

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Committee Room 1A , County Hall, Durham on **Friday 17 March 2023 at 9.30 am**

Present:

Councillor J Nicholson (Chair)

Members of the Committee:

Councillors J Atkinson, L Mavin, A Savory, T Stubbs and F Tinsley

Prior to the commencement of the meeting, Members observed a minute's silence for Councillor Beaty Bainbridge, Chair of the Council, who sadly passed away recently.

1 Apologies for Absence

Apologies for absence were received from Councillors L Maddison and T Smith.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The minutes of the meeting held on 5 December 2022 were agreed as a correct record and were signed by the Chair.

4 National Picture

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).

In response to a question from Councillor Tinsley, the Head of Legal and Democratic Services and Monitoring Officer indicated that if a member who was subject to a code of conduct investigation resigned then it would depend on the procedures in place of that organisation if the investigation would continue. Durham County Council's provision allowed for the investigation to be reviewed and the investigation stopped if it was appropriate to do so.

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 complaints received by Durham County Council under the Code of Conduct for Members since the last meeting on 5 December 2022 (for copy see file of Minutes).

Resolved: That the contents of the report be noted.

6 Committee Work Programme 2023/24

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which proposed the work programme of the Standards Committee for 2023/24 (for copy see file of Minutes).

Resolved: (i) That the progress against the work programme approved on 10 June 2022 for 2022/23 be noted.

(ii) That the draft work programme for 2023/24 shown at Appendix 3 of the report be agreed.

7 Local Government Association "Debate Not Hate" Campaign and Social Media Toolkit Review

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed the Committee of any development in relation to the Local Government (LGA)'s Debate Not Hate campaign (for copy see file of Minutes).

The Apprentice Solicitor was in attendance to present the report and informed the Committee that since the report was published, she had attended a follow up workshop in which she spoke about the ongoing work the Council were doing to improve the Social Media Toolkit. She then advised the Committee that the Council had been asked to participate in further discussions with the Lead Researcher on the project covering the Council's Social Media Toolkit.

Councillor Tinsley commented on the recent media coverage on the use of TikTok on UK parliamentary devices and the next step would be to move to local government devices. He stated that this opened up the bigger question of the use of devices for social media that they needed to be aware of.

The Head of Legal and Democratic Services and Monitoring Officer responded that the Head of Digital Services and her team were looking at the guidance that had prompted the government to take its stance it had in relation to TikTok. The Council were also working on some guidance for Members on the use of Council resources.

Resolved: (i) That the report be noted.

(ii) That that the Head of Legal and Democratic Services submits a case study to the LGA in consultation with the Chair of the Standards Committee.

(iii) That the request that the Head of Legal and Democratic Services circulate the Councillors Guide to handling harassment, abuse and intimidation and make it available on the Members portal be agreed.

(iv) That the Social Media Toolkit is amended to incorporate the recommendations from the 'Civility and Respect Guide to Social Media'.

(v) That the Head of Legal and Democratic Services circulate a link to the revised Social Media Toolkit once it had been updated.

8 Procedure for Member Code of Conduct Complaints

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed the Committee of the proposed revisions to the Local Assessment Procedure and the Local Determination Procedure (for copy see file of Minutes).

The Head of Legal and Democratic Services and Monitoring Officer suggested that before the revised procedure was submitted to Council for adoption that Constitution Working Group be briefed on the procedure.

It was agreed that the recommendation be amended so that the Head of Legal and Democratic Services and Monitoring Officer be given delegated authority in consultation with the Chair of the Standards Committee to make any minor amendments that may arise from the Constitution Working Group. If there were substantive or significant changes to the procedure, then it would be brought back to Standards Committee before it was presented to Council for adoption.

Resolved: (i) That Constitution Working Group be briefed on the procedure for Member Code of Conduct Complaints prior to submission to Council for adoption.

(ii) That the Head of Legal and Democratic Services and Monitoring Officer be given delegated authority in consultation with the Chair of the Standards Committee to make any minor amendments that may arise from the Constitution Working Group.

(iii) Recommend to Council that it adopts the procedure for Member Code of Conduct Complaints that will replace the existing Local Assessment and Local Determination procedures.

9 Recruitment of Independent Persons

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which invited the Committee to consider the recruitment of Independent Persons prior to the expiry of the term of office of the existing Independent Persons in September 2023 (for copy see file of Minutes).

The Head of Legal and Democratic Services and Monitoring Officer advised the Committee that a Special meeting of the Standards Committee would be held on 10 May 2023 seeking to agree the recommendations to Council to appoint two new Independent Persons.

Members discussed the recruitment process of the Independent Persons, in particular that the Persons recruited would need to be Independent and why did they feel the need to recruit an extra Independent Person.

The Head of Legal and Democratic Services and Monitoring Officer responded that the recruitment process was tried and tested and had been used previously and successfully. The recruitment of a third Person was to provide resilience in the event that Independent Persons were away on holiday or unwell and advised the Committee that this would not be an additional cost to the Council.

In response to concerns in relation to the Independence of the Persons the Head of Legal and Democratic Services and Monitoring Officer advised that legislation defines the Independence and provided details. She also advised the Committee that they did ask questions in relation to political activity but membership of a political party did not prevent someone from becoming an Independent Person.

In response to a question from Councillor Atkinson, the Head of Legal and Democratic Services and Monitoring Officer indicated that the role on the

Independent Persons was a specific role in being consulted in relation to complaints and making representations to the Committee before it determines if there was a breach of the Members Code of Conduct and whether to impose sanctions. As part of the interview process, they do test the candidates experience of gather and review information and reach an objective conclusion such as conducting disciplinaries and/or investigations. Whilst the Committee has to hear from the Independent Person before it reaches a conclusion it is for the Committee to determine how much weight they apply to those representations; the Committee do not necessarily have to follow any recommendations that the Independent Person might make.

Resolved: (i) Noted that Kayleigh Louise Wilkinson is no longer able to act as Independent Person.

(ii) That the Head of Legal and Democratic Services commences a recruitment exercise with a view to appointing two new Independent Persons to the Standards Committee.

(iii) That shortlisted applicants be interviewed by the Chair and Vice-Chair of the Standards Committee supported by the Head of Legal and Democratic Services.

(iv) That A further report be presented to the Standards Committee following the interviews seeking to agree recommendations to Council to appoint two new Independent Persons.

10 Town and Parish Co-opted Members of the Standards Committee

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which asked the Committee to consider the nominations for Town and Parish Council co-opted representatives to the Standards Committee and agree recommendations to Council regarding their appointment (for copy see file of Minutes).

Resolved: (i) That the Standards Committee record its thanks to Councillor Ralph Harrison for his service to the Committee since 2015.

(ii) That the Standards Committee recommend to Council that Councillors Alan Doig and Chris FooteWood are appointed as non-voting co-opted Parish Council representatives on the Standards Committee.