

City of Durham

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Monday, 19th January, 2009, at 9.30a.m.

Present: Mr B.R.J. Ingleby (in the Chair)
and Councillors Holland, Lodge and Turnbull (City Council Members)
and Councillor Mrs Hudson and Councillor J.S. Anderson (Parish Council Member)
and Mr D. Hollingworth and Mrs T. Naples (Independent Members).

355. APOLOGIES FOR ABSENCE

Apology for absence was received from Councillor Simpson.

MINUTES

The Minutes of the Meeting held on 18th December, 2008, were confirmed as a correct record and signed by the Chairman, save that it was confirmed that Councillor Mrs Hudson had in fact offered her apologies for her inability to attend that meeting.

356. DECLARATION OF MEMBERS INTERESTS

There were no declarations of interests.

Report of Monitoring Officer

357. COMPLAINTS TO THE STANDARDS COMMITTEE

The Monitoring Officer presented a comprehensive report in respect of complaints which were subject to the jurisdiction of the Standards Committee. A number of reports had been submitted to the Committee for consideration and they were dealt with later on in the meeting.

A discussion ensued in relation to the content and presentation of investigating officers' reports. The Monitoring Officer confirmed it was the duty of the investigating officer to draw attention to any additional breaches of the code of conduct identified during the investigation, other than those which were the subject of the complaint.

Two members of the Committee addressed the meeting with regard to concerns they had as to the approach towards some complaints and asked for a vote as to whether the Committee were happy for arrangements to continue as at present.

Resolved: That the Monitoring Officer continue with the arrangements currently in place in respect of the investigation of complaints, with amendments to be made as to the presentation of the reports in future.

358. THIRD NATIONAL SURVEY OF PUBLIC ATTITUDES ON STANDARDS OF CONDUCT IN PUBLIC LIFE

The Committee on Standards in Public Life had issued a press notice in respect of their third national survey of public attitudes on standards of conduct in public life. A copy of the press notice had been circulated for information.

Resolved: That the report be noted.

359. DCLG CASE TRIBUNAL REGULATIONS

Copies of Statutory Instrument 2008-SI/2938 – Case Tribunal Regulations had been circulated for information.

Resolved: That the report be noted.

360. CALL FOR EVIDENCE ON LOCAL LEADERSHIP & PUBLIC TRUST: OPENNESS & ACCOUNTABILITY IN LOCAL & LONDON GOVERNMENT

The Committee for Standards in Public Life had launched an inquiry into local leadership, the exercise of power and how decisions were made, in the wake of the introduction of executive models of governance at the beginning of the decade.

The Committee inquiry will assess how well the new arrangements reflect the requirements for openness and accountability in the Seven Principles of public life, and what impact these changes had had on public trust and confidence in government. The findings would be reported to the Prime Minister and the leaders of the devolved governments, and would where necessary include recommendations on how the effectiveness of the current arrangements could be improved.

Submissions were requested from interested parties by 25th February, 2009. Submissions needed not to be restricted to the issues raised in the paper and public meetings would take place across the UK in March, April and May.

Resolved: That the report be noted.

361. CORRESPONDENCE

Members advised that some of them had received individual correspondence from a member of the public.

Resolved: That the information be noted.

362. DRAFT ANNUAL REPORT OF THE STANDARDS COMMITTEE

Members considered the draft annual report, which had been prepared by the Vice-Chair of the committee. Members thanked the Vice-Chair for the work she had done.

Resolved: That the Vice-Chair finalise the report with the Monitoring Officer and then submit the same to the next meeting of the Council.

363. IN PRIVATE

Resolved: That pursuant to Section 100.A(4) of the Local Government Act 1972 the public be excluded from the remainder of the Meeting during consideration of the items listed in Column 1 below, being reports of the Officer mentioned in Column 2 below on the grounds that if members of the public were present during discussion of this item there would be disclosure to them of exempt information of the description indicated in Column 3 below.

Column 1

Investigating Officers report
re SC003.08

Investigating Officers report
re SC004.08

Column 2

Monitoring Officer

Column 3

Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee

Investigating Officers report
re SBE 21948.08 – SBE
21953.08

(England) Regulations 2008, or
referred under section 58(1)(c) of
the Local Government Act 2000.

364. COMPLAINTS TO THE STANDARDS COMMITTEE

(a) SC0003.08 – consideration of investigating officer's report

On 12th August, 2008, a complaint was received by the Monitoring Officer that a Member of City of Durham District Council had breached the Code of Conduct. The complaint was that the Member had:-

- Left a bullying and intimidating message on the complainants answering machine
- Acted inappropriately during and after a meeting of the Councils Development Control Committee on 6th August, 2008.

In accordance with the local assessment of complaints procedure, the complaint was referred to an Assessment Sub-Committee of the Standards Committee, which met on the 11th September, 2008. The Assessment Sub-Committee decided that no action should be taken in respect of the allegation that the Member left a bullying and intimidating message upon the complainant's answering machine. The Assessment Sub-Committee decided that the allegations that the Member behaved inappropriately during and after a meeting of the Development Control Meeting of City of Durham Council on 6th August, 2008, should however be referred for investigation by the Monitoring Officer.

The Complainant asked the Standards Committee to review its decision to take no further action in respect of one allegation and the Review Sub-Committee met on the 13th November, 2008, and upheld the decision not to investigate that element of the complaint. Accordingly, the Monitoring Officer was instructed to conduct an investigation into two allegations against the Member.

The Monitoring Officer delegated the investigation of the complaints to Mrs T. Crowe, a locum solicitor employed by the City of Durham Council. A comprehensive report was prepared by Mrs Crowe in respect of the allegations under investigation. At the conclusion of that investigation she found there to have been no breaches of the Code of Conduct.

Members considered the report of the Investigating officer and were advised that they could either accept the findings of the investigating officer and take no further action in respect of the complaint, or alternatively not accept the findings of the investigating officer and refer the matter for a full hearing.

Resolved: Members were of the opinion that it was possible for a councillors' behaviour to be undesirable without the same constituting a breach of the Code of Conduct. The Members behaviour in this matter gave cause for concern, however the conduct which was the subject of the complaint had not been sufficient to breach the Code of Conduct. Accordingly, the findings of the investigating officer would be accepted, but a letter was to be sent to the Member expressing the concern of the Committee over their conduct.

(b) SC0004.08 – Consideration of investigating officer's report

On 12th August, 2008, a complaint was received by the Monitoring Officer that a Member of City of Durham District Council had breached the Code of Conduct. The complaint was that the Member had:-

- Failed to treat the Complainant with respect during a meeting of the Councils Development Control Committee on 6th August 2008.
- Conducted themselves in a manner which brought their office or authority into disrepute during and after a meeting of the Councils Development Control Committee on 6th August 2008.
- Been a party to the intimidation of a person who is or is likely to be a complainant in relation to an allegation that a member has failed to comply with his authority's Code of Conduct

In accordance with the local assessment of complaints procedure, the complaint was referred to an Assessment Sub-Committee of the Standards Committee, which met on the 11 September 2008. The Assessment Sub-Committee decided that no action should be taken in respect of the allegations that the Member had failed to treat the Complainant with respect and been a party to intimidation of a person. The Assessment Sub-Committee decided that the allegations that the Member brought their office or authority into disrepute at should be referred for investigation by the Monitoring Officer.

The Complainant asked the Standards Committee to review its decision to take no further action in respect of two allegations and the Review Sub-Committee met on the 13 November 2008 and upheld the decision not to investigate the complaint that the Member had been a party to intimidation of a person, but decided to refer for investigation the allegation that the Member had failed to treat the Complainant with respect. Accordingly, the Monitoring Officer was instructed to conduct an investigation into two allegations against the Member.

The Monitoring Officer delegated the investigation to Mrs T. Crowe, a locum solicitor employed by the City of Durham Council. A comprehensive report was prepared by Mrs Crowe in respect of the allegations under investigation. At the conclusion of that investigation she found there to have been no breaches of the Code of Conduct.

Members considered the report of the Investigating officer and were advised that they could either accept the findings of the investigating officer and take no further action in respect of the complaint, or alternatively not accept the findings of the investigating officer and refer the matter for a full hearing.

Resolved: Members were of the opinion that it was possible for a councillors' behaviour to be undesirable without the same constituting a breach of the Code of Conduct. The Members behaviour in this matter gave cause for concern, however the conduct which was the subject of the complaint had not been sufficient to breach the Code of Conduct. Accordingly, the findings of the investigating officer would be accepted, but a letter was to be sent to the Member expressing the concern of the Committee over their conduct.

365. COMPLAINTS TO THE STANDARDS BOARD FOR ENGLAND – SBE 21948.08 – SBE 21953.08

Six complaints in respect of Members of one Parish Council were received by the Standards Board for England before the Local Assessment of Complaints procedure was adopted. The Standards Board for England referred the complaints to the Monitoring Officer for investigation. The Monitoring Officer delegated the investigation to the Deputy Monitoring Officer, Mr Richard Langdon, and his comprehensive report was submitted to the Committee for their consideration.

The complaint referred for investigation was that six members of a Parish Council had breached the Code of Conduct as they had failed to declare both personal and prejudicial interests. The investigating officer concluded that the Code of Conduct had been breached by four of the members who were the subject of the original complaint. He also identified during the course of the investigation breaches of the Code of Conduct by three further members of the parish council.

The Committee considered the findings of the investigating officer and noted that, as the investigating officer had identified breaches of the Code of Conduct, it would be necessary for the matter to be the subject of a hearing.

Resolved: That the matter be referred for a full hearing on the 4th March, 2009.

The meeting terminated at 11.50 a.m.

Chair

CITY OF DURHAM
STANDARDS COMMITTEE

19th February 2009

REPORT OF MONITORING OFFICER

1. Complaints to Standards Board for England

(a) SBE21948 – SBE21953.08

A Hearing has been arranged for 4th March 2009

2. Complaints to Standards Committee

(a) SC0003.08

The Councillor has asked that this matter not be reported in the press.

(b) SC0004.08

The Councillor has not contacted the Monitoring Officer to request that the outcome of the investigation is not publicised, so arrangements are being made for the advertisement of the outcome.

(c) SC0019.08 – SC0026.08

The report of the investigating officer will be circulated for consideration as an “in private” item once received by the Monitoring Officer.

(d) SC0027.08 – SC0030.08

The report of the investigating officer will be circulated for consideration as an “in private” item once received by the Monitoring Officer

(e) SC0031.08 – SC0039.08

Mr Malcolm Stabler (the Complainant) lodged a complaint in relation to the alleged conduct of Cllrs Morland, Brown, Carr, Crowdy, Handley, Mason, Percival and Richardson of West Rainton and Leamside Parish Council (the Members) in accordance with the Local Assessment of Complaints. The complaint was received by the Councils Monitoring Officer on 30th October 2008. The Complainant alleged that the Members:-

- Failed to treat others with respect
- Bullied someone
- Intimidated, or attempted to intimidate a person involved in an allegation against them
- Brought their office or authority into disrepute

At a meeting of the Assessment Sub-Committee of the Standards Committee on 3rd December 2008, it was determined that no further action should be taken in respect of any of these complaints. The Complainant did not lodge a request for a review in respect of the complaint.

The Complainant lodged the same complaint in respect of the Clerk to the Parish Council. The Assessment Sub-Committee determined that they could not deal with a complaint regarding the Clerk to the Parish Council as the Clerk to the Parish Council is an employee, not an elected member, and therefore is not governed by the Code of Conduct.

(f) SC0040.08 – SC0046.08

The report of the investigating officer will be circulated for consideration as an “in private” item once received by the Monitoring Officer

(g) SC0047.08

The report of the investigating officer will be circulated for consideration as an “in private” item once received by the Monitoring Officer.

(h) SC0048.08

Mr Phillip Stabler (the Complainant) lodged a complaint in relation to the alleged conduct of Cllr Percival of West Rainton and Leamside Parish Council (the Member) in accordance with the Local Assessment of Complaints. The complaint was received by the Councils Monitoring Officer on 24th October 2008. the Complainant alleged that the Member:-

- Failed to treat others with respect
- Bullied someone
- Brought their office or authority into disrepute

The Assessment Sub-Committee considered this complaint on 3rd December 2008 and determined that no further action should be taken in respect of this matter. The Complainant has not sought a review of this decision.

(i) SC0049.08 – SC0050.08

The report of the investigating officer will be circulated for consideration as an “in private” item once received by the Monitoring Officer

(j) SC0051.08

A complaint has been received in relation to the conduct of a parish councillor. An assessment hearing took place on 3rd December 2008. The Sub-Committee decided to take no further action in relation to the Complaint. A review has been requested and will be heard on 9th February 2009.

(k) SC0052.08

A complaint was submitted in relation to the alleged conduct of a former Councillor of Durham City Council. The complaint was received by the Councils Monitoring Officer on 8 December 2008. The Complainant alleged that the Member delayed making a

decision upon the complainant's application to purchase land, thus failing to treat him with respect and bringing his authority into disrepute.

The Assessment Sub-Committee considered this matter on 6th January 2009 and determined that no further action should be taken. The Complainant has until 9th February 2009 to seek a review of this decision.

3. Future meeting dates

A number of reports are awaited from Investigating Officers. Members instructions are sought as to the scheduling of meetings to consider those reports. At present the next scheduled meeting is 19th March 2009. There is the potential that 5 reports will need to be considered at this meeting. A hearing is scheduled for 4th March 2009.

