

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Committee Room 1A - County Hall, Durham on **Monday 4 March 2019 at 10.00 am**

Present:

Councillor B Kellett (Chairman)

Members of the Committee:

Councillors J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke, E Huntington (Vice-Chair), J Nicholson and A Savory

Co-opted Members:

Town Councillor T Batson and Parish Councillor R Harrison

1 Apology for Absence

An apology for absence was received from Councillor D Stoker.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 10 December 2018 were agreed as a correct record and were signed by the Chairman.

4 Code of Conduct Update

The Committee considered a report of the Head of Legal and Democratic Services which provided Members with an update on activity since the last meeting in respect of complaints received by Durham County Council (for copy see file of Minutes).

The Governance Solicitor reported that since the papers had been published Decision Notices had been issued in respect of complaints ref: COM 229 and COM 233 and details would be included in the report to the next meeting of the Committee.

Members were informed that with effect from April 2019 Decision Notices would be published on the Council's website and a link to the Decisions would be included in future reports to the Committee.

Councillor E Bell raised concerns that a complaint could detrimentally affect the good reputation of a Councillor, irrespective of whether or not a breach of the Code of Conduct had been found following assessment of the complaint by the Monitoring Officer.

The Monitoring Officer understood the Member's concerns which she knew were shared by other Councillors and appreciated the pressure Members faced as a result, particularly if they were the subject of a number of complaints but emphasised the importance of the Decision Notice which was available for public inspection, and which clearly set out reasons for the decision. The Monitoring Officer briefed Members on how frivolous or vexatious complaints were dealt with in accordance with the Local Assessment Procedure and she advised that the proposal to publish Decision Notices on the website should also help to protect a Member's reputation. In addition more detailed information was now included in Appendix 2 of the report in those cases where the outcome following assessment of the complaint was no further action.

If a complaint was made by a Councillor against another Councillor which was unfounded the subject Member could make a counter complaint.

Resolved:

That the contents of the report be noted.

5 Standards Update

The Committee considered a report of the Head of Legal and Democratic Services which informed Members of the 'national picture' on standards issues affecting local government (for copy see file of Minutes).

Resolved:

That the contents of the report be noted and Officers keep Members updated.

6 Standards in Public Life Consultation on Local Government Ethical Standards

The Committee considered a report of the Head of Legal and Democratic Services which updated the Committee on the outcome of the Committee on Standards in Public Life (CSPL) consultation on Local Government Ethical Standards (for copy see file of Minutes).

The report provided details of the 5 key recommendations:

- a) Updating the model code of conduct and extending it to Parish Councils
- b) Presumption of official capacity
- c) Extending the list of Registerable Interests

- d) A new objective test for when Councillors must withdraw or not vote
- e) Strengthening the sanctions system.

Members discussed the proposals and noted that Councillors would be deemed to be acting in their official capacity unless they could demonstrate otherwise.

Members welcomed the strengthening of sanctions and noted the recommendation that local authorities would be allowed to suspend Councillors without allowances for up to 6 months. In response to questions, the Monitoring Officer advised that although the detail was to be agreed she expected that suspension would be reserved for the most serious of breaches. The Local Government Ombudsman would have remit for Parish and Town Councils only in respect of appeals against suspension.

Following a further question about the promotion of ethical standards and discipline among political groups, the Monitoring Officer advised that there was an expectation that groups would require Councillors to undertake training in this regard.

Resolved:

That

- a) the CSPL report on Local Government Ethical Standards be noted;
- b) the Durham County Council Member Code of Conduct be reviewed at the next meeting in the light of the CSPL report.