

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in **Committee Room 1A/1B , County Hall, Durham** on **Monday 4 December 2023** at **9.30 am**

Present:

Councillor J Nicholson (Chair)

Members of the Committee:

Councillors J Atkinson, L Mavin, E Peeke, K Rooney (Vice-Chair), G Smith, T Smith, T Stubbs, F Tinsley and C Varty

Co-opted Members:

Parish Councillors A Doig and C Foote-Wood

Also Present:

Mr C Hugill – Independent Person
Mr D Rogers – Independent Person

1 Apologies for Absence

Apologies for absence were received from Councillor Anita Savory.

2 Declarations of Interest

There were no Declarations of Interest.

Councillor F Tinsley entered the meeting at 9.31am

3 Minutes

The minutes of the meeting held 8 September 2023 were agreed as a correct record and 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).

The Legal Officer (Governance), Lauren Smith advised Members of the main matters of interest since the last meeting of the Committee, including that Lord Evans had ended his term as Chair of the Committee on Standards in Public Life, with his final speech appended to the report. The Committee noted as regards Bristol City Council reviewing their complaints procedure following a lack of upheld complaints and noted that two s.114 Notices had been issued at Birmingham City Council, with External Auditors carrying out an independent review of how legal advice provided by Birmingham City Council's Monitoring Officer was considered by the Council. It was added the External Auditors had noted the relationships between Senior Officers and key Members was becoming '*strained*'.

Councillor G Smith entered the meeting at 9.36am

The Legal Officer (Governance) added that a second Commissioners' report on issues at Thurrock Council had been published, a s.114 Notice having been previously issued. She added that the Local Government Research Unit had published a report on the role of the Monitoring Officer, with issues highlighted including the risk of unsupported Monitoring Officers leaving the profession, and a feeling that there was a 'lack of clout' in terms of sanctions available to Monitoring Officers. It was noted that the Committee would be updated on relevant issues and s.114 Notices at future meetings.

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 8 September 2023 (for copy see file of minutes).

The Legal Officer (Governance) noted that at the last meeting, Members had asked for figures relating to the number of code of conduct complaints received by the Monitoring Officer.

While comparison figures were usually presented within the Annual Report, Members had felt it would be useful to have a comparison of part-year figures as they had perceived an increase in the number of complaints being made. The Legal Officer (Governance) explained that the report set out those part-year figures and that in fact the number of complaints had decreased, though there were fewer complaints where 'no further action' had been the outcome. It was noted that Members had also requested a breakdown of costs incurred as a result of code of conduct complaints and was set out within the report. It was noted that while the cost of Legal Officers' time was recorded, the cost and time of Democratic Services Officers and Independent Persons was not. The Legal Officer (Governance) noted that the highest amount of time spent on code of conduct complaints related to Town and Parish Councillors, noting that this reflected that the highest number of complaints were made against Town and Parish Councillors. The Legal Officer (Governance) also noted that the external costs incurred related to an investigation into two complaints against a Town Councillor, which were referred to a Hearing Panel of the Standards Committee.

The Legal Officer (Governance) concluded by noting training that had taken place for Independent Persons, which had been well received, and for Town and Parish Councillors, with 20 Councillors in attendance at that session.

Parish Councillor C Foote-Wood noted that, relative to the number of meetings and activities undertaken by County Councillors and Town and Parish Councillors, he felt the number of complaints was relatively small. He added that code of conduct complaints would always attract a certain amount of attention in the press. He noted that more than 50 percent of code of conduct cases were against Town and Parish Councillors and asked Officers if they had any thoughts on why that may be. He also noted the training courses available for Town and Parish Councillors were excellent, however, felt that if they could be offered to prospective Councillors they may be better prepared for public service and that may have the benefit of preventing future code of conduct complaints.

The Legal Officer (Governance) noted that she agreed with Parish Councillor C Foote-Wood in terms of the number of complaints being relatively small compared to the overall number of Councillors. She added that she felt the majority of complaints relating to Town and Parish Councillors was also a reflection of the ratio of the number of County Councillors to Town and Parish Councillors, the latter being much greater.

The Legal Manager (Commercial) and Deputy Monitoring Officer, James Etherington noted that there was compulsory training for newly elected or re-elected Members, together with additional non-compulsory training during

election cycles. He added, however, that it would prove difficult to provide training for all potential candidates.

He noted that it was important for training to provide clarity on the roles of both Members and Officers and to refer Members to their Authority's Member/Officer Protocol in terms of expected standards and behaviours. He added it was the responsibility of each Authority to train their Members in this regard.

Councillor J Atkinson gave a personal account of the differences between the County Council and Town Council meetings and the perception of the 'lack of clout' in terms of the standards regime, noting that many complaints result in 'no further action'. He also noted differences in the standards of chairing of meetings, and a lack of understanding of standing orders in some cases. The Legal Manager (Commercial) and Deputy Monitoring Officer noted that those cases where 'no further action' had been taken was where it was found that there had been no breach of Members' Code of Conduct. He added in the cases where other actions had been taken, that was where a breach had been found. The Chair thanked Councillor J Atkinson for his comments and agreed that those Councillors chairing meetings needed to know their standing orders. She added that it was important for Councillors to understand the expectations from the public in relation to the standards of behaviour for Elected Members.

The Chair noted that an update in relation to the Local Government 'Debate not Hate' campaign and a protocol as regards a zero-tolerance approach to abuse would be tabled for consideration at the next meeting of the Committee in March 2024.

Resolved:

That the contents of the report be noted.