



Standards Committee

Date **Friday 25 June 2021**

Time **9.30 am**

Venue **County Hall, Durham - County Hall, Durham**

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Declarations of Interest, if any
3. Minutes of the Meeting held on 3 March 2021 (Pages 3 - 6)
4. Committee Work Programme (Pages 7 - 14)
5. Appointment of Independent Persons to Standards Committee (Pages 15 - 32)
6. Annual Report of the Standards Committee 2020/2021 (Pages 33 - 42)
7. Standards National Picture Update (Pages 43 - 48)
8. Code of Conduct Update (Pages 49 - 62)
9. 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
17 June 2021

To: The Members of the Standards Committee

Councillors M Abley, J Atkinson, L Maddison, L Mavin, J Nicholson,
A Savory, T Smith, D Stoker, T Stubbs, F Tinsley and C Varty

Parish/Town Council Co-optees:

Councillors T Batson and R Harrison

Contact: Jill Errington

Tel: 03000 269 703

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held remotely via Microsoft Teams on **Wednesday 3 March 2021 at 9.30 am**

Present:

Councillor B Kellett (Chair)

Members of the Committee:

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

Co-opted Members:

T Batson

1 Apologies for Absence

Apologies for absence were received from R Harrison.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 9 December 2020 were agreed as a correct record to be signed by the Chair.

4 Standards National Picture Update

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which provided an update on the national picture on standards issues affecting Local Government (for copy see file of Minutes).

Resolved:

That the report be noted and officers monitor the progress of the matters referred to.

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 in respect of complaints received by Durham County Council against Councillors (for copy see file of Minutes).

In response to an observation from the Committee that a high number of complaints relate to Parish and Town Councils, the Head of Legal and Democratic Services responded this had been the trend for a number of years. Regular training is provided, and, following the local elections in May, a detailed induction programme will be held for all elected members of the County Council. As part of this, Code of Conduct Training will also be offered to Parish and Town councillors. In addition, training on specific issues is offered to Parish and Town Councils, as and when required.

Resolved:

That the report be noted.

6 Committee Work Programme

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer on the progress of the work programme over the municipal year (for copy see file of Minutes).

The Committee noted the encouraging response to the recruitment exercise for Independent Persons.

The Head of Legal and Democratic Services and Monitoring Officer explained the work programme for 2021-22 will include the review of the social media guidance which will be prepared in time for inclusion in the member induction programme, and, feedback from that exercise will inform the review of the guidance by the Standards Committee.

Resolved:

That the report be noted.

7 Model Code of Conduct

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which introduced the new Model Code of Conduct prepared by the Local Government Association. The Committee was requested to consider whether to adopt the Code in whole or in part (for copy see file of Minutes).

Members were informed that the Government is yet to respond to the formal and best practice recommendations made by the Committee on Standards in Public Life in relation to local government ethical standards. However, some of the recommendations, including those relating to the scope of the Code and the introduction of sanctions, require legislative changes.

Comments on the draft Code were submitted to the Local Government Association and changes were made to the draft, in response to the consultation process. Members were referred to the comparison of the provisions of the new Model Code with the County Council's existing Code attached to the report at Appendix 5. The Committee noted that, when the proposed changes to the best practice recommendations are incorporated, which are due to be considered by full Council on 24 March, the existing Code is largely reflective of the Model Code.

The Head of Legal and Democratic Services and Monitoring Officer requested the Committee to consider two areas where the Model Code and the existing County Council Code differ. Firstly, the Model Code includes an express requirement that Councillors must not bring their role or local authority into disrepute. The County Council Code does not include a specific provision, however, the Committee may wish to consider making an explicit reference to it, to align with the Model Code. Secondly, the Committee was requested to consider whether to enhance the Code, through including examples of treating others with respect. These changes, together with the best practice recommendations being recommended to Council in March, would align the Code fully with the Model Code, and, reflect all the best practice recommendations made by the Committee on Standards in Public Life.

Councillor Bell raised concerns in relation to the increasing amount of social media and vexatious complaints and he noted these issues are not addressed within the Code. The Head of Legal and Democratic Services and Monitoring Officer explained that arrangements are in place to deal with vexatious complaints, within the Local Assessment Procedure, which includes a Habitual or Vexatious Complaints Policy.

Councillor Batson commented that persons wishing to stand as candidates at the local elections would do well to familiarise themselves with the Model Code. The Head of Legal and Democratic Services and Monitoring Officer confirmed that candidates receive an information pack which includes the Code of Conduct, and, they are made aware that when signing the Declaration of Office, they agree to abide by the Code.

Members agreed that the changes recommended by the Head of Legal and Democratic Services and Monitoring Officer were a proportionate response to the Model Code, and, that by adopting the changes, the Council's Code will reflect best practice. The proposed changes were moved by Councillor Clarke and seconded by Councillor Atkinson.

Resolved:

The Committee agreed to recommend to Council to amend the Code of Conduct to include an express provision for Members not to bring the authority into disrepute and also to include examples of what amounts to treating others with respect and how to deal with disrespectful behaviour from others.



Report of Helen Lynch, Head of Legal and Democratic Service and Monitoring Officer

Electoral division(s) affected:

None.

Purpose of the Report

- 1 To agree the Work Programme for 2021/2022.

Executive summary

- 2 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.
- 3 On 13 March 2020, the Committee approved a work programme in relation to the roles and functions of the Committee for the municipal year 2020/21. The review of the work programme was considered by the Committee on 3 March 2021. It was agreed that the work programme for 2021/2022 would be considered at the first Committee meeting of the new municipal year.

Recommendations

- 4 The Standards Committee is recommended to:
 - (a) note the progress against the work programme approved on 13 March 2020 for 2020/21.
 - (b) Comment on the draft work programme for 2021/22 shown at Appendix 3 of the report.
 - (c) Agree the work programme for 2021/22.

Background

- 5 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

Work Programme 2020/21

- 6 The Committee reviewed the progress against the work programme for 2020/21 at its meeting on 3 March 2021. A copy of the work programme with the details of when the items were considered is shown at Appendix 2 of this report for information.
- 7 The Committee on 3 March 2021 noted that there had been disruption to the meeting schedule and the work programme for 2020/21 which had arose from the Covid-19 restrictions on meetings. The meetings of June and September 2020 were cancelled as a result.
- 8 In addition to the meetings reported as shown in Appendix 2, an informal meeting of the standards committee took place on 21 July 2020 for members of the Committee and the Independent Persons to comment on the Local Government Association model code of conduct consultation.
- 9 From the work programme 2020/21 the social media toolkit was not considered by the Committee due to the disruption of meetings. However, the member social media toolkit was published shortly before the election in May 2021 and has been covered as part of the Members Induction Programme. The toolkit covers Members responsibilities in relation to social media, practical tips on how to use social media effectively and safely as well as what to do in the event they experience trolling or abuse. It is proposed that a review of the social media toolkit is undertaken by the Committee towards the end of 2021/22.

Work Programme 2021/22

- 10 The Committee is asked to agree the work programme for the municipal year. A copy of the draft work programme for 2021/22 is shown at Appendix 3.
- 11 The work programme provides the Committee with a number of key items to be reviewed throughout the year as well as standing agenda items.
- 12 It is proposed that there is a review of the code of conduct complaints procedure to ensure that it remains fit for purpose, legally compliant and consistent with best practice. This review will also include the process for rejecting complaints including those which are considered vexatious or habitual complainant.
- 13 As this has been an election year it is considered a timely opportunity to review the appointment of the Town and Parish co-opted members and the procedure to be adopted for future appointments to the Standards Committee.

- 14 Member development and training is considered a cornerstone in promoting high ethical standards. Following the 2021 elections a member induction programme has been developed and delivered. It is therefore proposed that the Committee evaluate the Member Induction Programme.
- 15 It is recognised that there is flexibility in the work programme to include any other issues which arise throughout the year. For example, it is anticipated that the Government will publish its response to the Committee in Standards in Public Life Report published in January 2019.

Background papers

- None.

Other useful documents

- None.

Author

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Appendix 1: Implications

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

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: Work Programme 2020/21

Meeting	Item	Date Considered
4 June 2020	<ol style="list-style-type: none"> 1. Review of national standards picture. 2. Complaints update. 3. Appoint of Independent Persons. 4. Review of Member Guidance on the use of Social Media. 	<p>Deferred due to cancellation</p> <p>Deferred due to cancellation</p> <p>9 December 2020</p> <p>Not considered in 2020/21</p>
4 September 2020	<ol style="list-style-type: none"> 1. Review of national standards picture. 2. Complaints update. 3. Annual Report 2019/2020. 	<p>Deferred due to cancellation</p> <p>Deferred due to cancellation</p> <p>9 December 2020</p>
9 December 2020	<ol style="list-style-type: none"> 1. A Review of national standards picture. 2. Complaints update. 	<p>9 December 2020</p> <p>9 December 2020</p>
3 March 2021	<ol style="list-style-type: none"> 1. Review of national standards picture. 2. Complaints update. 3. Work programme review. 4. LGA Model Code of Conduct. 	<p>3 March 2021</p> <p>3 March 2021</p> <p>3 March 2021</p> <p>3 March 2021</p>

Appendix 3: Draft Work Programme 2021/22

Summer 2021	<ul style="list-style-type: none">• Confirmation of appointment of Independent Persons.• Annual Report 2021/22• Work Programme 201/22• Review of national standards picture.• Complaints update.
Autumn 2021	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Review of Code of Conduct complaints procedure.• Co-opted membership on the Standards Committee.
Winter 2021	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Evaluation of Member Training and Development.•
Spring 2022	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Social Media Guidance review.• Review of Work Programme 2021/22.• Work Programme 2022/23.

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Standards Committee

25 June 2021



Appointment of Independent Persons to the Standards Committee

Report of Helen Lynch, Head of Legal & Democratic Services

Electoral division(s) affected:

None.

Purpose of the Report

- 1 To update the Standards Committee on the recruitment of two new Independent Persons to the Standards Committee.

Executive summary

- 2 Durham County Council has two Independent Persons who are appointed in accordance with the Localism Act 2011. The Independent Persons were appointed in 2012 and their term was extended in November 2016 for a further four years.
- 3 The recruitment exercise for the appointment of Independent Persons was due to take place in advance of the expiry of the term of office with appointments to be approved by full Council. Following the cancellation of Council meetings in March 2020 due to the Covid-19 pandemic neither the Standards Committee or Council had the opportunity to consider or approve the recruitment of two Independent Persons in advance of the expiry of their term of office.
- 4 The Corporate Director of Resources, exercising the delegated power extended the term of office of the Independent Persons until 21 September 2021. This decision was taken in consultation with the Chair and Vice Chair of the Standards Committee as well as the Head of Legal & Democratic Services. The decision was reported at the full Council meeting on 21 October 2020.
- 5 At its meeting on 20 January 2021, Council approved a recruitment exercise with a view to appointing two new Independent Persons. Council also agreed to amend the term of office for the Independent Persons to a fixed term of two years with the option of extending for a maximum of a further two years. This change is in line with good practice identified by the Committee for Standards in Public Life.

- 5 This report summarises the recruitment exercise undertaken and the recommendation to be presented to Council at its meeting in July 2021.

Recommendation

- 6 The Standards Committee are asked to:
- (b) note the recruitment process undertaken for Independent Persons.
 - (b) recommend to full Council the appointment Alan Fletcher and Kayleigh Louise Wilkinson as Independent Persons to the Standards Committee with effect from 22 September 2021 for a term of two years.
 - (c) invite full Council to delegate authority to the Standards Committee to consider whether to extend the appointment of the Independent Persons for a further two years in 2023 and that any such extension will be reported to Council as part of the annual report of the Standards Committee.

Background

- 6 The Localism Act 2011 sets out the requirements in relation to Local Government Standards and it requires the appointment by the authority of at least one Independent Person.
- 7 The functions of the Independent Person in relation to Standards are:
- They must be consulted by the authority and their views taken into account before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect to that member.
 - They may be consulted by the authority in respect of a Standards complaint at any other stage and;
 - They may be consulted by a member or co-opted member of the Council or a parish council against whom the complaint has been made.
- 8 The role of the Independent Person was widened under the Local Authority's (Standing Orders) England (Amendment) Regulations 2015. In the case of proposed disciplinary action against a statutory officer, the Council is required to invite the Independent Persons who have been appointed for the purposes of the Members Code of Conduct regime to form an independent panel and take into account any recommendation of that panel before taking a decision to discipline or dismiss.
- 11 On 20 January 2021, Council considered a report, which set out proposals to recruit two new Independent Persons to the Standards Committee. The report also sought to amend the term of office of Independent Persons to two years, with the option to extend up to a maximum of a further two years in accordance with best practice as identified by the Committee in Standards in Public Life.

Recruitment Process

- 12 Council approved the following indicative recruitment timetable:

Advert for the appointment of Independent Persons placed in the local press and on the Council website.	1 February 2021
Closing date for applications and shortlisting	26 March 2021

Interviews conducted by the Head of Legal and Democratic Services (Monitoring Officer), the Deputy Monitoring Officer and the Chair of the Standards Committee	21 April 2021
Report to Council seeking approval of proposed appointments	July 2021
Report to Standards Committee confirming appointment	September 2021

- 13 The roles were advertised in the Northern Echo on 3 February 2021 and on the Council’s website on 18 February 2021. The roles were also promoted on the Council’s social media pages on 18 and 19 February 2021. Seven applications were received and the Panel decided to shortlist all seven candidates. Interviews took place on 21 and 23 April 2021. A copy of the role profile and person specification are attached at Appendix 2 for information.
- 14 The candidates were asked a series of questions to test their suitability for the role against the criteria set out in the person specification and each had a general discussion about local government ethical standards.
- 15 The Panel decided to recommend Alan Foster and Kayleigh Louise Wilkinson for appointment as Independent Persons to the Standards Committee. Both candidates demonstrated that they met the criteria for the role, a good understanding of the role and an enthusiasm to support the Standards Committee in upholding high ethical standards.
- 16 Subject to Council approving their appointment, the Independent Persons will be appointed for a two-year term commencing on 22 September 2021. It is proposed that Council delegates authority to the Standards Committee to consider whether to extend the appointments for a further two years in 2023. If the Committee decides to extend the appointments, this could be reported to Council as part of the Committee’s annual report. In the event that the Committee decide not to extend the term, Council will be asked to approve a fresh recruitment exercise.
- 17 Once appointed, the Independent Persons will be invited to induction training with the Monitoring Officer and also the Standards Committee. There will be an expectation that the Independent Persons attend at least two meetings of the Standards Committee a year.

Background papers

- None

Other useful documents

- None

Author

Helen Lynch

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Appendix 1: Implications

Legal Implications

Section 28 of the Localism Act 2011 requires the Council to appoint at least one Independent Person.

Finance

The role of Independent Person is not remunerated. However, the Council will reimburse reasonably incurred travel and subsistence expenses. Where appropriate, the Council will pay for the Independent Persons to attend training. These costs are met from the Legal and Democratic Services budget.

Consultation

The Chair of the Standards Committee participated in the shortlisting and interview of the recruitment process.

Equality and Diversity / Public Sector Equality Duty

The recruitment exercise was conducted in accordance with the Council's recruitment arrangements in relation to equality and diversity to ensure fairness.

Climate Change

None.

Human Rights

The role of Independent Person helps to ensure that complaints against Members and disciplinary proceedings against Statutory Officers are dealt with fairly.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

There is a legal requirement to have a minimum of one Independent Person. Should no Independent Person be appointed the Council is at risk of legal challenge for not complying with the requirements of the Localism Act 2011.

Procurement

None.

Appendix 2: Role Profile and Person Specification



APPOINTMENT OF INDEPENDENT PERSONS UNDER THE LOCALISM ACT 2011

BACKGROUND INFORMATION

Durham County Council is a democratically elected assembly of 126 Members, known as Councillors. They are accountable to the people of County Durham for the efficient and effective provisions of a wide range of public services.

The County Council represents and promotes the interests of the people of County Durham at local, regional and national level.

Elections to the County Council are normally held every four years and the next elections are scheduled for May 2021.

The Council's powers and responsibilities are determined by Parliament.

The Council's Structure

The Council's decision making structure includes:

- A Cabinet of ten Councillors, which meets on a monthly basis to make decisions to implement the Council's policies and budgets;
- The full Council of 126 Councillors is responsible for approving the budget and policy framework, adopting and changing the Council's Constitution, appointing the Leader of the Council, appointing Chairs and Vice-Chairs, Committees and members to outside bodies. It is also a forum for general debate and recognising achievements and outstanding service
- A Corporate Overview & Scrutiny Management Board and its Committees, which can scrutinise and monitor decisions taken by Cabinet;
- Regulatory Committees responsible for functions such as planning, highways, licensing and standards.

Ethical Framework - The Standards Committee

The Localism Act 2011 provides the framework intended to secure high standards of conduct in public office. It requires the County Council to appoint at least one Independent Person who will be consulted on alleged breaches of the Members Code of Conduct for Members of the Council as well as Members of Town and Parish Councils within County Durham.

The Independent Person may also be consulted on allegations referred to the Monitoring Officer in deciding whether to investigate. Members who are the subject of complaints are also entitled to seek the views of the Independent Person. The Independent Person is not however a member of the Council or its Committees. The Standards Committee has delegated to the Monitoring Officer the initial handling of complaints which can then be referred to the Standards Hearing Panel where appropriate.

The role of the Independent person will be important to the public's perception of the effectiveness of the Standards Committee and the maintenance of high standards of conduct, and it is very important that such members are seen to be genuinely independent of the County Council and any of its Town and Parish Councils.

The functions of the Independent Person in relation to Standards are:

- They must be consulted by the Monitoring Officer and/or the Standards Committee and their views considered before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect to that member.
- They may be consulted by the Monitoring Officer and/or the Standards Committee in respect of a Standards complaint at any other stage.
- They may be consulted by a member or co-opted member of the Council or a parish council against whom the complaint has been made.

The Council is also required to consider the recommendations of the Independent Person before taking a decision to discipline or dismiss one of the Council's Statutory Officers.

Helen Lynch

Head of Legal and Democratic Services and Monitoring Officer to Durham County Council

**INDEPENDENT PERSON
PERSONAL REQUIREMENTS**

In view of the nature of the role the law restricts eligibility to certain persons. Please take into account the restrictions set out below.

CATEGORY	ESSENTIAL	DESIRABLE
Education	<ul style="list-style-type: none"> • A good general level of education, sufficient to enable the member to deal with relevant paperwork and discussions. 	
Work Experience		<ul style="list-style-type: none"> • Experience within a similar role that has involved the promotion of high ethical standards.
Skills, Knowledge and Aptitude	<ul style="list-style-type: none"> • Ability to analyse complex issues in a logical way, and to arrive at practical ethical solutions. 	<ul style="list-style-type: none"> • Knowledge of relevant public services.
Personal attributes	<ul style="list-style-type: none"> • Must display the highest standards of integrity and conduct. 	
Motivation	<ul style="list-style-type: none"> • Must have a firm belief in the importance of public services to the community. • Must have a firm belief in the importance of high standards of conduct to the successful achievement of the Council's objectives. 	
Restrictions	<ul style="list-style-type: none"> • Must not be a member, co-opted member or officer of Durham County Council or of a Town or Parish Council within County Durham and must not have held such a position within the previous five years. 	

	<ul style="list-style-type: none">• Must not be related to, or a close friend of, a member, co-opted member or officer of Durham County Council or of a Town or Parish Council within Durham.	
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The Independent Person will be required to attend at least two meetings of the Standards Committee a year and be available by telephone and email for consultation on complaints. There is also a requirement to attend training periodically to ensure continuing competence for the role.

**INDEPENDENT PERSON
APPLICATION FORM**

Surname (block letters)		Title Mr/Mrs/Miss/Ms
Forenames (block letters)		
Date of Birth		
Full Address		
How long have you lived at this address		
If less than five years at this address, please give details of your previous address(es), and dates occupied		
Tel. No.	Home	Work
Mobile:		
e-mail address		

Please say whether there are any reasonable adjustments we could try to make to help you attend an interview

--

1 Current Occupation		
Position	Organisation	From

2 Qualifications (Please list in particular any qualifications which you think are relevant to the position of Independent Person)

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3 Brief employment history

Position	Organisation	From	To

4 Please explain your reasons for applying for the position, why you think you will be able to contribute towards maintaining high standards in public life and what skills, experience and qualities you would bring to the Council (use continuation sheet, if necessary).

Empty response area for question 4.

5 REFERENCES: Please give details of two referees, not related to you, who have consented to be approached in relation to your application.

Name		Name	
Address		Address	
Tel. No.		Tel. No.	
Position		Position	

6 EMPLOYMENT COMMITMENTS (Where applicable)

Please confirm that your employer will release you to carry out the duties of an Independent Person

YES

NO

Tick one box

7 PUBLIC OR PRIVATE LIFE

Is there anything in your private or working life, or in your past, or to your knowledge in that of any member of your family or close friends, which, if it became generally known, might bring your or the Council into disrepute, or call into question your integrity, authority or standing as an Independent Person.

YES

NO

If yes, please give details (this may not affect the success of your application).

8 POLITICAL ACTIVITY

Are you actively engaged in local party political activity?

YES

NO

9 MEMBER OR OFFICER OF ANY AUTHORITY CONCERNED

Have you been at any time in the preceeding five years a member, co-opted member or officer of Durham County Council or of a Town or Parish Council within County Durham (please circle):

YES NO

If YES, state whether member or officer and the Council details.

10 RELATIONSHIP TO MEMBERS OR OFFICERS OF ANY AUTHORITY CONCERNED

Are you a relative or close friend of a member, co-opted member or officer of Durham County Council or of a Town or Parish Council within County Durham (please circle):

YES NO

If YES, state nature of relationship

(Relative means a partner (a spouse, civil partner or someone a person lives with in a similar capacity), a parent, a parent of a partner, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of a partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, the partners of any of the aforementioned).

11 SIGNATURE AND DATE

I declare that the information I have given is true and complete.

Signed: **Date:**.....

Please return the completed Application Form by email to jill.errington@durham.gov.uk or by post to Jill Errington, Durham County Council, Democratic Services, County Hall, Durham, DH1 5UL.

Standards Committee

25 June 2021

Annual Report of the Standards Committee 2020/2021



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 an overview of the work of the Standards Committee during 2020/2021 and to set out the future direction which the Committee intends to take during 2020/2021.

Executive summary

- 2 The Standards Committee has continued to promote the principles and values of good governance within the Council and across the County. The Members of the Standards Committee are committed and dedicated to ensuring that high standards of conduct are maintained by all local elected Members.
- 3 This report sets out the progress made by the Standards Committee in 2020/2021 in respect of code of conduct issues for the elected Members within County Durham.
- 4 This report also sets out the training provided to Members as well as the work programme of the Standards Committee to achieve the objective of promoting and maintaining high standards.

Recommendations

- 5 It is recommended that:
 - a. the Standards Committee note the report; and
 - b. the report be presented to a meeting of the Council in July 2021.

Background

- 6 Although there is no legislative requirement for Standards Committees to produce an Annual Report, doing so is recognised as good practice. Not only does the report publicise the work of the Committee to the general public, it is also a means for the Authority itself to monitor the Committee's work.
- 7 References to Articles in the Council's Constitution in this report are to those that existed during 2020 - 2021.

Membership of the Standards Committee 2020/2021

- 8 The Standards Committee is comprised of 11 County Council Members and 2 Parish/Town Council Members as follows:

County Council Membership

Councillor B Kellett - Chairman

Councillor E Huntington - Vice Chairman

County Councillors - J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke, J Nicholson, A Savory and D Stoker.

Parish and Town Council Representatives

Councillor Terry Batson is a consultant Arborist and a former Local Government Officer. Councillor Batson is also a Member of Tow Law Town Council.

Councillor Ralph Harrison is a former Member of Chester le Street District Council who continues to serve his local community as a Member of Sacriston Parish Council.

Independent Persons

- 9 Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process.
- 10 The functions of the Independent Persons are:
 - a. They must be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decide on action to be taken in respect of that Member.

- b. They may be consulted by the Authority in respect of a Standards complaint at any other stage and they may be consulted by a Member or a co-opted member.

11 In September 2012 the Council appointed the following persons:

- a. John Dixon Dawson. John is from Peterlee and is currently Head of Post Graduate Programmes at the University of Sunderland Business School. He has a career going back to 1986, which has involved various placements at universities in the North East, four years as a non-Executive Director at an NHS Trust and seven years as a Deputy Town Clerk.
- b. Peter William Jackson. Peter is from Newton Hall and is retired. He was originally from the private sector having fulfilled the roles of Factory Manager, General Manager, Managing Director, Group Technical Executive and Sales Manager. He has also served on the Youth Employment Committee of the Council and the Police Consultative Committee for Durham County Council.

12 The Independent Persons were appointed for a four-year term with effect from 25 September 2016 and this is their second term of office.

Role of the Standards Committee

13 The Members of the Standards Committee have a common interest in that they believe in principled local politics and value their role as champions of high standards of conduct amongst local politicians.

- a) The Terms of Reference for the Committee are set out in the Council's Constitution as follows: 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;
 - k) overview of the Protocol on Member/Officer Relations.
- 14 Each year the Standards Committee agrees a work programme, which reflects the Terms of Reference set out above.

Code of Conduct Complaints

- 15 In 2012, following the implementation of the Localism Act 2011 and associated changes to the Standards regime, the Monitoring Officer was appointed as the 'Proper Officer' to receive complaints of failure to comply with the Code of Conduct. The Monitoring Officer has delegated power, after consultation with the Independent Person, if appropriate, to determine whether a complaint merits formal investigation. Wherever practicable, the Monitoring Officer seeks resolution of complaints without formal investigation and she has discretion to refer decisions to a Standards Hearing where she feels that it is inappropriate for her to make the decision. The Standards Committee receives a quarterly report on the discharge of this function.
- 16 During 202/2021 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:

Year	1 April 2019 to 31 March 2020	1 April 2020 to 31 March 2021
Total no. of complaints received	49	48
Source of Complaints	<p>Councillors 13</p> <p>Members of the public 33</p> <p>Parish/Town Council employee 2</p> <p>Anonymous 1</p>	<p>Councillors 22</p> <p>Members of the public 21</p> <p>Parish/Town Council employee 0</p> <p>Anonymous 0</p>
Complaints against (including withdrawn and rejected)	<p>County Councillors 15</p> <p>Parish Councillors 18</p> <p>Town Councillors 16</p> <p>Dual-hatted 0</p>	<p>County Councillors 15</p> <p>Parish Councillors 13</p> <p>Town Councillors 36</p> <p>Dual-hatted 0</p>
Independent Persons Involved	<p>The Independent Person was consulted in respect of 8 complaints.</p> <p>The Independent Person also attended the Standards Hearing Panel on 17 September 2019.</p>	<p>The Independent Person was consulted in 8 complaints.</p> <p>The Independent Person also attended the Standards Hearing Panel on 14 December 2020.</p>
Outcomes	<p>No Further Action 32</p> <p>Local Resolution 8</p>	<p>No Further Action 19</p> <p>Local Resolution 16</p>

	Investigation (relating to multiple complaints) 1	Investigation 5
	Standards Committee Hearing Panel (relating to multiple complaints) 1	Standards Committee Hearing Panel 1
	Withdrawn/Rejected 13	Withdrawn/Rejected 4

- 17 In 2020/21 the number of complaints remain consistent with the previous years. There was an increase in the number of complaints where local resolution was recommended and equally the same increase was observed in the number of complaints referred for investigation.
- 18 For future reporting the themes for the complaints will be recorded so that emerging trends can be considered. Also complaints have historically been recorded as one complaint irrespective of the number of members subject to the complaint where it relates to the same event. For future reports this figure will be further broken down.

Work of the Standards Committee during 2020/2021

- 19 During the year there was disruption to the normal meeting schedule due to covid-19 restrictions. The Committee met on two occasions. The Committee received updates on the current status of complaints and of the 'national picture' on Standards issues affecting Local Government.
- 20 An informal meeting of the standards committee took place on 21 July 2020 for members of the Committee and the Independent Persons to comment on the Local Government Association model code of conduct consultation.
- 21 During the year, the Committee also considered the recruitment process for the Independent Persons which was agreed by full Council on 20 January 2021. The recruitment process took place between February 2021 and April 2021 and the recruitment Panel were made up of the Monitoring Officer, Deputy Monitoring Officer and Chair of the Standards Committee. The Committee will be asked to make recommendations to Council as to who should be appointed at its meeting in July 2021.

22 As part of the work programme the Committee also considered the Local Government Association Model Code of Conduct, which was published in December 2020 following the recommendations from the Committee for Standards in Public Life (CSPL). The Committee noted that the Council's Member Code of Conduct already largely reflected the best practice identified by the CSPL. The Committee therefore recommended to Council that the Code be amended to fully reflect the best practice rather than adopt an entirely new Code.

23 The Standards Committee also recommended updates to the Member Code of Conduct on 'other relevant interests' which would allow Members with such an interest to speak but not vote on the relevant item of business to full Council for approval. These amendments to the Code of Conduct were approved by full Council on 24 March 2021.

Future work plan

24 The Standards Committee will continue to monitor the progress by the Government in the response to the report on Ethical Standards in Public Life published by the Committee for Standards in Public Life and monitor any changes in legislation arising from this.

25 The Standards Committee will also be invited to agree a work programme for 2021/22. This will include standing agenda items on the national picture and an update on code of conduct complaints. In addition, it is proposed that the Standards Committee will review the arrangements for, co-opted membership of Town and Parish Councillors to the standards committee and the Local Assessment of Complaints procedure.

Background Papers

- None

Further Information

- None

Contact: Kamila Coulson-Patel

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Appendix 1: Implications

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 and to have in place arrangements under which allegations can be investigated and decisions made. The publication of an Annual Report aids the public understanding and awareness of the committee's work and demonstrates how the Council discharges its section 27 duty.

Finance

There are no financial implications arising out of the report.

Consultation

There are no consultation implications arising out of the report.

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

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 arising out of the report.

Procurement

There are no procurement implications.

Appendix 2: Work Programme 2020/2021

Meeting	Item	Date Considered
4 June 2020	1. Review of national standards picture. 2. Complaints update. 3. Appoint of Independent Persons. 4. Review of Member Guidance on the use of Social Media.	Deferred due to cancellation Deferred due to cancellation 9 December 2020 Not considered in 2020/21
4 September 2020	1. Review of national standards picture. 2. Complaints update. 3. Annual Report 2019/2020.	Deferred due to cancellation Deferred due to cancellation 9 December 2020
9 December 2020	1. A Review of national standards picture. 2. Complaints update.	9 December 2020 9 December 2020
3 March 2021	1. Review of national standards picture. 2. Complaints update. 3. Work programme review. 4. LGA Model Code of Conduct.	3 March 2021 3 March 2021 3 March 2021 3 March 2021

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Report of Helen Lynch, Head of Legal and Democratic Service 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 on 3 March 2021.

Recommendations

- 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 13 March 2020, as part of the annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

Code of Conduct Complaints and Reports

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

Oxfordshire County Council – Councillor Walker (23 March 2021)

- 6 Text On 19 October 2020, the Councillor who was also a Cabinet Member for Highways Improvement, endorsed an offensive tweet during the course of an exchange on social media about cycling. The tweet resulted in 11 complaints from the public.
- 7 The interim Monitoring officer considered 11 complaints from the public to determine whether the Members Code of Conduct had been breached and if so what remedy was appropriate.
- 8 The Interim Monitoring Officer took advice from a two-person Members' Advisory Panel in accordance with the local procedure for complaint handling. The Advisory Panel confirmed their view that a breach of the Code had occurred. It was recommended that the Leader be asked remove the Councillor from the Cabinet and that Full Council be informed of the outcome of the matter.
- 9 Taking into account the views of the Independent Person and the advise of the Advisory Panel the Interim Monitoring Officer determined:
 - (a) The actions of the Councillor in endorsing the tweet were a breach of the Members' Code of Conduct;
 - (b) The breach was rendered particularly serious given the status as Cabinet Member for Highways and that the Councillor had previously been found in breach of the Code for a misuse of social media;
 - (c) That the Leader of the Council be recommended to remove the Councillor from the Cabinet with effect from 1 January 2021; and that Full Council receive note of the Panel's view.
- 10 Following the issuing of the Decision Notice the Councillor resigned from the Cabinet.

**Arun District Council – Councillor Wild of Felpham Parish Council
(21 October 2020 reported February 2021)**

- 11 The District Council considered three complaints made against the Councillor of Felpham Parish Council. The complaint related to the to the actions of the Councillor at a site visit at an allotment. The Councillor inferred to plot holders that the Parish Council had approved a policy regarding the trapping of grey squirrels. The complaints also alleged that the Councillor had suggested that a plot holder would be imprisoned if they took a particular action to deal with the infestation of grey squirrels.
- 12 The complainants believed that the Councillor was in breach of the Parish Council's Code of Conduct on the basis of her actions whilst acting as a Councillor. The Councillor suggested that a policy was in place however a policy had not been considered by the Parish Council and this was considered to be a misrepresentation of the Parish Council.
- 13 It was found that the Councillor had breached a number of parts of the code. Firstly, for allowing other pressures to deter her from pursuing constituents' casework, the interests of the Parish, or the good governance of the authority in a proper manner. It was found that the concerns over wildlife became more prominent in this matter meaning the Councillor was not considering all sides of the issue and led to the Councillor mis-representing the Parish Council.
- 14 The Councillor in admitting that a policy had not been agreed but allowed the public present at the site visit to believe that a policy had been agreed without consultation was considered a breach of the code. The member failed to contribute to making the authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions.
- 15 It was also found that the Councillor had failed to behave in accordance with all of the Council's legal obligations, alongside any requirements contained within the authority's policies, protocols and procedures, including on the use of the authority's resources. The Councillor had accused the Parish Council and the contractor of breaking the law without knowing the facts and allowing the public to believe that a policy had been agreed.
- 16 Finally, it was considered that the Councillor had failed to treat people with respect by referring to imprisonment penalties and allowing the conversation to become unpleasant and unprofessional.
- 17 The sanctions imposed for the breaches were:

- (a) to publish the findings in respect of the Councillors conduct.
- (b) for the Clerk to the Council to report the findings to the Parish Council for information.
- (c) to recommend suitable training for the Subject Member on the Code of Conduct.
- (d) to recommend the Parish Council seek a written apology and requests that the Councillor issues a written apology to the complainants.
- (e) to recommend removal from the Allotments and Space Committee until apologies have been issued and suitable training received.

Background papers

- None

Other useful documents

- https://mycouncil.oxfordshire.gov.uk/documents/s55357/CC_MAR_2321R02%20-%20Members%20Code%20of%20Conduct.pdf
- <https://www.arun.gov.uk/download.cfm?doc=docm93jijm4n16623.pdf&ver=17192>

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Appendix 1: Implications

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

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

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Standards Committee

25 June 2021

Code of Conduct Update



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 and training to members of both Durham County Council and the Town and Parish Councils.

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 14 formal complaints received between 24 February 2021 and 17 June 2021. There have been 13 final decision notices issued in the last period and the outcome of each complaint is included in Appendix 2.
- 5 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 no complaints were rejected at the pre initial assessment stage.
- 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 The Monitoring Officer has delivered mandatory training to new and returning members following the May 2021 election on the Code of Conduct and Social Media.
- 8 The Monitoring Officer and Governance Solicitor with the support of CDALC have delivered training to Town and Parish Councillors on the topics of Code of Conduct and Social Media on 7 June 2021 and 14 June 2021 respectively.

Background papers

- Local Assessment Procedure.
- Decision Notices.

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Appendix 1: Implications

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 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.

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.

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Appendix 2: Code of Conduct Complaints Activity

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
COM 288	Parish	05.03.20	The Complainant alleges that the Council have had him blocked from a local Facebook group and issued a statement about him which makes false allegations about his character.	Respect Bullying or intimidatory behaviour Improperly confer an advantage or disadvantage; Disclose confidential information.	09.03.21	No further action The complaint was made against the whole Council but related predominately to the Chair and Complainant where there were long standing issues. In respect of the Facebook page the administrator was unable to verify the identity of the author of the post. The Chair, on behalf of the Parish Council strenuously denied the allegations. It was not considered proportionate to investigate a complaint about a single Facebook post as further enquiries would be unlikely to resolve this matter to the satisfaction of the Complainant. The Governance Solicitor did record that there was no evidence presented as part of the complaint to support the false allegations made about the character of the complainant.
COM 299, 310, 312,	DCC and Parish	Various 2020/21	The allegations against the Members are extensive and largely intertwined. The allegations date back to 2019 and involve similar complaints from different people, albeit that each complainant has their own	Respect Bullying or intimidatory behaviour	24.03.21	Local Resolution All Members of the Parish Council and DCC member are to take part in a mediation session to be arranged

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
313, 335			<p>opinions on what happened and who was in the wrong.</p> <p>Many of the complaints relate to Facebook postings, allegedly containing disrespectful, bullying and inappropriate content. Various Facebook groups exist both to discuss the area of Great Lumley and for Councillors' own use and it is clear from this assessment that the groups are used extensively by those Members subject to these complaints.</p>	<p>Represent the community and work constructively with others.</p> <p>Deal with representations fairly.</p>		<p>by the Parish Clerk. The mediation session must be arranged within 1 month after the election.</p> <p>Members are reminded of social media etiquette and are to read the Social Media Toolkit, which will be issued by Durham County Council.</p> <p>Those named in the complaints are to refresh themselves with their governing Codes of Conduct and in particular note the rules about respect and be mindful of these rules when making comments to or about others, either in person or on social media.</p>
COM 300, 302, 303	Town and Parish	17.07.20	<p>It is alleged that the Members advised people that 'local far-right hate groups descended on Bishop Auckland market place on the pretence of defending the town's war memorial' on a social media post. The Complainant considers that none of the information he posted was factual. The Complainants consider that the Members have conducted themselves in a manner which is contrary to the Code.</p>	Respect.		In progress
COM 315	Town	18.11.20	<p>The Complainant details conduct since October 2018 to present by the Members which has amounted to bullying and harassment. The conduct of the Members</p>	<p>Respect</p> <p>Bullying or intimidatory.</p>	26.03.21	<p>No further action</p> <p>There was no evidence to support allegations of bullying or lack of respect. Challenges to the Complainant's actions and</p>

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
			is said to be contrary to the code and policies.			decisions were made entirely in line with the Members' responsibilities to the Council, ensuring standards were maintained and rules followed.
COM 322 323 and 324	Town	04.01.21	<p>The Member made a post on Facebook suggesting the removal of an officer post from the Town Council. There was also a suggestion that the Member required that the officer attend a budget workshop meeting where he sought to single out the officer.</p> <p>The Member published an email between a Member and an officer of the Council on social media which is considered to be a data breach and has been reported to the ICO.</p> <p>There have been instances since November 2019 to December 2020 where the Member has targeted the Complainant and undermined the Complainants role within the Council by making comments at meetings and on social media. It is alleged that the conduct of the Member amounts to a breach of the code as well as the social media policy and member officer protocol.</p>	<p>Respect</p> <p>Bullying or intimidatory behaviour</p> <p>Not to disclose confidential information.</p> <p>Must act in accordance with all procedures.</p>	14.05.21	Referred for investigation
COM 326	Parish	15.01.21	The Complainant has been an officer of the Council and during the employment it is considered that the Member has bullied, harassed and intimidated the Complainant. There has been a pattern of	<p>Respect</p> <p>Disrepute</p>	14.04.21	<p>Local Resolution</p> <p>There was no evidence to support an allegation of bullying or harassment towards the complainant. In relation to conduct</p>

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
			conduct and on 5th January this came to a head which has now prompted the Complainant to raise this complaint. The Complainant lists the examples of conduct and how this demonstrated a breach of the code.	Not to disclose confidential information.		during the meetings which were referred to within the complaint, it was considered that comments made during a meeting of the council it was considered that the Members comment may be perceived as disrespectful and or bringing the Council into disrepute. It was recommended that the Member refreshes themselves with the data protection policy and member code of conduct. If re elected the Member is to attend the induction training which will cover member code of conduct.
COM 327 and COM 345	Town	19.01.21	<p>An Employment Tribunal claim was brought against the Council. The Tribunal in its Judgement dated the 4th January 2021 upheld two allegations, namely that the employee had been unfairly dismissed and was subject to disability discrimination by way of a failure to make reasonable adjustment. The Complainant was not the Claimant in the Employment Tribunal but is aware of the Judgement which has been widely reported. The Complainant asserts that the conduct of the Council as recorded in the Judgement demonstrates breaches of the code.</p> <p>A further complaint was presented regarding the conduct of the members at the meeting on 15 March 2021.</p>	<p>Respect,</p> <p>Not to intimated or improperly influence,</p> <p>Not to compromise the impartiality of anyone who works for or on behalf of the Council.</p> <p>Disrepute</p> <p>Comply with any Standing Orders, policies and procedures adopted by the Council</p> <p>Not disclose information of a confidential nature.</p>	09.03.21	Referred for investigation Investigation ongoing.

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
COM 333	Parish	01.02.21	It is alleged that the Member is posting on social media inflammatory, misleading and incorrect comments regarding the council which is resulting in residents responding to these false statements. The member has shown disrespect towards fellow Councillors and it is said that the actions of this member has resulted in the resignation of Councillors and there is a concern that others will follow suit.	Respect	02.03.21	Local Resolution It is recommended that the Member revisits and refamiliarises herself with the Code of Conduct and social media guidance. Further, additional training for the Member arranged by the Clerk regarding appropriate use of social media is recommended to take place within 3 months. Training was completed on 14.06.2021.
COM 336	Town	15.02.21	The Member was seen to be smoking/vaping during the Resources committee meeting held on Monday 8th February 2021. This meeting was official council business.	Respect Disrepute.	01.04.21	Local Resolution The Member did not respond as part of the complaint process but did after the issuing of the decision notice. The member did not deny vaping during the meeting and was aware of the policy. The Member confirmed that he thought that his camera was off and he was shown by the Clerk how to use the camera function after the meeting. The Member was asked to refresh himself with the Council's no smoking policy and is reminded that although Council meetings are currently taking place remotely, the no smoking policy still applies and he should not smoke/vape during Council meetings.
COM 337	Parish	18.02.21	The Complainant alleges that the Member accused him of fly tipping and this allegation was made on social media	Respect	31.03.21	Local Resolution The Member is to issue an apology and refresh on the guidance on

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
			(Facebook). The Complainant alleged that the Member encouraged a member of the public to report the Complainant over comments made some time ago regarding dog waste. The Complainant further alleged the Member broke the rules on GDPR but stated that he does not wish to pursue this issue.			social media. From this complaint it was clear that both the Complainant and the Member had a great sense of pride in their local area. The Member made the post on Facebook when she was feeling very upset about perceived damage to work that has been long fought for. There is no doubt that the Member has the interests of the community at heart. However, in making the post she named another individual and made accusations of wrongdoing publicly. And this is likely to amount to a breach of the Code of Conduct.
COM 338 and 339	Town	19.02.21	The Complainant considers the tone and language used in emails amount to a breach of the code.	Disrepute Bullying or intimidatory behaviour Respect		In progress
COM 340	Town	01.03.21	The Complainant alleges that during the Council meeting the member made remarks and used language that is discriminatory against the Gypsy/Traveller community.	Respect	31.03.2021	Local Resolution The Member is asked to apologise for the terminology used and any offence caused at the next Council meeting, The Member is asked to review the Council's equality policies and is to undertake further training on

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
						equality and diversity, to be arranged by the Clerk.
COM 341	Parish	01.03.21	The Clerk submitted her resignation on 22 February. It was alleged that the same day the job was advertised on the Council's website without consultation with the other councillors. The Complainant asked for information and documents relating to the employment of staff and complains that these were not provided.	Respect. Use the resources of the Council in accordance with its requirements.	30.03.2021	No further action The Member explained that she advertised the post as soon as possible to try to avoid the Council being in a position of having no Clerk from 1 April. The decision to do so was in consultation with the Vice Chair and the item was placed on the agenda for the next meeting. The Complainant was not entitled to the documents as she did not have line management responsibility, this approach was consistent with the standing orders.
COM 344	Town	16.03.21	The Complainant alleges the Member made an unsolicited phone call to his elderly parents, even though they are registered with the telephone preference service.	Respect Bullying or intimidatory behaviour. Disrepute	17.06.2021	No further action The Member as a volunteer caller on behalf of the Labour Party was not acting in her capacity as a Town Councillor and therefore the code of conduct is not engaged.
COM 347	Parish	22.04.21	It is alleged that the complainant was subject to a barrage of verbal abuse at a Council meeting from those complained of.	Respect Bullying or intimidatory behaviour. Disrepute		In progress Further information required

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
COM 349	Town and County	05.05.21	The Member posted content on social media which was said to cause offence.	Respect	10.05.21	No further action The Member was not re-elected on 06.5.21 therefore no further action could be taken as code only applies to those who are Councillors.
COM 350	Parish	28.05.21	It is alleged that on 9 September 2020 the member failed to declare an interest on an item relating to the allotments of which she is a tenant. The member as part of her election campaign used a public village Facebook page to advertise litter picks. On 4 th May the Member and her partner posted false allegations and commented on the complainants conduct on the public village Facebook page.	Respect Bullying or intimidatory Disrepute Interests		In progress
COM 351	County and Parish	08.06.21	It is alleged that the Member failed to declare an interest and misrepresented the views of a local Councillor.	Be accountable Behave in accordance with all legal obligations, policies, protocols and procedures. Value colleagues and staff and engage with them in an appropriate manner Respect Disrepute		In progress
COM 352	Town	08.06.21	It is alleged that the Member failed to acknowledge both the complainant and	Respect.		In progress

Ref	Council	Date	Allegations	Breach type	Decision Notice	Outcome/Status
			<p>his wife who had a stall at the event. The complainant considered this to be abject ignorance and made the complainant and his wife, who were new to the area, feel that they were unwanted at the event or in the area.</p>			

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