



## **Standards Committee**

**Date**        **Friday 7 February 2014**  
**Time**        **9.30 am**  
**Venue**       **Committee Room 1B, County Hall, Durham**

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### **Business**

#### **Part A**

**Items during which the Press and Public are welcome to attend.  
Members of the Public can ask questions with the Chairman's agreement.**

1. Apologies for Absence
2. Minutes of the Meeting held on 11 November 2013 (Pages 1 - 2)
3. Declarations of Interest, if any
4. Protocol for Durham County Council's Independent Person - Report of Head of Legal and Democratic Services (Pages 3 - 6)
5. Such other business as in the opinion of the Chairman of the Meeting is of sufficient urgency to warrant consideration.
6. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information.

#### **Part B**

**Items during which it is considered the meeting is not likely to be open to the public (consideration of exempt or confidential information)**

7. Update on the handling of Current Complaints - Report of Head of Legal and Democratic Services and Monitoring Officer (Pages 7 - 14)
8. Such other business as in the opinion of the Chairman of the Meeting is of sufficient urgency to warrant consideration.

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham  
30 January 2014

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

Councillors J Armstrong, E Bell, J Clark, M Dixon, B Graham, G Holland,  
E Huntington, I Jewell, W Stelling, B Stephens and M Williams

Parish and Town Council Representatives – Town Councillor AJ Cooke and  
Town Councillor T Batson

**DURHAM COUNTY COUNCIL  
STANDARDS COMMITTEE**

At a Meeting of **Standards Committee** held in Committee Room 1A - County Hall, Durham on **Monday 11 November 2013** at **9:30 am**

**Present:** **Councillor M Williams(Chairman)**

**Members of the Standards Committee:**

Councillors E Bell, J Clark, B Graham, G Holland, E Huntington, I Jewell, W Stelling and B Stephens.

Town Councillor T Batson and Parish Councillor R Harrison.

Mr J Dixon-Dawson – Independent Person

**Apologies:**

Mr P Jackson and Councillors J Armstrong and M Dixon

**1 Minutes of the Meeting held on 2 September 2013**

The Minutes of the Meeting held on 25 June 2013 were confirmed as a correct record and signed by the Chairman.

**2 Declarations of Interest**

There were no declarations of interest.

**3 Committee on Standards in Public Life – Annual Report 2012/13**

Consideration was given to the 2012/13 Annual Report of the Committee on Standards in Public Life (CSPL)(for copy see file of Minutes).

The Deputy Monitoring Officer presented the Annual Report, focusing on the section which related specifically to Local Government Standards. Members were advised that in relation to the new local government standards regime, while the CSPL recognised that the new system was still in its infancy, it did highlight several concerns.

One of the concerns raised by CSPL was a lack of meaningful sanctions now available to Standards Committees under the new regime, as such the report suggested that the internal discipline procedures within political parties might offer more scope for stronger sanctions.

Members queried how this could be applied to Independent members who did not belong to a political party, given that Durham County Council did have a significant proportion of such members. The Deputy Monitoring Officer clarified that the report looked to identify different options for how standards could be maintained in a regime which offered less sanctions. In the absence of a political party, then that particular avenue would not be an option.

Members agreed that it was still early days for the new standards system, therefore it would be wise to continue to observe how it developed over time.

**Resolved:**

That the report be noted.

**4 Exclusion of the Public**

**Resolved:**

That under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the said Act.

**5 Update on the Handling of Current Complaints**

The Committee considered a report of the Head of Legal and Democratic Services which provided an update report in respect of complaints of alleged breaches of the Code of Conduct (for copy see file of Minutes).

**Resolved:**

That the report be noted.

## Standards Committee

7 February 2014



## Protocol for Durham County Council's Independent Person

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### Report of Colette Longbottom, Head of Legal and Democratic Services

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#### Purpose of the Report

1. To invite members to adopt a protocol relating to the Council's independent person.

#### Background

2. The statutory role of an Independent Person appointed under Section 28(7) of the Localism Act 2011 is to help the Authority discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members.
3. The functions of the independent person include:
  - (i) They may be consulted by the Authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct, or decides on action to be taken in respect of that Member
  - (ii) They may be consulted by the Authority in respect of a Standards complaint at any other stage, and they may be consulted by a Member or a co-opted Member of the Authority
4. Members will be aware that the Council has appointed two independent persons.
5. A protocol has been drafted to clarify how the Independent Person will fulfil their role. A copy of the protocol is attached as Appendix 2.
6. Since the appointment of the independent persons in October 2012, they have been contacted by members who are subject to a complaint on approximately 14 occasions.

#### Recommendations and Reasons

7. Standards Committee is invited to adopt the Independent Persons Protocol.

**Contact: Clare Burrows Tel: (03000) 260548**

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## **Appendix 1: Implications**

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**Finance:** None specific in this report

**Staffing:** None specific in this report

**Risk:** None specific in this report

**Equality and Diversity/Public Sector Equality Duty:** None specific in this report

**Accommodation:** None specific in this report

**Crime and Disorder:** None specific in this report

**Human Rights:** None specific in this report

**Consultation:** None specific in this report

**Procurement:** None specific in this report

**Disability Issues:** None specific in this report

**Legal Implications:** None specific in this report

## **Protocol relating to Durham County Council's Independent Person**

The statutory role of an Independent Person appointed under Section 28(7) of the Localism Act 2011 is to help the Authority discharge its duty to promote and maintain high standards of conduct amongst Members and Co-opted Members.

This protocol has been established to clarify how the Independent Person (IP) will fulfil this role:

### **Considering allegations**

1. Following notification of a complaint against them a Member of the Council may seek the views of the IP. A Member wishing to contact the IP should do so via the Senior Committee Services Officer who will arrange for the IP to contact them. The IP will then contact the member by telephone or arrange a meeting, if required.
2. The Senior Committee Services Officer will provide the IP with all relevant information concerning the complaint in advance of them discussing the complaint with the subject Member.
3. Where the IP has given views to the subject Member, those views shall be put in writing and made available to both the subject Member and the Monitoring Officer (MO).
4. The IP will need to agree in advance with the subject Member rules of confidentiality but it will be up to the IP to decide whether matters should remain confidential and, when confidential information is disclosed to the IP, there should be a written statement in the note of the meeting that confidential matters were discussed.
5. The IP will make a written note of the meeting which will be made available to the MO and the subject member.

### **Assessment**

6. Once both the complainant and the subject Member have been given an opportunity to respond to the complaint, a file containing all relevant information will be collated for the MO. The MO will seek the views of the IP where appropriate before reaching a decision as to whether the complaint merits local resolution, investigation or should be referred to the Standards Committee.
7. When issuing the decision notice the MO will record when the IP has been consulted and that their views have been taken into account.
8. The MO in consultation with the IP may apply the habitual or vexatious complaints policy to a complaint where appropriate.
9. Where a matter has been referred to the Standards Committee for determination, the Standards Committee should seek the views of the IP before reaching its conclusions. The IP's views should be recorded in any decision notice and,

where those views do not reflect the final outcome, reasons must be given for any differences. However, it must be clear that it is the Standards Committee and not the IP who is the decision-maker in relation to allegations of breach of the Code of Conduct.

10. The IP may be requested by the MO or the Standards Committee to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.

11. The IP may be requested by the MO or the Standards Committee to assist in any training on conduct issues as appropriate.

### **Relationship with the Standards Committee**

12. The IP is not a member of the Standards Committee and therefore is not part of the formal business of the meeting and cannot vote on any matters put to the meeting. They may be invited to observe confidential matters with the agreement of the Chair.

13. The IP shall be entitled to request items to be added to the agenda with the agreement of the Chair.

### **Other Matters**

14. The IP has the right to raise any concerns about standards issues or implementation of the local assessment process with the Council's MO.

15. The Authority, through its Standards Committee and MO, is responsible for ensuring that the Authority meets its duty to promote and maintain high standards. However, the IP has the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.

16. The IP has the right of access to any confidential information required to carry out their role. Access to such information and its storage shall be agreed with the MO.

17. The MO will meet with the IP to review relevant matters, as required.



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

## **Agenda Item 7**

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