



## **Standards Committee**

**Date**      **Friday 13 March 2020**  
**Time**      **10.00 am**  
**Venue**     **Committee Room 1A , County Hall, Durham**

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### **Business**

#### **Part A**

**Items during which the Press and Public are welcome to attend.  
Members of the Public can ask questions with the Chairman's  
agreement.**

1. Apologies for Absence
2. Declarations of Interest, if any
3. Minutes of the Meeting held on 17 December 2019 (Pages 3 - 6)
4. Committee Work Programme (Pages 7 - 12)
5. Code of Conduct Update (Pages 13 - 18)
6. National Picture - Standards Update (Pages 19 - 22)
7. Such other business as in the opinion of the Chairman of the Meeting is of sufficient urgency to warrant consideration.

**Helen Lynch**  
Head of Legal and Democratic Services

County Hall  
Durham  
5 March 2020

**To: The Members of the Standards Committee**

Councillors J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke,  
E Huntington, B Kellett, J Nicholson, A Savory and D Stoker

Parish and Town Councillors T Batson and R Harrison

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**DURHAM COUNTY COUNCIL**

**STANDARDS COMMITTEE**

At a Meeting of **Standards Committee** held in Committee Room 1A , County Hall, Durham on **Tuesday 17 December 2019 at 10.00 am**

**Present:**

**Councillor B Kellett (Chair)**

**Members of the Committee:**

Councillors J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke, J Nicholson and A Savory

**1 Apologies for Absence**

Apologies for absence were received from Councillors E Huntington and D Stoker, Town Councillor T Batson and Parish Councillor R Harrison.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Minutes**

The Minutes of the meeting held on 5 September 2019 were agreed as a correct record and were signed by the Chair.

**4 Standards Committee Hearing Panel - Alleged Breaches of Code of Conduct - COM211-213, COM223 and COM236**

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed Members of the outcome of a Standards Committee Hearing Panel held on 17 September 2019 to consider and determine complaints concerning the alleged conduct of Councillor D Farry of Ferryhill Town Council (for copy see file of Minutes).

The Panel considered a total of five complaints, three of which were considered collectively. Details of each complaint were included in the report.

The Panel determined that the Code of Conduct had been breached in respect of each complaint, and imposed sanctions.

Members were informed that a letter of Censure had been sent to Councillor Farry and published on the Council's website. The Councillor had confirmed that he had provided a written apology to the Complainants and that a copy was to be read onto the public record at the meeting of the Town Council. The Member had attended and completed code of conduct training with the Monitoring Officer on 20 November 2019.

At the hearing the Independent Person had recommended that a root and branch review of all Ferryhill Town Council Policies and Procedures be carried out. This had been addressed by the Town Council.

**Resolved:**

That the outcome of the Standards Committee Hearing Panel be noted.

**5 Code of Conduct Update**

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

**Resolved:**

That the information contained in the report be noted.

**6 Annual Report of the Standards Committee 2018/2019**

The Committee considered a report of the Head of Legal and Democratic Services regarding the Annual Report of the Standards Committee for 2018/2019 which informed of the work of the Committee during the year and set out the direction it intended to take in 2019/2020 (for copy see file of Minutes).

Councillor Clark noted that there had been a significant rise in the number of complaints compared to the previous year and that some of those complaints were made by multiple individuals in respect of a single Member. The Councillor asked if the Complainants in those cases had encouraged other individuals to submit complaints in the expectation that this would add more weight. The Governance Solicitor stressed that Complainants were assured that equal consideration was given to every complaint received, whether it was made by one person or by a number of individuals. A single Decision Notice was issued for multiple complaints which related to the same issue.

The Member requested that a running total of complaints handled be incorporated in each quarterly Code of Conduct Update in future.

**Resolved:**

That the Annual Report for 2018/2019 be noted and presented to the County Council.

**7 Review of Member Code of Conduct/Code of Practice for Members and Officers dealing with Planning Matters**

The Committee considered a report of the Head of Legal and Democratic Services which considered proposed changes to the Member Code of Conduct and the Code of Practice for Members and Officers dealing with Planning Matters (for copy see file of Minutes).

Members were informed that currently other relevant interests were treated the same as disclosable interests in the Code of Conduct, requiring the Member to declare and withdraw from the meeting during discussion and voting. These provisions also applied to the Code of Practice for Members and Officers dealing with Planning Matters.

The Committee considered the proposed changes which would require an other relevant interest to be declared but which would allow the Member to speak and withdraw before the vote. Members appreciated that a failure to declare an other relevant interest may amount to a breach of the Code, but considered that a Member should be permitted to speak on matters relating to their ward, and therefore agreed with the proposed change in this regard. The Committee also discussed the proposed change requiring the Member with an other relevant interest to withdraw before the vote, and considered that the Member should leave the meeting immediately after speaking. The Committee was concerned that if the Member left the meeting prior to the vote, it may be perceived that their presence throughout the discussion had influenced the decision. The Committee stated that if adopted the changes should be clearly communicated to Members and Officers.

**Resolved:**

That the Constitution Working Group be asked to consider the proposed changes to the Member Code of Conduct and Code of Practice for Members and Officers dealing with Planning Matters, taking into account the comments of the Standards Committee.

**8 National Picture - 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).

Members were informed of cases which related to the work of the Committee since the last meeting.

Following discussion it was **Resolved:**

That the report be noted, and Officers be requested to monitor the progress of the matters referred to and keep the Committee updated.

**Standards Committee**

**13 March 2020**

**Committee Work Programme**



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**Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer**

**Electoral division(s) affected:**

None

**Purpose of the Report**

- 1 To inform the Committee of the progress against the Work Programme agreed on 10 December 2018.
- 2 To propose a new work programme for 2020/2021.

**Executive summary**

- 3 There is no requirement for the Committee to have a work programme. However, it is considered good practice to have one as it helps demonstrate the work done by the Committee in promoting and maintaining high standards of ethical conduct throughout the year.
- 4 In December 2018, the Standards Committee approved a work programme in relation to the roles and functions of the Committee.

**Recommendations**

- 5 The Standards Committee is recommended to:
  - (a) To note the progress against the work programme approved in December 2018 for 2019/2020.
  - (b) To consider and approve the proposed work programme for 2020/2021 making any changes that the Committee considers appropriate.

## Background

- 6 The terms of reference of the Standards Committee are set out in Article 7 of the Constitution. They are as follows:
- (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council and Parish and Town Council Members;
  - (b) assisting Members and Co-opted Members of the Council and Parish and Town Council Members to observe the Members' Code of Conduct and where appropriate, the Planning Code of Practice;
  - (c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;
  - (d) monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;
  - (e) advising, training or arranging to train Members and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;
  - (f) granting dispensations to Members and Co-opted Members of the Council from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;
  - (g) the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members, if requested to undertake this function by the Monitoring Officer;
  - (h) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;
  - (i) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;
  - (j) overview of the Officers' Code of Conduct; and
  - (k) overview of the Protocol on Member/Officer Relations

- 7 In December 2018, the Committee approved the work programme, which is consistent with the above Terms of Reference. A copy of the Programme, which has been updated to reflect the work done by the Standards Committee is attached at Appendix 2 to this report.

### **Work Programme 2019/2020**

- 8 The Committee will note that the all the programme has been completed. However, some items were considered earlier or later than intended to allow for them to be considered by other meetings of the Council.

### **Draft Work Programme 2020/2021**

- 9 A draft work programme for the Committee for 2020/2021 is attached at Appendix 3 for consideration. As with last year's work programme, it is designed to assist the Committee to meet its objectives set out in the Terms of Reference and to ensure that the Council complies with its obligations under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct amongst elected and co-opted Members.
- 10 There continues to be standing items for each meeting in relation to local and national code of conduct issues. The work programme is intended to be flexible and can cover additional areas which the Committee is particularly concerned about, as they arise.
- 11 It is envisaged that the Local Government Association during 2020/2021 will consult with Local Authorities regarding the adoption of a model code following the recommendations of the Committee for Standards in Public Life report on Local Government Ethical Standards produced in January 2019. As the date of the consultation is not yet known this has not been included in the proposed work programme but is an item anticipated to be brought to the Committee for consideration.

### **Background papers**

- None

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**Contact: Kamila Coulson-Patel Tel: 03000 269674**

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## **Appendix 1: Implications**

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### **Legal Implications**

The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. It is anticipated that a planned work programme to deal with the specific roles and functions of the Committee, as set out in the Constitution, will assist compliance with this duty.

### **Finance**

There are no financial implications arising out of the report.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

None.

### **Climate Change**

There are no climate change implications arising out of the report.

### **Human Rights**

There are no Human Rights implications arising out of the report.

### **Crime and Disorder**

There are no Crime and Disorder implications arising out of the report.

### **Staffing**

There are no staffing implications.

### **Accommodation**

There are no accommodation implications

### **Risk**

There are no risk implications within this report.

### **Procurement**

There are no procurement implications.

## Appendix 2: Work Programme 2019

Meeting	Item	Date Considered
Spring	1. Outcome of CISPL Consultation on Local Government Ethical Standards	7 June 2019
	2. Review of national standards picture	7 June 2019
	3. Complaints update	7 June 2019
	4. Review of Code of Practice for Members and Officers dealing with planning matters	17 December 2019
Summer	1. Review of national standards picture	5 September 2019
	2. Complaints update	5 September 2019
	3. Review of Code of Values, Behaviours and Conduct	5 September 2019
Autumn	1. Annual Report	17 December 2019
	2. Review of national standards picture	17 December 2019
	3. Complaints update	17 December 2019
Winter	1. Review of national standards picture	13 March 2020
	2. Complaints update	13 March 2020

### Appendix 3 – Work Programme 2020/2021

4 June 2020	<ol style="list-style-type: none"><li>1. Review of national standards picture.</li><li>2. Complaints update.</li><li>3. Appointment of Independent Persons.</li></ol>
4 September 2020	<ol style="list-style-type: none"><li>1. Review of national standards picture.</li><li>2. Complaints update.</li><li>3. Annual Report 2019/2020.</li><li>4. Review of Member Guidance on the use of Social Media.</li></ol>
9 December 2020	<ol style="list-style-type: none"><li>1. A Review of national standards picture.</li><li>2. Complaints update.</li></ol>
3 March 2021	<ol style="list-style-type: none"><li>1. Review of national standards picture.</li><li>2. Complaints update.</li><li>3. Work Programme review.</li></ol>

**Standards Committee**

**13 March 2020**

**Code of Conduct Update**



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**Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer**

**Electoral division(s) affected:**

None

**Purpose of the Report**

- 1 To provide the Committee with an update on activity since the last meeting in respect of complaints received by Durham County Council against Councillors.

**Executive summary**

- 2 The report provides at Appendix 2 a list of complaints of alleged breaches of the Code of Conduct currently being assessed and those which have been completed. Complaints are considered in accordance with the council's Local Assessment Procedure dated October 2018.

**Recommendation**

- 3 The Standards Committee is recommended to note the contents of the report.

## **Complaints**

- 4 There have been four formal complaints received between 17 December 2019 and 5 March 2020 which brings the number of complaints from 1 April 2019 to 5 March 2020 to 40.
- 5 Three final decision notices have been issued in the last period and the outcome of each complaint is included in Appendix 2. The complaints which are rejected at the pre initial assessment stage do not appear in the code of conduct activity shown at Appendix 2. For information only, in the last period two complaints have been rejected at the pre initial assessment stage where it was considered that the Member was not acting in an official capacity.
- 6 It would not be appropriate to comment on those complaints that are currently being assessed/investigated but Decision Notices will be available for inspection once the decision has been communicated to the Member subject to the Complaint.

## **Training**

- 7 Training was attended on 17 February 2020 by the Chair and Vice Chair of the Standards Committee together with the Monitoring Officer. The training was specifically for Chairs, Vice Chairs of the Standards Committees and Monitoring Officers on the subject of developments in governance.
- 8 The Independent Persons are due to attend an Independent Person Workshop hosted in Durham on 24 April 2020 which will explore the role of the Independent Person in depth, discuss key developments including the new model code and share experiences.

## **Main Implications**

### *Legal Implications*

- 9 The council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a Code of Conduct that is consistent with the Nolan Principles. It must also have in place arrangements to consider allegations about breaches of the Codes of Conduct for Members, by the council's own members and of members of parish/town councils for which the council is the principal authority.

## Conclusion

- 10 The report is intended to provide an overview of complaints handling to assist the Standards Committee to fulfil their role in promoting and maintaining high standards of conduct.

## Background papers

- Local Assessment Procedure dated October 2018.
- Decision Notices.

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**Contact:** Kamila Coulson-Patel Tel: 03000 269674

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## **Appendix 1: Implications**

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### **Legal Implications**

As outlined in the report.

### **Finance**

There are no financial implications arising out of the report.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

There are no equality and diversity implications arising out of the report.

### **Climate Change**

There are no climate change implications arising out of the report.

### **Human Rights**

None

### **Crime and Disorder**

There are no Crime and Disorder implications arising out of the report.

### **Staffing**

There are no staffing implications.

### **Accommodation**

There are no accommodation implications.

### **Risk**

None.

### **Procurement**

There are no procurement implications.

## Appendix 2: Code of Conduct Complaints Activity

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
COM 277	Town	24.10.2019	The Complainant states that he has had an allotment for 12 years. Recently, he received a letter regarding his allotment, informing him that he was required to tidy it up. The Complainant asked for three months to be able to carry out the required work. He asked for this timescale due to personal reasons which had made it difficult to find the time to attend to his allotment. The Complainant's wife attended an Allotment Committee Meeting on his behalf, the meeting was around August 2019 and it is alleged that a Member stated "come on now stop lying and tell the truth". It is alleged that a Member pressured the Complainant's wife to disclose his medical condition.	Paragraphs 1 and 4		Response received from Members (the whole Council) and is under review by the Governance Solicitor.
COM 278	Town	17.10.2019	The Complainant alleges that the Member (Councillor B) knowingly and falsely using a fake identify to post and make comments on Council matters. It is asserted that this has been done to hide her accountability as a local Councillor. It was also alleged that another Member (Councillor C) had referred to the Member by what was described as a fake name on social media and on the radio show.	Part 3 – Disrepute.	03.02.2020	No further action. Cllr C was not acting in his official capacity at the time of the Complaint. Cllr B a number of posts predate her taking office and therefore were not made in whilst in her official capacity. Cllr B has a personal profile which shows her faith name, she has another profile for her official role and at no point has she attempted to conceal her role.
COM 280	Town	21.11.2019	It is alleged that the Member was angry and aggressive towards the Member at a public meeting. The Member called the Complainant and two other councillors liars. The Complainant finds the conduct of the Member to amount to bullying. The Member has failed to provide an apology to the Complainant.	Paragraphs 1, 2 and 6.		Response received by Member. Under review by the Governance Solicitor.
COM 281	County	22.11.2019	It is alleged that the Member attended the property of the Complainant in October 2019 and took pictures of the fence to report to the Council. The Complainant did not have an issue with the reporting of the issue with the fence however the Member posted the images on Facebook without her consent. The Complainant considers that this was an attempt to humiliate her, the images showed her family home and she has been approached by others regarding the Facebook posts.	4.3 (j) and (j)	04.03.2020	No further action. The Member posted the photo on Facebook which showed the Complainants property however the image was to show a loose bollard. The Governance Solicitor considered that the capturing of the property in the background of the photo showing the bollard was incidental. The

Ref	Council	Date	Allegations	Paragraphs of the Code	Decision Notice	Outcome/Status
						Member apologised for any humiliation caused. The Member was invited to consider taking photos on alternative angles or applying filters to blur out background images.
COM 282	Town	06.01.2020	The Complainant was involved in the organising of the Remembrance Sunday Service and Parade. It is alleged that at the end of the service the Member approached the Complainant and asked rather abruptly whether he had received the guidance from Royal British Legion (RBL) regarding publicity during the election period. The Complainant confirmed that he had received the guidance and the Member proceeded to state that the guidance had not been followed as a wreath had been laid by a political party. The Complainant states that he offered to look at the guidance on his phone with the Member and discuss this however the Member brushed off his offer, waved his hands and stormed off.	Paragraph 3.1: i) behave in such a way that a reasonable person would regard as respectful. ii) shall not act in a way which is a reasonable person would regard as bullying or intimidatory	05.03.2020	No further action. At the heart of the complaint was a differing interpretation of pre-election publicity guidance issued by RBL. There was a short interaction between the Member and the Complainant. The allegations that the Member had been abrupt and stormed off were subjective/personal to the Complainant and did not amount to breach of the code.
COM 285	County	21.02.2020	The Complainant is unhappy that she has not received a response to concerns raised with the Members. The Complainant has raised issues relating to litter, smashed glass and that she has poor broadband signal. The Complainant feels ignored, let down and disappointed that she has to live in such mess.	4.3 (a), (b), (e) and (j)		Awaiting response from Members.
COM 286	County	11.02.2020	The Complainant is unhappy with how the Councillors have handled his complaint and representations to his housing provider. The Complainant is also unhappy that one of the Councillors reported him to the police which resulted in the police attending his property.	4.3(a), (b) and (j)		Response provided by Members. Under review by the Governance Solicitor.
COM 287	Town	21.02.2020	It is alleged that the Member made inappropriate comments and threatened the Complainant through Facebook posts. It is also alleged that the Member has used a false profile on Facebook.	Para 1 – Respect Para 2 – Shall not bully or intimidate Para 6 – Shall not bring the Council, or office into disrepute.		Awaiting response from Member.

**Standards Committee**

**13 March 2020**

**National Picture – Standards Update**



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**Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer**

**Electoral division(s) affected:**

None

**Purpose of the Report**

- 1 To inform Members of the national picture on standards issues affecting Local Government.

**Executive summary**

- 2 This report is for information to update the Committee on national developments, consultations and cases which relate to the work of the Committee since the last meeting (17 December 2019).

**Recommendation**

- 3 The Standards Committee is recommended to:
  - (a) note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated; and
  - (b) consider any recommendations it wishes to make arising out of the content of the report.

## **Background**

- 4 As agreed by the Committee on 10 December 2018, as part of the annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

## **Code of Conduct Complaints**

- 5 Since the abolition of the Standards Board for England, national statistics and case reports are no longer collated. Therefore, any cases reported are taken from general research where councils publish details of their conduct hearings in public.

## **Cornwall Council - Councillor DT (January 2020)**

- 6 The Member had been subject to a code of conduct complaint in August 2019 for comments made during a public protest outside of County Hall. The outcome of the earlier complaint was for the Member to issue an apology within 28 days of the date of the decision notice.
- 7 A further complaint was raised with the Monitoring Officer alleging that the Member had publicly refused to issue an apology. It was also alleged that the Member had sent emails which were considered impolite and that the Member had been disingenuous about emails and pictures sent to her.
- 8 The Member appeared in a video posted on Cornwall Live in August 2019 where she explained her position, including difficulties she faced over an extended period, and made it clear that she would not apologise to the few people to whom her earlier comments were directed.
- 9 The Monitoring Officer noted that the earlier decision would not be revisited however highlighted that the previous finding, including the request for an apology, was considered reasonable and proportionate.
- 10 The Monitoring Officer was concerned by the conduct of the Member since the decision notice of 20 August 2019. By failing to issue the apology as directed was viewed as a failure by the Member to treat those to whom her comments were directed with respect and that this continued.
- 11 The Monitoring Officer considered the Member's failure to adhere to the Code of Conduct and the related complaints process, particularly by failing to issue the requested apology, to be disrespectful to the Standards Committee and the office of Monitoring Officer, given their

complementary responsibilities in relation to the Code of Conduct regime.

- 12 There was no finding of a breach of the Code in respect of the emails sent and the comments on emails and pictures received.
- 13 In respect of the allegations which were found to be in breach of the Code the Member was directed to issue the apology as previously sought and if not made within 28 days of the decision it is proposed that the matter be referred back to the Standards Committee.

### **Hertfordshire Council – Councillor JW (November 2019)**

- 14 In November 2019, the Monitoring Officer considered a complaint alleging that the Member had hit the pots outside of the Complainant's premises with an umbrella. The Member did not deny that the incident had occurred.
- 15 The matter of the pots had been subject to discussion at various meetings of the Parish Council. The Member was aware that this was a matter which was being considered by the Parish Council.
- 16 The Monitoring Officer did note that the Member may have been acting in her personal capacity but she was aware of the issue through the role as a Parish Councillor.
- 17 The Monitoring Officer found that the Member had brought the Parish Council into disrepute by her actions and it was recommended that the Member issued an apology.

### **Background Papers**

- None

### **Other useful documents**

- <https://www.cornwall.gov.uk/media/42482260/ccn011-19-20-decision-notice-councillor-dulcie-T-cornwall-council.pdf>
- [https://www.herefordshire.gov.uk/download/downloads/id/19340/019414\\_-\\_councillor\\_j\\_ward\\_tarrington\\_parish\\_council\\_-\\_decision\\_notice.pdf](https://www.herefordshire.gov.uk/download/downloads/id/19340/019414_-_councillor_j_ward_tarrington_parish_council_-_decision_notice.pdf)

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**Contact:**

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## **Appendix 1: Implications**

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### **Legal Implications**

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Ensuring that the Standards Committee is kept up to date with national Standards issues is expected to facilitate compliance with this duty.

### **Finance**

There are no financial implications arising out of the report.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

There are no equality and diversity implications arising out of the report.

### **Climate Change**

There are no climate change implications arising out of the report.

### **Human Rights**

None

### **Crime and Disorder**

There are no Crime and Disorder implications arising out of the report.

### **Staffing**

There are no staffing implications.

### **Accommodation**

There are no accommodation implications.

### **Risk**

None.

### **Procurement**

There are no procurement implications.