report.

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