

# **DURHAM COUNTY COUNCIL**

## **STANDARDS COMMITTEE**

At a Meeting of **Standards Committee** held in Council Chamber, County Hall, Durham on **Thursday 2 December 2021 at 9.30 am**

### **Present:**

**Councillor J Nicholson (Chair)**

### **Members of the Committee:**

Councillors J Atkinson, L Mavin and C Varty

### **Co-opted Member:**

Town Councillor T Batson

### **1 Apologies for Absence**

Apologies for absence were received from Councillors L Maddison, A Savory, T Smith, D Stoker, T Stubbs and F Tinsley.

### **2 Declarations of Interest**

There were no declarations of interest.

### **3 Minutes**

The Minutes of the meeting held on 3 September 2021 were agreed as a correct record and were signed by the Chair.

### **4 Co-Opted Members of the Standards Committee**

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer to update Members on the existing nomination arrangements for the Town and Parish Council co-opted representatives and to consider a proposal to engage in a workshop to identify future arrangements (for copy, see file of minutes).

Town Councillor Batson referred to the importance of the Standards Committee and the standards in public service today were becoming more

and more apparent. He felt that sufficient weight was not being given to the Standards nationally. He referred to the number of complaints from parish councils and that the message was not getting to the elected members. The message needed to be given that elected members had no powers and that it was the parish council that made the decisions and that there were standards that they had to abide by and adopt.

The Governance Solicitor indicated that there had been a number of complaints where a local resolution had been recommended and there is a standing opportunity for parish and town councils to receive code of conduct and standards training. It was also confirmed that in 2022 a training session will be delivered in partnership with County Durham Association of Local Councils to Town and Parish Councillors on the topic of interests.

Councillor Atkinson referred to town and parish council meetings and from his experience the standing orders should be followed and that this would apply to all councillors.

**Resolved:** (i) That a workshop be held with members of the Standards Committee and County Durham Association of Local Councils facilitated by the Monitoring Officer to consider arrangements for co-opted Members to the Standards Committee.

(ii) That the outcome of the workshop and revised arrangements are reported back to a future meeting of the Standards Committee for approval.

## **5 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).

Two standards matters both related to Councillor Chrisy Morris of Maldron District Council.

The first matter was considered by the Joint Standards Committee in September 2020, details of which were set out in the report. There were a number of allegations for the Committee to determine primarily relating to the conduct of the member towards senior officers and fellow councillors. The matter was referred for investigation and was considered by a committee and the investigating officer reported that the YouTube posts were posted in an official capacity commenting on Council business and filming on Council premises. The aggressive, intimidating and bullying behaviour brought both the Councillor and the Authority into disrepute. The Independent Person attending the Committee expressed real concern regarding the seriousness

of the conduct towards the Leadership Team resulting in having to submit a complaint.

This was considered by the Committee and the unanimous findings that the code of conduct had been breached in respect of this particular member and did impose sanctions to formally sanction the councillor and restrict access to IT and e-mail until 2022. The Committee recognised that the Councillor did not appear to realise how he came across to others. The Committee also recommended that he be provided with and accepts training on conflict management and resolving disputes. It was also recommended that the Councillor be removed for all Committees, Working Groups or Outside Bodies for the remainder of the Municipal Year.

Following on from this it had been reported in national news that police were called to a meeting on the 4 November 2021 where Councillor Chrisy Morris found himself subject to national press attention.

At the meeting Councillors were asked to vote on the sanctions in light of the Joint Standing Committee findings. The Chair of the meeting attempted to call a vote on the sanctions however he was interrupted by Councillor Morris who was repeatedly saying 'point of order'. The Chair read out a reminder of the Committee Procedure Rules and set out the procedure to be followed if such conduct continued. The Councillor then used a megaphone during the meeting responding saying 'at least I've got the testicular fortitude' the Chair moved that the Councillor should not be heard which the majority of councillors seconded. The Councillor continued to cause disruption and the meeting was adjourned and members walked out in protest, the police were called in respect of that matter.

The third matter related to the potential widening of the scope of the Monitoring Officer in the consideration of complaints. The Home Office were conducting a review of Police and Crime Commissioners and at the end of October 2021, the Home Office contacted the Local Government Association asking for feedback from Monitoring Officers requesting initial views on the proposals as to whether this should fall within the remit of Monitoring Officers pacifically the consideration of complaints against Police and Crime Commissioners.

Durham County Council's Monitoring Officer responded and asked for the opportunity to be consulted properly on the proposals so that the implications could be fully understood and explained and that the cost of such investigations would need to be fully funded by the Home Office Grant.

Officers would continue to monitor these proposals and bring any updates to the Standards Committee and any other associated meetings.

Town Councillor Batson stated that this confirmed what he had previously said and that the issues could be seen nationally. With regard to complaints against Police and Crime Commissioners his personal view was that this was the system and was where they were, people needed to be given the support to make the function work.

Councillor Atkinson commented that standing orders should be consistent in all Town and Parish Councils to prevent circumvention of the rules by Councillors.

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

## **6 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 the activity since the last meeting in respect of complaints received by Durham County Council against Councillors (for copy of report, see file of Minutes).

The Governance Solicitor advised Members that two further Code of Conduct Complaints had been resolved since the production of the report. These were in respect of COM 354, 357, 361, 362, 365, 367, 370 and 372. A decision notice had been issued recommending local resolution with nine recommendations which included training on various areas to be delivered by the Governance Solicitor and the Monitoring Officer and a review of local practices and procedures in conjunction with County Durham Association of Local Councils and mediation. In respect of COM 358 a decision notice had been issued recommending local resolution for a policy to be implemented.

Training had been provided and delivered as set out in the report.

Town Councillor Batson referred to the 'Good Councillor Guide' and suggested that members should be required to read the guide to enable them to participate at council meetings. He then indicated that Standards don't really have any sanctions so there was no deterrent. In the past the sanctions were meaningful, and pressure needed to be put on MPs to address this.

Councillor Atkinson referred to councillor guidance publications and noted that some of these are the authors own interpretation and guidance rather than rules.

**Resolved:** That the report be noted.