

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Council Chamber, County Hall, Durham on **Friday 3 September 2021 at 9.30 am**

Present:

Councillor J Nicholson (Chair)

Members of the Committee:

Councillors J Atkinson, L Mavin, T Stubbs and C Varty

Co-opted Members:

Town Councillor T Batson and Parish Councillor R Harrison

1 Apologies for Absence

Apologies for absence were received from Councillors L Maddison, A Savory and F Tinsley.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 25 June 2021 were agreed as a correct record and were 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 informed Members of the national picture on standards issues affecting Local Government (for copy see file of Minutes).

The first matter related to a Tribunal's findings in respect of a Council's decision to withhold the views of the Independent Person, following a request from the Complainant for all correspondence relating to his complaint. The Tribunal had dismissed the appeal for the reasons set out in the report. The Head of Legal and Democratic Services noted the contrast between the Tribunal's findings and the Committee for Standards in Public Life's (CSPL) guidance that where the

Monitoring Officer sought the Independent Person's views this should be recorded in the Decision Notice along with a summary of their observations. This was the practice adopted by Durham County Council, however this case highlighted that there may be circumstances where it would be appropriate to withhold the advice.

The second matter related to a meme shared by a Councillor on Facebook where a Standards Hearing did not find a breach of the Code but recommended that guidance on the use of social media should be provided to all Members of the Council in question. Members would recall that earlier this year Durham County Council launched a social media toolkit which included guidance on this issue and was part of the member induction training following the local elections.

The third matter related to the Local Government Association's (LGA) Guidance on the Model Code of Conduct. Members would be aware that Durham County Council had not adopted the Model Code because the Council's Code of Conduct, with some minor changes, reflected the best practice guidance of CSPL. However consideration would be given to the LGA's Guidance as part of the annual review of the Code.

Members discussed the report.

Town Councillor Batson stated that he used social media and believed in freedom to express a political opinion on policies and decision making. In reply, the Head of Legal and Democratic Services referred to the case in the report which addressed freedom of expression and the enhanced protection that political speech was afforded under Article 10 of the European Convention of Human Rights.

Councillor Batson also referred to the Model Code of Conduct and considered that there should be unity across all Councils, with no grey areas which could be open to interpretation. This would ensure that all members were clear about what was expected of them.

The Head of Legal and Democratic Services responded that the LGA Model Code of Conduct was intended to address inconsistencies across the board, and although there were differences, Durham County Council's Code of Conduct was consistent with the principles of the Model Code and more importantly was consistent with the best practice recommendations of the CSPL.

Parish Councillor Ralph Harrison noted that there were variations in the Code of Conducts of individual Parish and Town Councils, and agreed with Councillor Batson that there should be a single Code for all. Following comments and questions from Councillors Batson and Harrison, the Head of Legal and Democratic Services advised that County Durham Association of Local Councils' Executive Committee had passed a resolution encouraging all Councils to adopt Durham County Council's Code and it would be useful to know which Parish and Town Councils had chosen to do so, but this was not a requirement.

There was no power in law to compel Councils to adopt a model Code. It was a recommendation of CSPL, and a Government response was awaited on this.

In view of the number of Parish and Town Councils in County Durham, it would be difficult to review the Codes of individual Councils across the County. However when a complaint was received that a Councillor had breached the Code of Conduct, that Council's Code of Conduct was referred to. In reviewing the Code any gaps or inconsistencies with best practice would be addressed as part of the complaint. Durham County Council also offered bespoke training for individual Parish and Town Councils on the Code of Conduct.

Resolved:

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

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).

Following a question from Councillor Harrison, the Governance Solicitor confirmed that complaints ref: COM 360 and COM 364 referred to the same Councillor and had been referred collectively for investigation.

Resolved:

That the contents of the report be noted.

At the close of business the Chair on behalf of the Standards Committee thanked Peter Jackson and John Dixon-Dawson whose term of office as Independent Persons would come to an end on 22 September 2021. They had provided invaluable assistance in respect of code of conduct complaints to both the Standards Committee and the Monitoring Officer, had conducted themselves with professionalism throughout and the Chair wished them well in their future ventures. The Committee looked forward to working with their successors, Kayleigh-Louise Wilkinson and Alan Fletcher.