



Standards Committee

Date **Wednesday 9 September 2015**
Time **9.30 am**
Venue **Committee Room 1B, County Hall, Durham**

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 1 May 2015 (Pages 1 - 2)
3. Declarations of Interest, if any
4. Annual Report of the Standards Committee 2014/15 - Report of the Head of Legal and Democratic Services and Monitoring Officer (Pages 3 - 10)
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. Local Investigation Report - Report of the Head of Legal and Democratic Services and Monitoring Officer (Pages 11 - 200)
8. Update on the handling of Current Complaints - Report of Head of Legal and Democratic Services and Monitoring Officer (copy attached). (Pages 201 - 214)

9. 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
28 August 2015

To: The Members of the Standards Committee

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

Parish and Town Council Representatives – Town Councillor T Batson and
Parish Councillor R Harrison

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Committee Room 1A - County Hall, Durham on Friday 1 May 2015 at **9:30 am**

Present: **Councillor J Armstrong (Chairman)**

Members of the Standards Committee:

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

Parish Councillor R Harrison.

Apologies:

Mr J Dixon-Dawson, Councillor Councillor M Dixon and Councillor M Williams.

1 Minutes of the Meeting held 5 February 2015

The Minutes of the Meeting held on 5 February 2015 were confirmed as a correct record and signed by the Chairman.

2 Declarations of Interest

In respect of agenda item 6, Councillor J Clark declared an interest as a Member of Horden Parish Council and Councillor B Graham declared an interest as her husband is a Member of Spennymoor Town Council.

3 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.

4 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).

The Deputy Monitoring Officer presented the report, which demonstrated to Members the rate of business which was being dealt with in relation to Code of Conduct complaints.

In response to a question from Councillor I Jewell, the Deputy Monitoring Officer advised that there was limited redress for any Councillor wrongly accused of breaching the Code of Conduct. Complaints made without malice enjoyed qualified privilege in defamation law. The only real means of redress for a Member in such a situation would be through local media if they considered that would give an opportunity to set the record straight..

Resolved:

That the report be noted.

Standards Committee

9 September 2015

Annual Report of the Standards Committee



Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To reflect and report on the work associated with the Standards Committee during 2014/15 and to set out the future direction which the Committee intends to take during 2015/16.

Background Information to the Annual Report

2. Although there is no legislative requirement for Standards Committees to produce an Annual Report, doing so is recognised as good practice. Not only does the report publicise the work of the Committee to the wider general public, it is also a means for the Authority itself to monitor the Committee's work.
3. There are several purposes of the report, beginning with a reflection of the role and make-up of the Standards Committee.
4. Primarily this report provides a review of the work associated with the Standards Committee during the previous municipal year and then go on to communicate the future direction of the Standards Committee.

Membership of the Standards Committee

5. The Standards Committee is comprised of 11 County Council Members and 2 Parish/Town Council Members as follows:-

County Council Membership – 2014/15

Councillor J Armstrong – Chairman during 2014/15

Councillor M Williams – Vice Chairman during 2014/15

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

Parish and Town Council Representatives

Terry Batson - is a consultant Arborist and a former Local Government Officer.
Terry is also a Member of Tow Law Town Council

Ralph Harrison – is a former Member of Chester le Street District Council and continues to serve his local communities as a Member of Sacriston Parish Council, Edmondsley Parish Council and Kimblesworth & Plawsworth Parish Council.

Independent Persons

6. Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the standards process.
7. The functions of the Independent Persons are:
 - i. They must 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 decide 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.
8. In September 2012 the Council appointed the following persons:-
 - i. John Dixon Dawson. John is from Peterlee and is currently Head of Post Graduate Programmes at the University of Sunderland Business School.

He has a career going back to 1986, which has involved various placements at universities in the North East, four years as a non-Executive Director at an NHS Trust and seven years as a Deputy Town Clerk.
 - ii. Peter William Jackson. Peter is from Newton Hall and is retired. Originally from the private sector having fulfilled the roles of Factory Manager, General Manager, Managing Director, Group Technical Executive and Sales Manager.
He has also served on the Youth Employment Committee of the Council and the Police Consultative Committee for Durham County Council.

Role of the Standards Committee

9. The Members of the Standards Committee have a common interest in that they believe in principled local politics and value their role as champions of high standards of conduct amongst local politicians.
10. In accordance with Article 9 of the Constitution of Durham County Council, the roles and functions of the Standards Committee are as follows:
 - (a) promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council and Parish and Town Council Members;
 - (b) assisting Members and Co-opted Members of the Council and Parish

and Town Council Members to observe the Members' Code of Conduct and where appropriate, the Planning Code of Practice;

(c) advising the Council on the adoption or revision of the Members' Code of Conduct and the Planning Code of Practice;

(d) monitoring the operation of the Members' Code of Conduct and the Planning Code of Practice;

(e) advising, training or arranging to train Members and Co-opted Members of the Council and Parish and Town Council Members on matters relating to the Members' Code of Conduct and Planning Code of Practice;

(f) granting dispensations to Members and Co-opted Members of the Council from requirements relating to interests set out in the Members' Code of Conduct and Planning Code of Practice in circumstances where this function has not been delegated to the Monitoring Officer;

(g) the assessment and/or referral for investigation of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members, if requested to undertake this function by the Monitoring Officer;

(h) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;

(i) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;

(j) overview of the Officers' Code of Conduct;

(k) overview of the Protocol on Member/Officer Relations;

(l) overview of payments or provision of other benefits in cases of maladministration.

Parish and Town Council Sub-Committee

11. The Standards Committee will appoint a sub-committee comprising 3 Councillors. The remit of the Sub-Committee will be to support Parish and Town Councillors and their Clerks in maintaining high standards of conduct, whether through training or otherwise, and for this purpose to maintain close links with the County Durham Association of Local Councils.

Code of Conduct Complaints

12. In 2012, following the implementation of the Localism Act 2011 and associated changes to the Standards regime, the Monitoring Officer was appointed as the 'Proper Officer' to receive complaints of failure to comply with the Code of Conduct. Furthermore, the Monitoring Officer has delegated power, after consultation with the Independent Person and if appropriate, to

determine whether a complaint merits formal investigation. Wherever practicable, the Monitoring Officer seeks resolution of complaints without formal investigation and she has discretion to refer decisions on investigation to the Standards Committee where she feels that it is inappropriate for her to take the decision. The Standards Committee receives a quarterly report on the discharge of this function.

13. During 2014/15 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:-

CODE OF CONDUCT COMPLAINTS 1 APRIL 2014 – 31 MARCH 2015

- **NUMBER OF COMPLAINTS** – 28 Complaints received.
- **SOURCE OF COMPLAINTS** – 4 of the complaints were received from councillors; 21 received from members of the public; 3 were received from Parish/Town Council employees.
- **SUBJECTS BY TYPE** – 8 complaints were about County Councillors; 12 complaints were about Parish Councillors; 8 complaints were about Town Councillors.
- **OUTCOMES** - 24 – No further action; 2 – Resolved with Local Resolution; 2 complaints are yet to be resolved.

This compares with the following number and breakdown for the year 2013/14:-

CODE OF CONDUCT COMPLAINTS 1 APRIL 2013 – 31 MARCH 2014

- **NUMBER OF COMPLAINTS** – 42 Complaints received.
- **SOURCE OF COMPLAINTS** – 9 of the complaints were received from councillors; 25 received from members of the public; 8 were received from Parish/Town Council employees.
- **SUBJECTS BY TYPE** – 9 complaints were about a County Councillors; 13 complaints were about Parish Councillors; 20 complaints were about Town Councillors.
- **OUTCOMES** - 34 – No further action; 8 – Resolved with Local Resolution (training/advisory visit from Deputy Monitoring Officer)

Work of the Standards Committee during 2014/15 – plenary meetings

14. During the period the Committee have met in plenary session on 4 occasions. It is commonplace for the members of the Committee to receive quarterly update reports on the current status of all live complaints and complaints which have recently been closed as dealt with since the previous session.

Delegated Decisions

15. In accordance with Article 9, part I, the Standards Committee has the overview of payments or provision of other benefits in cases of maladministration. This is further reflected in Article 21c of the Constitution, page 108, paragraph 52, which provides for the Head of Legal and Democratic Services, in consultation with the Chairman of the Standards Committee, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended).

During 2014/15, 8 such payments were made following agreement and approval by the Chair of the Standards Committee and the Head of Legal and Democratic Services and further to findings of fault, maladministration and/or injustice by the Local Government Ombudsman. Payments ranged from £57.00 to £500.00.

Training and Development

16. Further to a request for training, the Chair of the Standards Committee accompanied officers to Bishop Auckland Town Council in September 2014. The Town Council had requested refresher training on the NALC Code of Conduct and the Local Assessment process. The topics generated good debate and discussion with delegates and many attendees took the opportunity to seek clarification and ask questions on relevant issues.

Moving Forward

17. The Standards Committee is continually dedicated to its responsibility to champion and promote high standards of conduct amongst the County's local politicians. As such a training session will be hosted by the Chair of the Standards Committee and the Monitoring Officer in November 2015, to provide refresher training on the Code of Conduct to delegates from all local Parish and Town Councils. Similar sessions have been facilitated in previous years and are always well attended.
The Committee will continue to provide support and advice where necessary, to local Councils and in conjunction with the County Durham Association of Local Councils.

Conclusion

18. The Standards Committee has continued to promote the principles and values of good governance within the Council and across the County. The Members of the Standards Committee are committed and dedicated to ensuring that high standards of conduct are maintained by all local elected Members.
19. Members' views on the content of this report would be welcome.

Recommendation

20. It is recommended that:-
 1. Standards Committee note the report; and

2. That a report containing the above be presented to County Council on 23 September 2015.

Contact: Jocasta Lawton Tel: 03000 269707

Appendix 1: Implications

Finance – None specific within this report

Staffing – None specific within this report

Risk - None specific within this report

Equality and Diversity / Public Sector Equality Duty - None specific within this report

Accommodation - None specific within this report

Crime and Disorder - None specific within this report

Human Rights - None specific within this report

Consultation - None specific within this report

Procurement - None specific within this report

Disability Issues – None specific within this report

Legal Implications – None specific within this report

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