



Standards Committee

Date Thursday 7 March 2024
Time 9.30 am
Venue Committee Room 1A , 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 4 December 2023 (Pages 3 - 6)
- 4 National Picture (Pages 7 - 16)
- 5 Code of Conduct Update (Pages 17 - 36)
- 6 Local Government Association "Debate Not Hate" Campaign (Pages 37 - 50)
- 7 Such other business as in the opinion of the Chair of the Meeting is of sufficient urgency to warrant consideration

Helen Bradley
Head of Legal and Democratic Services

County Hall
Durham
28 February 2024

To: **The Members of the Standards Committee:**

Councillor J Nicholson (Chair)
Councillor K Rooney (Vice-Chair)

Councillors J Atkinson, L Mavin, E Peeke, A Savory, G Smith, T Smith,
T Stubbs, F Tinsley and C Varty

Town and Parish Council Co-opted Representatives:

Councillors Doig and Foote-Wood

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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.



Report of Helen Bradley, Head of Legal and Democratic Services 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 and cases which relate to the work of the Committee since the last meeting on 4 December 2023.

Recommendation(s)

- 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 contents of the report.

Background

- 4 As agreed by the Committee on 10 June 2023, as part of the Annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

Douglas Chalmers appointed as Chair of the Committee on Standards in Public Life

- 5 The Public Administration and Constitutional Affairs Committee (PACAC) endorsed Mr Chalmers as Chair of the Committee on Standards in Public Life, following a pre appointment hearing last week. Following a career in the British Army.
- 6 In a report, published on 4 December 2023 the PACAC referenced the delay by the Government in appointing the Chair. The report concludes that the PACAC believe the full appointment process should be conducted during the terms five-year window and criticised the delay in appointing a successor to Lord Evans, whose term expired on 31 October.
- 7 William Wragg MP, Chair of the PACAC, was satisfied Mr Chalmers has the necessary integrity, judgement and independence to fulfil the role as Chair of the Committee on Standards in Public Life and endorsed Mr Chalmer's appointment.

Former Council Chief Executive becomes independent member of standards watchdog.

- 8 A former Chief Executive of Staffordshire County Council, John Henderson, has been appointed as Independent Member to the Committee on Standards in Public Life.
- 9 Mr Henderson held his role at Staffordshire County Council for more than eight years. Prior to that he served for thirty-three years in the British Army.
- 10 The appointment was made by the Prime Minister, the post has a five-year term.

Independent Review Panel finds no evidence of corruption at Teesworks joint venture but criticises governance and transparency.

- 11 Following allegations of corruption, the Secretary of State for Levelling Up, Housing and Communities commissioned an independent review panel in June 2023 to examine the Tees Valley Combined Authority's (TVCA) oversight of the South Tees Development Corporation (STDC) and Teeswork Joint Venture.

- 12 Whilst the panel found no evidence of illegality, the report published on 29 January 2024 considered there were *"issues of governance and transparency that need to be addressed and a number of decisions taken by the bodies involved do not meet the standards expected when managing public funds"*.
- 13 As public bodies the TVCA and the STDC were required to appoint three statutory officers, including a monitoring officer, chief exec and Director of Finance and Resource. The role of the three officers is to have responsibility for ensuring the organisations are properly staffed to deliver objectives and ambitions, legal budgets are set, and statutory obligations are fulfilled, and codes of conduct are followed.
- 14 The three statutory appointments believed a 'firewall' existed between the TVCA and STDC which limited liabilities falling back on the TVCA, the panel highlighted there was limited understanding of what was going on of the decisions being made. The panel highlighted the TVCA should take an active interest in the issues facing TVCA residents and this should be approached with an independent mind to 'check and challenge'.
- 15 The Monitoring Officer, who was in tenure between Sept 2020 - December 2022, declined to participate in review of the move to JV90/10 (Joint Venture 90/10) as they felt their professional duties barred them from participating.
- 16 The panel members and the STDC Senior Officers held different views as to the requirement of the TVCA Monitoring Officer, as defined in Tees Valley Combined Authority (Functions) Order 2017.
- 17 The panel noted that it was 'clear the STDC was not a 'committee' of the TVCA and is a separate legal entity, the provision requires the legal scrutiny and oversight in respect of the STDC as would be the case in respect of the TVCA or one of its committees.'
- 18 One of the former Monitoring Officers labelled their involvement as 'peripheral' which concerned the panel. The legislation, TVCA/STDC constitutions state the Monitoring Officer and other statutory officers have a key role in advising both TVCA and STDC members of the relevant legal and governance provisions.
- 19 The panel through their investigation found a core group of officers including the Mayor held senior appointments in relevant corporate bodies which gave rise to potential conflicts of interest. These interests were not registered in accordance with the TVCA/STDC officer conflicts requirements.

- 20 The panel recommended better control must be established to prevent representatives of joint venture partners from attending private meetings of the STDC Board.
- 21 The report makes 28 recommendations, of which the most relevant have been included below, the full list of recommendations is included in the report which is linked in the 'Background Papers' section of this report.
- (a) The panel criticised the arrangements and oversight of STDC when making significant decisions.
 - (b) The Monitoring Officer had advised the TVCA oversight and scrutiny Committee that they have no remit to scrutinise the decisions of the STDC, this was a narrow reading of the powers available to the TVCA.
 - (c) TVCA seemed unaware of the liabilities arising as a result of its *'interface with STDC'*.
 - (d) The panel would expect the TVCA to have arrangements in place to assess the balance of risk and reward between the public and private sector to ensure value for money.
- 22 The panel concluded that *"the systems of governance and finance in place within TVCA and STDC at present do not include the expected sufficiency of transparency and oversight across the system to evidence value for money"*.

The Public Accounts Committee warn councils combined debt has reached a staggering amount posing a risk to local services.

- 23 The Credit Rating agency Moody's warned other councils *"were likely to go bust"* due to poor governance, large borrowing levels, and the falling value of commercial property. Poor investments are cited as the reason Surrey District Council are proposing £12m in cuts next year.
- 24 BBC analysis found councils owe a combined debt of £97.8bn to lenders. The Public Accounts Committee states the impact of high levels of debt to residents is likely to be *"extreme and long lasting"*.
- 25 38 councils have no borrowing at all, but at Woking Council the debt figure was nearly £19,000 per person.
- 26 Only two councils in the top ten largest debts per resident have issued s.114 notices. Birmingham appears 43rd out of 386 councils and Nottingham 36th.

Significant growth of independent councillors in local government.

- 27 The Local Government Information Unit (LGIU), a not-for-profit organisation, has published a briefing in the rise of independent councillors sitting within local authorities. The briefing considered why more councillors were standing as independent members and the impact this has on local governance.
- 28 Independent members now make up 17% of all councillors in England and Wales, up from 9.7% in 1997. The main reason cited for standing as an independent member is '*disaffection with party politics.*'
- 29 In November, 11 councillors in Burnley resigned from the Labour party over the party's failure to support a ceasefire in Gaza. These councillors now sit as independents.
- 30 The briefing publishes information to support independent local councillors and advise as to how independent members can best serve the residents they represent.
- 31 The publication provides support by guiding individuals through the process of getting elected as an independent councillor. The guidance acknowledges the hurdles faced by independent candidates without the financial and structural support of the main political parties. A 2022 study conducted by the LGIU found half of voters would consider voting for an independent candidate, although the LGIU recognises this is only a small step in the path to standing as an independent councillor.
- 32 The guide includes tips from three independent councillors who relay their own experiences of being elected as an independent councillor.
- 33 The guide provides support to would-be independent councillors by advising on effective ways to sit as an independent councillor. The advice given is not limited to;
- (a) Taking up seats on a committee or scrutiny panel
 - (b) Retaining a high profile
 - (c) Maintaining professional relationships with other councillors
- 34 Orkney Island Council is made up of a majority of independent councillors, they state the political independence of the councillors is valued amongst the local community.

A Dorset councillor who mimicked a female senior officer's accent for eight or nine years has been told to apologise and undertake diversity training.

- 35 Following an investigation, Dorset's Audit and Governance Hearing Panel determined that a Councillor breached Dorset Council's code of conduct when he mimicked a senior officer's accent.
- 36 Whilst the Councillor admitted to mimicking the officers accent, he defended his comments by stating his behaviour was '*merely jovial banter.*' He was also supported during the hearing by fellow councillor, , who reflected '*his sense of humour comes from his time in the services*' and added that '*he is a good councillor and popular in his ward.*' However, she admitted that his sense of humour "*was not appropriate for modern times and perhaps some training would help modify his behaviour.*"
- 37 The Investigating Officer's report found that '*in her opinion, the Councillor's actions had fallen below the minimum standards of conducted expected by a councillor.*' The report also noted that whilst, '*the Councillor did not view his actions in this way, there was a perceived racist element to his actions.*'
- 38 In their determination, Dorset's Audit and Governance Hearing panel labelled his behaviour '*offensive and not acceptable in any circumstances.*'
- 39 The panel therefore required the Councillor to:
- (a) "Send a written apology to the relevant Executive Director to share with their staff, plus any officers that had since left the authority, if considered appropriate."; and
 - (b) "Undertake external Equality, Diversity and Inclusion training tailored in response to the details of this complaint and to be determined by the Monitoring officer in addition to a mentor being put in place to offer ongoing guidance and support after the training has been concluded."

Background papers

- <https://www.localgovernmentlawyer.co.uk/governance/396-governance-news/55807-mps-give-green-light-to-next-chair-of-committee-on-standards-in-public-life>
- <https://www.localgovernmentlawyer.co.uk/governance/396-governance-news/56567-former-council-chief-executive-becomes-independent-member-of-standards-watchdog>

- <https://www.localgovernmentlawyer.co.uk/governance/396-governance-news/56270-breaking-independent-panel-finds-no-evidence-of-corruption-at-teesworks-joint-venture-but-criticises-governance-and-transparency>
- https://assets.publishing.service.gov.uk/media/65ba58ec3be8ad0010a081a9/Tees_Valley_Review_Report.pdf
- <https://www.bbc.co.uk/news/uk-67707156>
- <https://lgiu.org/briefing/state-of-independence-the-growing-significance-of-independent-councillors-in-local-government/>
- <https://www.bbc.co.uk/news/uk-england-dorset-67948008>

Other useful documents

None.

Author(s)

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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.

Appendix 2: Independent review report: South Tees Development Corporation and Teesworks Joint Venture

https://assets.publishing.service.gov.uk/media/65ba58ec3be8ad0010a081a9/Tees_Valley_Review_Report.pdf

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Standards Committee

7th March 2024

Code of Conduct Update



Report of Helen Bradley, Head of Legal and Democratic Services and Monitoring Officer

Electoral division(s) affected:

None

Purpose of the Report

- 1 To provide Members of the Standards Committee with an update on complaints received by Durham County Council under the Code of Conduct for Members since the Committee's last meeting on 4 December 2023.

Executive summary

- 2 The report provides an update on the 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 Procedure for Member Code of Conduct Complaints.

Recommendation

- 3 The Standards Committee is asked to:
 - a) Note the contents of the report.

Background

- 4 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 co-opted members and to adopt a Code of Conduct that is consistent with the Nolan Principles addressing the conduct that is expected of members when they are acting in their official capacity as a councillor and/or representative of the Council.
- 5 The Council 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 the town and parish councils for which the Council is the principal authority.
- 6 Expected standards of behaviour should also be embedded through effective member induction and ongoing training.
- 7 Members' failure to comply with the Code can be an issue of concern to local communities and result in a perception of poor governance. This could affect the reputation of the Council. The Council therefore maintains an open and transparent process for making complaints against members. Information and guidance on the process for making such complaints is clearly signposted and accessible on the Council's website.
- 8 These arrangements include provision for the Monitoring Officer to provide local solutions to resolve complaints without formal investigations.
- 9 The responsibility for standards activity, including the monitoring of the operation of the Code, falls within the jurisdiction of the Standards Committee. Regular oversight of complaints received enables the Standards Committee to identify particular trends or issues which might need further consideration by the Committee and/or wider training needs.
- 10 Details of complaints activity during the period between 24 November 2023 and 23 February 2024 is set out in Appendix 2. An analysis of those matters is set out below.

Complaints received since 24 November 2023

How many complaints were received?

- 11 There have been 12 formal complaints received between 24 November 2023 and 23 February 2024, of which:
- 5 are subject of a final Decision Notice;
 - 5 are ongoing matters;
 - 2 has not progressed; and
 - 1 has been rejected.

Who were the Complaints from?

- 12 Of the 12 formal complaints received during the last period:
- 7 were from members of the public;
 - 4 were from a member against another member; and
 - 1 was from an anonymous complainant.

Who were the Complaints about?

- 13 Of the 12 formal complaints received during the last period:
- 11 were about Town or Parish Councillors; and
 - 1 was about a County Councillor

Which provisions of the Members' Code of Conduct were alleged to have been breached?

- 14 Of the 12 formal complaints received during the last period which had sufficient information, the principal provisions of the Members' Code of Conduct engaged were:
- Respect: 6
 - Behaving in accordance with policy or legal obligations: 5

What were the outcomes?

- 15 Of the 5 formal complaints received during the last period which have been subject to final Decision Notices:
- No further action was taken in relation to 4 matters and;
 - Local resolution was deemed appropriate for 1 matter.
- 16 Local resolution included Member training in relation to the Parish Council's Annual Governance and Accountability Return reporting requirements. It is understood that training has been arranged for all Members of the Parish Council in March 2024.
- 17 Of the complaints that have not progressed or have been rejected:
- One complainant failed to provide further information which was requested, and another complainant submitted the complaint anonymously and therefore Officers were unable to contact them to request further information.
 - With regards to the complaint, which was rejected it was in relation to historic issues from a habitual and vexatious complainant.
- 18 In respect of ongoing complaints, it would not be appropriate to comment on matters that are currently being assessed or investigated but Decision Notices will be available for inspection once the decision has been communicated to the relevant Subject Member and Complainant.

Complaints received prior to 23 November 2023

- 19 During the last period, there has been ongoing activity relating to a further 33 complaints, which were received prior to 23 November 2023 but remained ongoing at that date. Details of these also appear in Appendix 2. An analysis of those matters is set out below.
- 20 Of the 33 complaints which remained active at the date of the last meeting of the Standards Committee on 4 December 2023:
- 6 are now the subject of final Decision Notices; and
 - 7 remain ongoing; and
 - 1 has not progressed; and
 - 15 have been referred for an investigation; and
 - 4 have been the subject of a Standards Hearing.

Who were the Complaints from?

- 21 Of the 33 complaints which remained active at the date of the last meeting of the Standards Committee on 4 December 2023:
- 11 were from members of the public;
 - 9 were from officers concerning members; and
 - 12 were from a member against another member.

Who were the Complaints about?

- 22 Of the 33 complaints which remained active at the date of the last meeting of the Standards Committee on 4 December 2023:
- 24 were about Town or Parish Councillors; and
 - 9 were about County Councillors.

Which provisions of the Members' Code of Conduct were alleged to have been breached?

- 23 The principal provisions of the Members' Code of Conduct engaged were:
- All aspects of the Code engaged: 9
 - Respect: 9
 - Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including the use of the Council's resources: 5
 - Disclosing Confidential Information: 3
 - Value colleagues and staff and engage with them in an appropriate manner: 3
 - Listen to the interests of all parties: 2
- 24 Members will note that the large majority of complaints which remained outstanding as of 4 December 2023 concerned all aspects of the Code of Conduct.

What were the outcomes?

- 25 Of the 33 complaints received prior to 4 December 2023, which have been subject of a final Decision Notice during the last period:
- No further action was taken in relation to 6 matters;
 - Local resolution was deemed appropriate for 4 matters;
 - 11 matters have been referred for an investigation; and
 - 1 matter has not progressed.

- 26 Local resolution included training for a County Councillor on the Code of Conduct, mediation between a Member and Officers of the Town Council, training on a Town Council policy and a written apology to the Complainant.
- 27 In relation to the Code of Conduct training, the Member has declined to complete this as they do not believe they have breached the Code of Conduct.
- 28 Mediation between a Member and Officers is still outstanding however, it is understood that the Town Council are seeking arrangements for this.
- 29 In regard to the training on a Town Council policy, it is understood that the policy has since been revised and training will be delivered once it has gone through the Town Council's internal processes.
- 30 In relation to the apology to the Complainant, this has now been provided by the Member.
- 31 In relation to 3 of the matters where no further action has been taken, these complaints were intended to be referred for an investigation. However, the Members concerned have since resigned. It has therefore, been determined that it would not appropriate or a proportionate use of resources to take any further action in relation to these complaints.
- 32 At the last Standards Committee an update was given in respect of the 4 complaints received prior to 4 December 2023, in which two Members had been subjected to a Standards Hearing.
- 33 Following the recommendations of the Standards Hearing, the Committee will recall that both letters of censure were issued. Since that Committee, Officers have also delivered training to one Member.
- 34 The other Member has declined to complete their training at this stage and therefore the recommendation has not yet been complied with. The Member has advised that they have provided the recommended apologies. However, they have not provided copies to the Monitoring Officer as this was not a requirement of the Standards Hearing Panel.

Why have some complaints taken longer to resolve?

- 35 Complaints have taken longer to resolve due to the complexity, for example where there are multiple complaints or complainants, or complaints involving multiple councillors.

Independent Person(s) Training

- 36 At the last Standards Committee an update was given that two of the Council's independent persons attended training on the role of Independent Person delivered by Lawyers in Local Government (LLG) on 13 November 2023. A further training session was provided on 16 February 2024 where a third independent person attended.
- 37 The Standards Committee will recall that during the LLG training in November 2023, it was suggested that Independent Persons may find an informal network helpful to keep in touch, share best practice and provide mutual support. The Deputy Monitoring Officer has since liaised with fellow Monitoring Officers within the region who were receptive of the idea. To help facilitate this, the Head of Legal and Democratic Services is liaising with regional colleagues to create a contact list for all Independent Persons in the region interested in an informal network.

Conclusion

- 38 This report provides a summary of the Code of Conduct Complaints handled over the last 3 months and is intended to provide an overview of complaints handling to assist the Standards Committee to fulfil their role in promoting and maintaining high standards of conduct.

Background papers

- Code of Conduct for Councillors.
- Procedure for Member Code of Conduct Complaints.

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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 Code of Conduct for Members by the Council's own members and by members of parish/town councils for which the Council is the principal authority.

Finance

There are no financial implications.

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 arising out of this report other than those mentioned in paragraph 26 above.

Accommodation

There are no accommodation implications.

Risk

Risks	Uncontrolled Risk	Controls	Controlled Risk
Poor governance and decision-making outcomes.	High – legal challenges and/or a complaint of maladministration could be made.	Low – Members and key staff are appropriately trained and have a good understanding of	Adherence with the Code, Constitution, and Procedures.

Reputational damage.	The Council could be ordered to pay compensation and/or suffer reputational damage.	the Code requirements. This is a continuous requirement.	Staff and Member training.
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Procurement

There are no procurement implications.

Appendix 2: Code of Conduct Complaints Activity

Appendix 2: Code of Conduct Complaints Activity

24 November 2023 – 23 February 2024

Ref	Date Received	Council	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
COM 393 COM 397	5-April-22 19-April-22	Town	Officer Member	That the Subject Member has, in emails and on social media, been disrespectful towards fellow Councillors and an Officer of the Council.	<ul style="list-style-type: none"> - Respect - Bullying - Failing to follow procedure / policy (member officer protocol) 	28-Sep-23	Standards Committee Hearing Panel Outcomes: <ul style="list-style-type: none"> • Censure - Completed • Training on Member/ Officer relations – Completed
FS-Case-479253074	18-Jan-23	Parish	Member	Members have given false statements during a Parish Council Meeting. Members have approved a contract on behalf of a landowner.	<ul style="list-style-type: none"> - All aspects of the Code of Conduct 	25-Oct-23	Dealt with under a collective decision notice 13 complaints in total in which 4 were NFA. Complaints; FS-Case-479253074, FS-Case-479484178, FS-Case-479665269, FS-Case-480006325, FS-Case-480451746, FS-Case-482384231, COM 414, FS-Case-511652546 and FS-Case-527404494 Referred for Investigation.
FS-Case-479484178	18-Jan-23	Parish	Member				
FS-Case-480006325	18-Jan-23	Parish	Member				
FS-Case-479665269	18-Jan-23	Parish	Public				
FS-Case-480451746	19-Jan-23	Parish	Public				
FS-Case-482384231	30-Jan-23	Parish	Member				
COM 414	8-Feb-23	Parish	Member				

Ref	Date Received	Council	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
FS-Case-527404494	28-Jun-23	Parish	Public				
FS-Case-511652546	29-Apr-23	Parish	Member				
FS-Case-485616401	09-Feb-23	County	Officer	The complainant alleges that the Subject Member posted confidential information on social media.	<ul style="list-style-type: none"> - Disclosing Confidential Information - Bringing the Role of Member or Local Authority into disrepute. 	16-Mar-23	Local Resolution – Code of Conduct training focussing on the confidentiality requirement. – Member has declined training.
COM 415	15-Mar-23	Parish	Officer	Accusations of bullying	<ul style="list-style-type: none"> - Respect - Bullying and Harassment - Value colleagues 	17-May-23	No further action due to Cllrs resigning.
FS-Case-505549532	05-April-23	County	Officer	The complaint raises concern about the subject member's alleged ill treatment of staff and bullying and harassment of Council Officers. The complaint also details concerns about your alleged use of social media and the Press to unfairly criticise officers and make inaccurate and inflammatory statements about the Council, Officers of the Council and the Council's Area Action Partnerships. Additionally, the complaint includes the alleged failure to adhere to the Member-Officer Relations Protocol	<ul style="list-style-type: none"> - Failure to act in accordance with Member-Officer Relations Protocol - Respect - Bullying 	12-Oct-23	Referred for Investigation.

Ref	Date Received	Council	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
FS-Case-511445732	28-Apr-23	County	Officer	The complaint relates to comments made by the two Subject Members in an Article published in the Northern Echo. The Subject Members criticised the Council and Council Officers, with the article stating the Subject Members “have launched a scathing attack on non-elected officers at Durham County Council”.	<ul style="list-style-type: none"> - Act in accordance with Member Officer Relations Protocol - Respect - Acting in accordance with legal obligations 	12-Oct-23	<p>Linked to FS-Case-505549532.</p> <p>One Member Referred for Investigation and No Further Action in respect of the other Member.</p>
COM 418	24-Apr-23	County	Public	The complaint alleges that the subject member has been using his position as a Councillor to interfere with a member of the public’s business. The subject member is being accused of using his position as a Councillor to bully and harass a member of the public and their partner. The Subject Member video called the member of the public to intimidate her into speaking to her husband about and ongoing conflict between him and the subject member.	<ul style="list-style-type: none"> - Respect - Acting in accordance with legal obligations - Bullying and Harassment - Seeking to confer an advantage/disadvantage. 	27-July-23	<p>Standards Committee Hearing Panel</p> <p>Outcomes:</p> <ul style="list-style-type: none"> • Censure - Completed • Code of Conduct training into the role and remit of a Parish & Town Councillor - Member has declined to attend training. • Written apology – Member has apologised but not provided a copy to the Monitoring Officer as this was not a requirement of the hearing panel.
COM 420	28-Apr-23	Town	Officer	Accusations of bullying	<ul style="list-style-type: none"> - Bullying - Respect - Conferring an advantage or disadvantage 	20-Oct-23	Completed – Local Resolution Mediation - to be arranged.
FS-Case-514139036	09-May-23	County	Member	The Subject Member has made comments of a discriminatory nature on a Facebook group.	<ul style="list-style-type: none"> - Respect - Bringing the Role of Member or Local Authority into disrepute. - Acting in accordance with legal obligations 	25-May-23	<p>Standards Committee Hearing Panel.</p> <p>Outcomes:</p> <ul style="list-style-type: none"> • Censure - Completed • Training on Member/ Officer relations – Completed

Ref	Date Received	Council	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
Page 30							
COM 421	10-May-23	Parish	Clerk on behalf of the PC	The Subject Member has disclosed a potential data breach as a non-member of the Parish Council manages his email account for him.	<ul style="list-style-type: none"> - Disclosing Confidential Information - Bullying and harassment - Respect 		Ongoing
COM 422	22-May-23	Parish	Member	The Subject Member is alleged to have been spreading malicious rumours	<ul style="list-style-type: none"> - Respect - Value Colleagues and staff - Bullying and Harassment - Bringing the role of Member into disrepute 	18.1.2024	No Further Action following resignation of Member.
FS-Case-529322214	05-Jul-23	County	Public	The Subject Member has made disrespectful comments aimed towards another Member on social media.	<ul style="list-style-type: none"> - Respect - Value colleagues - Not to bring the role of the member/authority into disrepute 		Ongoing.
COM 423	01-Aug-23	Parish	Member	This complaint is linked to COM 422 as the Subject Member is alleged to have been spreading malicious rumours.	<ul style="list-style-type: none"> - Respect - Value Colleagues and staff - Bullying and Harassment - Bringing the role of Member into disrepute 	18-Jan-24	No Further Action following resignation of Member.
COM 425	07-Aug-23	Parish	Public	The Subject Members are accused of speaking disrespectfully towards other Members of the Parish Council and the Complainant.	<ul style="list-style-type: none"> - Value Colleagues and staff - Respect - Bullying and Harassment 	18-Jan-24	No Further Action following resignations of Members.

Ref	Date Received	Council	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
FS-Case-539664142	16-Aug-23	County	Officer	The Subject Member is accused of distributing information in an attempt to discredit the Complainant.	<ul style="list-style-type: none"> - Accountable for decisions and cooperate when scrutinised - Behave in accordance with legal obligations - Value Colleagues and staff - Respect - Not disclose information given to them in confidence - Not to bring the role of the member/authority into disrepute 		Ongoing
FS-Case-544614411	05-Sep-23	Town	Public	The Subject Members are alleged to have accepted a gift contrary to the Gifts and Hospitality Policy.	<ul style="list-style-type: none"> - Not allowing pressures to deter them from pursuing the interests of the Council - Exercise independent judgment and not compromise their position - Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies 	7-Nov-23	Local Resolution Training – Training agreed to be arranged once a revised Gifts and Hospitality Policy has been adopted by the Town Council.
FS-Case-546254817 Page 31	11-Sep-23	County	Officer	The Subject Member is alleged to have failed to treat Officers with respect.	<ul style="list-style-type: none"> - Act in accordance with legal obligations - Value Colleagues and staff - Respect - Bullying and Harassment 		Ongoing

Ref	Date Received	Council	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
Page 32					- Not to bring the role of the member/authority into disrepute		
FS-Case-551594852	03-Oct-23	Town	Public	The Subject Member is accused of not being independent.	- Listen to the interests of all parties		Completed – Not progressed due to a failure to provide further info upon request.
FS-Case-556862472	24-Oct-23	Parish	Public	The Subject Member is alleged to have spoken to the Complainant disrespectfully at a site meeting.	- Deal with representations or enquiries fairly, appropriately and impartially - Listen to the interests of all parties - Respect	17-Jan-24	Completed. No Further Action
FS-Case-561159527	10-Nov-23	County	Member	The Subject Member is alleged to have brought the reputation of the Council into disrepute by spreading false information.	- Value colleagues and staff - Not to bring the role of the member/authority into disrepute - To hold the local authority and fellow Members to account		Completed. No Further Action
FS-Case-562390041	15-Nov-23	Parish	Public	The complainant alleges that the Subject Member disclosed personal information about them at a Parish Council meeting.	- Not disclose information given to them in confidence.		Ongoing

Ref	Date Received	Council	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
FS-Case-562494788	16-Nov-23	Parish	Member	The complainant alleges that the Subject Member has breached the respect provision of the Code of Conduct following a post on social media.	<ul style="list-style-type: none"> - Value colleagues and staff - Respect 	23-Jan-24	Completed. Local Resolution – written apology - Completed.
FS-Case-562593888	16-Nov-23	Parish	Officer	The complainant alleges that the Subject Members have failed to work constructively with them and have harassed them by acting in an intimidating way.	<ul style="list-style-type: none"> - Value colleagues and staff - Respect 	19-Dec-23	Completed. No Further Action.
FS-Case-563802819	21-Nov-23	Town	Public	The Subject Member is accused of making defamatory statements on social media.	<ul style="list-style-type: none"> - Respect 		Ongoing.
FS-Case-564885887	26-Nov-23	Town	Member	The Subject Member is to have alleged to have breached GDPR protocols by posting personal details of a former officer of the Council.	<ul style="list-style-type: none"> - Behave in accordance with legal obligations - Respect - Not disclose info given to them in confidence 	12-Dec-23	Completed. No Further Action.
FS-Case-56611405	3-Dec-23	County	Public	The Subject Member is alleged to have acted in her own interests by parking her car on the highway.	<ul style="list-style-type: none"> - Champion the needs of residents. - Behave in accordance with legal obligations - Not to bring the role of Member into disrepute 	17-Jan-2024	Completed. No Further Action.
FS-Case-567823510	7-Dec-23	Parish	Public	One Subject Member is alleged to have spoken to the Complainant disrespectfully during a Parish Council meeting and the other Subject Member is alleged to have	<ul style="list-style-type: none"> - Respect. 		Ongoing

Ref	Date Received	Council	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
Page 34				not intervened as Chair during the alleged incident.			
FS-Case-568052101	8-Dec-23	Town	Public	The Subject Member is alleged to have not responded to the Complainant in a timely manner.	<ul style="list-style-type: none"> - Listen to the interests of all parties - Be accountable for decisions and cooperate when scrutinised internally and externally incl by local residents 	23-Nov-23	Completed. No Further Action.
FS-Case-568081299	8-Dec-23	Parish	Public	The Subject Member is accused of a series of misleading and inaccurate information regarding the Parish Council's Annual Governance and Accountability Return.	<ul style="list-style-type: none"> - Be accountable for decisions and cooperate when scrutinised internally and externally incl by local residents - Open and Transparent - Behave in accordance with legal obligations - Value Colleagues and Staff 		Completed. Local Resolution in relation to training on the AGAR. – Training has been arranged by the Parish Council in March for all Members.
FS-Case-570323203	18-Dec-23	County	Public	The Subject Member is accused of informing residents of confidential information.	<ul style="list-style-type: none"> - Behave in accordance with legal obligations - Respect 		Completed. Complainant did not proceed with complaint.

Ref	Date Received	Council	Complainant type	Summary of Allegation(s)	Breach type	Decision Notice	Outcome/Status
					<ul style="list-style-type: none"> - Not disclose info given to them in confidence 		
COM 426	8-Jan-24	Parish	Anonymous	The Subject Member is accused of posting a racial post on social media.	<ul style="list-style-type: none"> - Behave in accordance with legal obligations - Not to bring the role of Member into disrepute - Respect 	08-Jan-24	Completed. Complaint not proceeded with due to it being anonymous and no way of obtaining further info.
FS-Case-577721473	15-Jan-24	Parish	Member	The Subject Member is alleged to have bullied the Clerk during a Parish Council meeting.	<ul style="list-style-type: none"> - Respect - Value colleagues & Staff - Bullying & Harassment 		Ongoing – Linked to FS-Case-578378695
FS-Case-578210543	17-Jan-24	Town	Public	Historical complaints of the Town Council.	<ul style="list-style-type: none"> - N/A 	30-Jan-24	Rejected - Habitual and vexatious complainant.
FS-Case-578378695	17-Jan-24	Parish	Member	The Subject Member is alleged to have bullied the Clerk during a Parish Council meeting.	<ul style="list-style-type: none"> - Respect - Value colleagues & Staff - Bullying & Harassment 		Ongoing – Linked to FS-Case-577721473
FS-Case-585268567	08-Feb-24	Parish	Member	Subject Members are accused of bullying and harassment of a member of the public.	<ul style="list-style-type: none"> - Respect - Value colleagues & Staff - Bullying & Harassment 		Ongoing

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Local Government Association “Debate Not Hate” Campaign

7th March 2024



Report of Legal and Democratic Services

Helen Bradley, Head of Legal and Democratic Services, Monitoring Officer

Electoral division(s) affected:

None

Purpose of the Report

- 1 To inform Members of any developments of the Local Government Association (LGA)'s Debate Not Hate campaign.

Executive summary

- 2 The report provides an update to the Committee on any developments of the LGA's Debate Not Hate campaign, which aims to raise public awareness of the role of Councillors in their communities, encourage healthy debate and improve the responses and support for local politicians facing abuse and intimidation.
- 3 The report also provides an update in relation to the Council's Zero-Tolerance Policy which was proposed at the Standards Committee in September 2023.

Recommendation(s)

- 4 The Standards Committee is asked to:
 - (a) Note the report
 - (b) Request a report be brought to the next Standards Committee meeting to consider a draft zero-tolerance of abuse policy.
 - (c) Request that the Head of Legal and Democratic Services circulates the LGA guidance on safe canvassing practices to all Members.

Background

- 5 The LGA's Debate Not Hate campaign aims to raise public awareness of the role of Councillors in their communities, encourage healthy debate and improve the responses and support for local politicians facing abuse and intimidation.
- 6 At the meeting of the Standards Committee in December 2022 it was agreed that the Debate Not Hate Campaign would be added to the Committee's work programme as a standing item, allowing the Committee to remain informed of any developments.
- 7 Following a recommendation from the Committee a report was presented to Full Council on 25 January 2023, where it was agreed that the Leader of the Council would sign the public Debate Not Hate statement on behalf of the County Council.

Zero-tolerance Approach to Abuse

- 8 Following the LGA's 'guiding principles' which were set out in their publication 'Debate Not Hate: Ending abuse in public life for councillors', the Standards Committee in September 2023 requested that the Head of Legal and Democratic Services look to implement a policy outlining the Council's zero-tolerance approach to abuse.
- 9 Since the September Committee, officers have undertaken a comprehensive review of a number of the Council's policies and procedures in relation to councillors and customer services. Whilst the review highlighted several documents which discuss expectations of behaviour on the part of members, the support available for members, and vexatious and habitual complainants there is not a composite document setting out a zero-tolerance approach to abuse.
- 10 Officers are preparing a draft zero tolerance policy. To ensure that the zero-tolerance policy is consistent with the Council's Customer First Strategy, the team will also ensure that they consult and liaise with colleagues in Customer Services.
- 11 It is proposed that the draft policy is presented to the Standards Committee for consideration.

No place in politics: tackling abuse and intimidation

- 12 On 24 January 2024 the Jo Cox Civility Commission co-chaired by the Rt Hon Jacqui Smith, Baroness Gabrielle Bertin and Lord Vernon Coaker, launched their report 'No place in politics: tackling abuse and intimidation' in Parliament.

- 13 The report looks at ‘the impact of abuse and intimidation on British democracy’.
- 14 It further considers a wide range of ‘implementable solutions’ with recommended implementation dates ‘to improve civility in public life’.
- 15 The report recognises that the suggested recommendations are ‘deliberately ambitious’ in their aim to address the root causes of abuse and intimidation, ‘as well as to bring more immediate solutions to improve the situation for those politicians who currently serve’.
- 16 A summary of the recommendations are as follows:

- (i) **Coordination and behaviour:** A central unit to address abuse and intimidation should be implemented and resourced by Government for all elected politicians.
- (ii) **Political literacy:** Significant awareness campaigns for the public to understand the role of elected representatives should be implemented by the Government, along with all councillors and parliamentarians visiting education institutions regularly to raise awareness of their roles.

Teachers should also be adequately trained to deliver impartial political and media literacy, which should be made a mandatory part of the school curriculum.

- (iii) **Social media and media:** When implementing the Online Safety Act the abuse and intimidation of elected politicians must be considered, the advice of civil society organisations with expertise in this area must be sought by Ofcom along with ensuring regular, specific training.

Social media companies should also ‘acknowledge the democratic significance of local politicians and provide better and faster routes for councillors reporting abuse and misinformation online.’

- (iv) **Policy and Security:** Clear and specific briefings for parliamentarians, staff and families and guidance for local councillors should be developed about what should be reported to the police and knowledge of which laws exist to counter abuse of elected representatives.

There should also be ongoing training for all police for dealing with threats against representatives and agreed minimum levels of protection measures for elected representatives to be defined and adopted.

All abuse (threshold confirmed by police) should be reported from elected politicians with dedicated resources in each local police force to ensure an appropriate and consistent response to support elected representatives.

Information sharing should also be improved between different police forces through the Operation Bridger Network and across nations and regions.

- (v) **Parliaments (Westminster and devolved administrations):** Parliamentarians should be able to claim for costs associated with addressing abuse and intimidation, written resources about dealing with abuse should be developed for families of elected representatives and mandatory training should be developed for both elected representatives and their staff on preventing and addressing abuse.

- (vi) **Local government:** Risk planning for abuse at council meetings and other events should be improved by local authorities including police being involved where appropriate and where there is a risk to democratic engagement.

Motions should be passed by Councils affirming principles to address abuse and model good behaviour from the LGA's Debate Not Hate toolkit.

Local authorities should ensure that security and wellbeing resources are available to councillors.

- (vii) **Elections:** The 'Government should make any costs associated with candidate safety an exemption to election spending limits.'

Guidance for candidates about the use of social media during the election period should be expanded by the Electoral Commission.

Candidates should be rigorously screened by political parties during the selection process.

Additional support for candidates during election times should be offered by social media companies and candidates should be required to sign up to an 'election code of conduct' by political parties in line with The Jo Cox Foundation's Civility Pledge.

- (viii) **Political parties:** 'Political parties must consistently enforce their existing codes of conduct'.

Civility and equalities training should be mandatory and implemented for all candidates and how legal support is offered to

candidates or elected officials where civil action is more appropriate than criminal should be reviewed by political parties.

- 17 The Commission notes that they welcome public endorsement from elected politicians or organisations who are working on any of the areas covered in the report and concludes that the recommendations set out above are only the first step for change in their campaign to reduce abuse and intimidation of elected representatives. The full copy of the report can be found in Appendix 2
- 18 The Committee will note that the Council has already implemented the recommendations in relation to local government. As referred to paragraph 7, the Council agreed to sign the Debate not Hate statement. Members also have access to the wellbeing support via the Employee Assistance Scheme. The Committee will also recall that the Council's approach in relation to security for Members featured as a case study in the LGA's Debate Not Hate: Ending abuse in public life for councillors.

LGA Publishes Safe Canvassing Practices

- 19 The LGA in response to concerns expressed by councillors and candidates, regarding possible instances of harassment during canvassing activities has published a safe canvassing guide to offer helpful and practical hints for canvassers.
- 20 The guide outlines the following seven principles for safe canvassing:
- (i) **'Be prepared, not scared:** Regularly assess risks, seek available training and support, including advice from local police, parties, or council, and trust your instincts for personal safety during canvassing to ensure a confident and secure approach.
 - (ii) **Focus on group safety:** Whenever possible, canvass in groups or pairs for safety – and because it is more enjoyable! Inform others of your whereabouts when canvassing alone. Prioritise team safety by halting and discussing any incidents that may occur.
 - (iii) **Actively communicate with the team and set periodic check-ins:** Share canvassing plans with the team and trusted contacts, establishing regular check-ins for safety.
 - (iv) **Use technology to make canvassing safer:** Use available technological aids like wearable devices and tracking apps for mobile phones. Get familiar with their emergency features to enhance safety while canvassing. Familiarise yourself with smartphone security functions beforehand and align technology choices with the risk assessment for canvassing.

- (v) **Be security aware:** Prioritise safety and security when canvassing. Try carrying only essentials and avoid going into residents' homes. When available, follow party do-not-knock lists and update them if you encounter any problem.
 - (vi) **Keep a record:** Maintain a detailed incident log and report any uncomfortable situations encountered while canvassing. Sharing incident reports with both your party and the council/police ensures appropriate awareness and action.
 - (vii) **Prioritise aftercare and set emergency protocols:** Offer team support after any experiences of abuse or intimidation, prioritising aftercare. Debrief sessions should encourage sharing experiences and seeking support, focusing on both positive and negative encounters. Periodically review emergency response procedures.'
- 21 The LGA has also provided physical tips for canvassing such as ensuring that candidates mobiles are fully charged when campaigning, ensuring there is a clear exit route, how to safely knock on doors and even carrying a rape alarm which can be used to signal and confuse an attacker in the event of an emergency. It is suggested that the Committee request the Head of Legal and Democratic Services circulate this guidance to all members for information.

LGA response to the House of Lords Debate on parliamentary democracy and standards in public life, 11 January 2024

- 22 On 11 January 2024 the House of Lords 'debated the current standing of parliamentary democracy and standards in public life.'
- 23 In response to the debate the LGA noted that 'democracy and standards in public life are vital at a national and local level. However, increasing levels of toxicity in public and political discourse are deterring people from standing for election and representing their local communities.'
- 24 Given the growing concerns about abuse and councillor safety, the LGA noted the following priority areas of reform:
- (a) **'Councillor home addresses:** The relevant legislation (the Localism Act 2011) and associated regulations should be modernised to reflect the increased risk profile associated with being an elected member and move towards the presumption that councillors do not share their home addresses publicly as with members of parliament.' Further 'the legislation should recognise that councillors are the best judge of their own safety and put it beyond doubt that monitoring officers can withhold councillors' home addresses proactively rather than waiting for a specific threat or an incident to occur.'

- (b) **‘Specialised police support:** The Home Office should work with the police at a national level to extend some specialist provisions for locally elected people, including a SPoC or liaison officer and security assessments, advice and support for councillors' homes, ward surgery venues and council meetings.’
- (c) **‘Funding for security mitigations:** the UK Parliament funds specific security support for MPs, including providing home safety mitigations, such as security lights, ring doorbells, better locks, etc. However, this advice is not readily available to councillors and councillors and councils may be unable to afford to put these mitigations in place.

The Government should follow the example of other countries, like the Dutch Government, and provide funding for certain home and civic security mitigations to ensure locally elected members are protected in their homes and civic buildings.’

- 25 In relation to the call from the LGA for monitoring officers to have the flexibility to withhold councillors’ home addresses the Head of Legal and Democratic Services and members of her team are currently in the process of consulting members as to the Council’s approach on the issue. Any proposals arising from the consultation will be presented to the Committee for consideration in the future.

Background papers

- The Jo Cox Civility Commission No place in politics: tackling abuse and intimidation <https://www.jocoxfoundation.org/wp-content/uploads/2024/01/Jo-Cox-Civility-Commission-report.pdf>
- LGA Seven principles for safer canvassing: A guide for councillors and candidates <https://www.local.gov.uk/publications/seven-principles-safer-canvassing-guide-councillors-and-candidates>
- Debate on parliamentary democracy and standards in public life, House of Lords, 11 January 2024 <https://www.local.gov.uk/parliament/briefings-and-responses/debate-parliamentary-democracy-and-standards-public-life-house#priority-areas-for-reform>

Other useful documents

- LGA Debate Not Hate Public Statement <https://www.local.gov.uk/about/campaigns/debate-not-hate/debate-not-hate-sign-our-public-statement>

Author(s)

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Appendix 1: Implications

Legal Implications

There are no specific legal implications arising from this report. The issues referred to in this report will assist the Council in complying with its obligations under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct.

Finance

There are no financial implications.

Consultation

No implications.

Equality and Diversity / Public Sector Equality Duty

No Implications

Climate Change

No Implications

Human Rights

There are no direct Human Rights implications arising out of the report. However, when considering allegations of abuse and intimidation, it is necessary to consider a balance between protecting Councillor's from harassment and complying with Article 10 – Freedom of Expression of the European Convention of Human Rights.

Crime and Disorder

Incidents of abuse and intimidation may amount to criminal behaviour. The Debate Not Hate Campaign is intended to reduce incidents of abuse and intimidation and therefore have a positive impact on crime and disorder.

Staffing

No Implications

Accommodation

No Implications

Risk

No Implications

Procurement
No Implications

Appendix 2: No place in politics: tackling abuse and intimidation

<https://www.jocoxfoundation.org/wp-content/uploads/2024/01/Jo-Cox-Civility-Commission-report.pdf>

Appendix 3: Seven principles for safer canvassing: A guide for councillors and candidates

<https://www.local.gov.uk/publications/seven-principles-safer-canvassing-guide-councillors-and-candidates>

Appendix 4: LGA Debate on parliamentary democracy and standards in public life, House of Lords, 11 January 2024

<https://www.local.gov.uk/parliament/briefings-and-responses/debate-parliamentary-democracy-and-standards-public-life-house#priority-areas-for-reform>

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