



Standards Committee

Date Friday 5 February 2016
Time 9.30 am
Venue Committee Room 1A, 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 23 November 2015 (Pages 1 - 4)
3. Declarations of Interest, if any
4. Changes to the Constitution - Report of Head of Legal and Democratic Services (Pages 5 - 8)
5. Assessment of Code of Conduct Complaints - Report of Head of Legal and Democratic Services (Pages 9 - 10)
6. Such other business as in the opinion of the Chairman of the Meeting is of sufficient urgency to warrant consideration.
7. 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)

8. Update on the handling of Current Complaints - Report of Head of Legal and Democratic Services and Monitoring Officer (Pages 11 - 18)
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 January 2016

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

Contact: Ian Croft

Tel: 03000 269 702

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Committee Room 1A - County Hall, Durham on Monday 23 November 2015 at **9:30 am**

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

Members of the Standards Committee:

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

Parish Councillor R Harrison

Apologies:

Mr J Dixon-Dawson, Mr P Jackson and Councillors E Bell and M Dixon

1 Minutes of the Meeting held 9 September 2015

The Minutes of the Meeting held on 9 September 2015 were confirmed as a correct record and signed by the Chairman.

2 Declarations of Interest

There were no declarations of interest.

3 Effectiveness of the Employee Code of Conduct

Consideration was given to the report of the Chief Internal Auditor and Corporate Fraud Manager, the purpose of which was to provide the Committee with a view from Internal Audit on the effectiveness of the Council's Employee Code of Conduct (for copy see file of Minutes).

The Chief Internal Auditor and Corporate Fraud Manager was in attendance to present the report to Members. The Committee was provided with an overview of the attributes of an effective Code and some of the proactive work which had been undertaken by Internal Audit in relation to reviews and enhancements of the control environment.

Attention was drawn to paragraph 19 of the report which set out the opinion of the effectiveness of the Employee Code of Conduct. It was reported that the Chief Internal Auditor and Corporate Fraud Manager considered the Code to be effective, however made two recommendations which would further enhance its effectiveness.

Members were advised that should they require a copy, the Public Sector Internal Audit Standards document could be circulated.

Resolved:- “That the report and the recommended actions detailed therein, be noted”.

4 Other Business

The Governance and Elections Manager provided the Committee with an update further to the Regional Meeting of Standards Committee Chairman and Independent Persons’, which had been hosted by Gateshead Borough Council on 9 October 2015. Both the Chair and Vice Chair of the Committee had attended, accompanied by the Governance Solicitor.

Durham County Council had requested that one of the items for consideration should be issues relating to persistent complainants. The Group had discussed the topic and there was general consensus from all delegates that there was little which could be done in respect of both persistent complainants and persistent offenders. The lack of sanctions now available to Standards Committees right across the country, meant that any means of deterrent was no longer available. On that point, there had also been consensus that from a regional perspective, all Monitoring Officers would seek to influence local politicians to try to appeal to Central Government for the reinstatement of sanctions.

Another topic which had been discussed had been the taking of action against former Councillors. Again, the Group were in agreement that there was little merit in pursuing a breach allegation against a former Member, though Councillor Shaw advised that one neighbouring authority was pursuing such a case as it was believed that doing so was in the public interest.

The Group had discussed regional training for Committee Members. It was agreed that when any regional Authority was hosting a training event, where possible an invitation should be extended to other regional authorities. The Group were also keen to facilitate some training for Independent Persons, which would possibly be provided by NEREO.

The Governance and Elections Manager provided an update to Members further to the Standards Training Session which had been hosted at County Hall on the evening of 18 November 2015. The session had been open to delegates from the county’s Parish and Town Council’s and the invitation had also been extended to local Council’s in the Cleveland area.

It was reported that the session had been very well attended and very well received. Three presentations had been delivered relating to the Code of Conduct, Registering of Interests and Social Media.

5 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.

6 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 Governance and Elections Manager presented the report, which demonstrated to Members the rate of business which was being dealt with in relation to Code of Conduct complaints. Further to a request from the Committee at its previous meeting, more detail was provided on each case as to the reasons for the final decisions. The Committee welcomed the additional information.

Resolved:

That the report be noted.

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Standards Committee

5 February 2016



Changes to the Constitution

Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To advise Members of proposed changes to the constitution which relate to standards matters.

Background

2. The Council's constitution is currently undergoing its annual review. Members will recall that oversight of the Council's corporate and statutory complaints processes transferred from Standards Committee to Corporate Issues Overview and Scrutiny Committee on .

Proposed Changes to the Constitution

3. It is proposed that the overview function of payments or provision of benefits in the case of maladministration set out in Article 9 of the Constitution should also transfer to the Corporate Issues Overview and Scrutiny Committee because this is part of the complaints process. The Head of Legal and Democratic Services' delegation to consult with the Chairman of the Standards Committee to make payments or provide other benefits in cases of maladministration would also be amended to reflect that consultation would be with the Chair of Corporate Issues Overview and Scrutiny Committee.

Proposed amendments to the Code of Conduct

4. The Code of Conduct for members has also been reviewed and it is proposed that paragraph 15 which relates to non-participation in Council business is amended to clarify that the provisions also apply to members with Disclosable Pecuniary Interests as follows;

When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that you have a Disclosable Pecuniary Interest or you are aware that the criteria set out in paragraph 16 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must :

Declare that fact to the meeting;

- (a) Not participate (or further participate) in any discussion of the matter at the meeting; and
- (b) Not participate in any vote (or further vote) taken on the matter at the meeting;
- (c) Leave the room whilst the matter is being discussed.

Recommendations and Reasons

5. Standards Committee is invited to approve the amendments proposed to the Constitution and the Code of Conduct outlined in paragraphs 3 and 4.

Contact: Clare Burrows, Governance Solicitor Tel: (03000) 260548

Appendix 1: Implications

Finance – None

Staffing – None

Risk - None

Equality and Diversity - None

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation – See report

Procurement - None

Disability Discrimination Act - None

Legal Implications – None

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Standards Committee

5 February 2016



Assessment of Code of Conduct Complaints

Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To update Members on the work being undertaken by officers to identify the possible options for the future assessment of Code of Conduct Complaints.

Background

2. At the Standards Committee meeting held on 9 September 2015, Members agreed that a report should be presented at the next Standards Committee outlining the possible options for the future assessment of Code of Conduct complaints.

Current status of work being undertaken by officers

3. Officers are currently comparing the procedures for assessing complaints which are in place at other Councils in the region and nationally so that possible options may be presented to Standards Committee. Preliminary indications from the North East Monitoring Officer's Group are that most Councils do not have an assessment sub-committee and delegate the assessment of the complaint and subsequent decision to Legal Officers. A report detailing the possible options will be presented to Committee in May.

Recommendations and Reasons

4. Standards Committee are invited to note the content of this report.

Contact: Clare Burrows, Governance Solicitor Tel: (03000) 260548

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Finance – None

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Risk - None

Equality and Diversity - None

Accommodation - None

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Consultation – See report

Procurement - None

Disability Discrimination Act - None

Legal Implications – None

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

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