

## **DURHAM COUNTY COUNCIL**

### **STANDARDS COMMITTEE**

At a Meeting of **Standards Committee** held in Council Chamber, County Hall, Durham on **Friday 6 May 2016 at 9.30 am**

#### **Present:**

**Councillor M Williams (Chairman)**

#### **Members of the Committee:**

Councillors E Bell, J Clark, M Dixon, B Graham, E Huntington, I Jewell, K Shaw (Vice-Chairman) and B Stephens

#### **Co-opted Members:**

Parish Councillors T Batson and R Harrison

#### **1 Apologies for Absence**

An apology for absence was received from Councillor G Holland.

#### **2 Minutes**

The Minutes of the meeting held on 5 February 2016 were agreed as a correct record and were signed by the Chairman.

#### **3 Declarations of Interest**

Councillors B Graham and J Clark declared their interests in item no. 8 on the Agenda - Update on the Handling of Current Complaints.

Councillor Graham's interest related to complaint reference COM028-029 and Councillor J Clark declared an interest in those complaints which referred to Horden Parish Council. Both Members left the meeting prior to the consideration of the report.

With the agreement of Members the order of business was amended to allow item numbered 5 to be considered first.

#### **4 Assessment of Code of Conduct Complaints**

The Committee considered a report of the Head of Legal and Democratic Services which provided an overview of the possible options for the future assessment of Code of Conduct complaints, and compared the way in which complaints were

assessed at Durham County Council to the practices of other Local Authorities in the region and other unitary authorities nationally (for copy see file of Minutes).

Members discussed the report at length and the general consensus was that the existing arrangements for the assessment of code of conduct complaints should be maintained. The Committee felt that since the Localism Act 2011 Members relied upon the expertise of Officers to make a balanced judgement on a complaint in accordance with criteria in the Local Assessment Procedure.

The Committee discussed Member involvement in the process which had reduced since the changes brought about by the Localism Act 2011 and the suggestion was made by Councillor Dixon that the Chair meet with Officers between Standards Committee meetings to discuss how complaints were being progressed. David Taylor, Legal Manager – Property, Planning and Procurement advised that this could be arranged, however if the Chair had knowledge of a complaint at the assessment stage it would prevent him from sitting on a Hearings Panel if the complaint went to investigation.

Concern was expressed at the current volume of complaints particularly at Parish and Town Council level and the suggestion was made that training of Members may be useful, and that the importance of adhering to the Code of Conduct should be emphasised as soon as a person was elected as Councillor.

In response to questions from Members, David Taylor advised that whilst all Members were encouraged to attend training, sessions could not be made compulsory and a reliance was placed on individual Councillors to recognise the benefits and importance of training on the Code of Conduct.

Following discussion it was **Resolved:**

That the existing arrangements for assessment of Code of Conduct complaints be maintained.

## **5 Local Assessment Procedure for Code of Conduct Complaints**

The Committee considered a report of the Head of Legal and Democratic Services which presented proposals for the revision of the Council's Local Assessment Procedure for Code of Conduct complaints (for copy see file of Minutes).

The proposed changes to the Procedure were set out in the report for Members' consideration.

Members discussed the proposed amendments and a number of questions were asked about the assessment criteria detailed in Appendix 3. David Taylor suggested that any additional criteria suggested by Members could be considered in a further report to the Committee.

A question was also asked about the cost per individual complaint in terms of Officer time, given the current financial climate. David Taylor confirmed that a

record of time spent on each individual complaint by Legal Officers could be produced.

**Resolved:**

That the proposed revisions to the Local Assessment Procedure be agreed and a further report be considered by the Committee if there were any additional assessment criteria suggested by Members.

**6 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Act.

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

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

An additional update on complaints received or completed since the report had been circulated was provided to Members. As agreed at the last meeting a sample of complaints files were available for Members to review.

Members expressed concern about the current volume and nature of complaints that were being submitted, and again referred to the value of training for Members.

Following discussion the Chairman of the Committee suggested that training be offered to Members who also chaired meetings. David Taylor advised that Durham County Council had in the past provided training for its own Chairs, and suggested that potential training for Chairs of Parish and Town Councils be raised with CDALC.

**Resolved:**

That the information given be noted and Councillor Harrison liaise with CDALC on potential training for Chairs of Parish and Town Councils.