



Standards Committee

Date Friday 9 September 2016
Time 11.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Declarations of Interest, if any
3. Minutes of the Meeting held on 6 May 2016 (Pages 1 - 4)
4. Committee on Standards in Public Life - Annual Report 2015-16/Forward Plan 2016-17 (Pages 5 - 8)
5. Annual Report of the Standards Committee 2015/2016 (Pages 9 - 16)
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 will not be open to the public (consideration of exempt or confidential information)

8. Code of Conduct Complaints (Pages 17 - 30)
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
1 September 2016

To: The Members of the Standards Committee

Councillors J Clark, M Dixon, B Graham, G Holland, E Huntington, B Kellett,
J Lindsay, M Nicholls, K Shaw, W Stelling and B Stephens

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

**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.

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Standards Committee

9 September 2016



**Committee on Standards in Public Life -
Annual Report 2015-16 / Forward Plan
2016-17**

**Report of Colette Longbottom, Head of Legal & Democratic
Services**

Purpose of the Report

- 1 To report on the activities of the Committee on Standards in Public Life (the Committee) in relation to Local Government standards over the course of the past year and the Committee's forward plan of work for 2016-17.

Background

- 2 The Committee monitors, reports and makes recommendations on all issues relating to standards in public life. This includes not only the standards of conduct of holders of public office but all those involved in the delivery of public services.
- 3 One of the Committee's strategic objectives is to monitor ethical standards across public services as a whole by maintaining a watching brief to identify emerging or persistent standards issues and respond promptly to them. The Committee also undertakes independent quantitative and qualitative research into public perceptions of ethical standards and responds to consultations and key policy announcements and legislation where these impact on ethical standards, where the Committee has an informed contribution to make.

Overview of Local Government Standards for 2015-2016

- 4 The Committee has a long-standing interest in Local Government standards and in its 2014-15 annual report stated that it had agreed at the time of the Localism Act to maintain a watching brief on:
 - The need for a mandatory code of conduct
 - Strong local leadership
 - Effective, independent persons
 - Concern at the lack of sanctions

- 5 The Committee notes in its annual report that there is some evidence to suggest that the role of the independent person is generally well received and that vexatious complaints are falling. However the effectiveness of the sanctions regime is still a concern. In its report the Committee states that it maintains a watching brief of national and local media on this issue as well as correspondence. It receives correspondence both from members of the public, councils and councillors on this issue. This correspondence includes, for example, calls for a national code of conduct, strengthened guidelines and sanctions of a power of recall. The Committee says that it promotes the seven Nolan principles which represent common standards and core values. The Committee continues to invite councils to consider whether their own local standards frameworks are sufficient to address standards breaches and build public trust.

Forward Plan 2016-17

- 6 The Committee states that it regularly receives correspondence on the issues of ethical standards in local government at both officer and elected member level. Looking ahead, it intends to undertake a review to clarify the topics of substantive concern, research the underlying causes and to identify best practice in well-governed authorities. This work is to straddle the Committee's work program for 2016-17 and 2017-18.

Conclusion

- 7 The Committee is aware of the concerns within Local Government standards regimes and will be keeping these under review.

Recommendations and reasons

- 8 That Standards Committee receive the report.

Background Papers

Committee on Standards in Public Life Annual Report 2015-16 and Forward Plan 2016-17

Contact: Clare Burrows Tel: 03000 260548

Appendix 1: Implications

Finance - None

Staffing - None

Risk - None

Equality and Diversity / Public Sector Equality Duty - None

Accommodation - None

Crime and Disorder - None

Human Rights - None

Consultation - None

Procurement - None

Disability Issues - None

Legal Implications - None

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Standards Committee

9 September 2016



Annual Report of the Standards Committee 2015/2016

Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To report on the work associated with the Standards Committee during 2015/16 and to set out the future direction which the Committee intends to take during 2016/17.

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.

Membership of the Standards Committee 2015/2016

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

County Council Membership

Councillor M Williams – Chairman
Councillor K Shaw – Vice Chairman

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

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

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

Independent Persons

4. Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process.
5. The functions of the Independent Persons are:
 - a) 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.
 - b) 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:-

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.

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.
9. On 23 September 2015 the Council agreed that an annual remuneration of £500 should be paid to the Independent Persons following a review of the function, and to reflect their wider role under the Localism Act 2011. This came into effect on 1 April 2016.
10. The Council also agreed a term of office for the Independent Persons. Previous independent members were appointed for a term of office of four years to allow for continuity, and at the meeting on 23 September 2015 the Council agreed that a similar term should be applied to the Independent Persons, commencing with effect from their date of appointment. The existing term of office is due to end in September 2016 and a report will be submitted to the County Council with proposals for appointment to the positions.
11. In 2015/2016 the Independent Persons were involved in 6 cases and 1 Local Investigation, compared to 10 cases and 1 Local Investigation in 2014/15.

Role of the Standards Committee

12. 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.
13. 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 (until May 2016).

Parish and Town Council Sub-Committee

14. Article 9 of the constitution enables the Standards Committee to 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. There have been no appointments to this Sub-Committee during 2015/16. Support and training has been carried out by officers.

Code of Conduct Complaints

15. 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. The Monitoring Officer has delegated power, after consultation with the Independent Person, 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.
16. During 2015/16 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:-

Year	1 April 2015 to 31 March 2016	1 April 2015 to 31 March 2015
Total no. of complaints received	56	28
Source of Complaints	Councillors 15 Members of the public 40 Parish/Town Council employee 1	Councillors 4 Members of the public 21 Parish/Town Council employee 3
Complaints against	County Councillors 12 Parish Councillors 18 Town Councillors 26	County Councillors 8 Parish Councillors 12 Town Councillors 8
Independent Persons Involved	6 (plus 1 Local Investigation)	10 (plus 1 Local Investigation)
Outcomes	No Further Action 44 Local Resolution 4 Local Investigation 1 - following 8 complaints in respect of 1 Parish Councillor	No Further Action 26 Local Resolution 2

17. There has been an increase in the number of complaints received in 2015/2016 compared to the previous year. This is partly due to groups of complainants submitting the same complaint in relation to a member. The Code of Conduct is intended to govern serious issues of misconduct. In the past year there are indications that it has been used by councillors as a tool or weapon against an individual with whom there is a political or personal difference of opinion. Members have been reminded through training events that they are elected to represent their constituents and should not be distracted from this by engaging in petty complaints.

Work of the Standards Committee during 2015/16 – plenary meetings

18. During the period the Committee has met in plenary session on 4 occasions. At each meeting the Committee received quarterly updates on the current status of all live complaints and complaints closed since the previous update. The Committee also received reports regarding the effectiveness of the Employee Code of Conduct, a minor change to the Members' Code of Conduct, and 1 Local Investigation Report.

Delegated Decisions

19. Prior to changes to the Constitution in May 2016 the Standards Committee had an oversight of payments or provision of other benefits in cases of maladministration. The Head of Legal and Democratic Services, in consultation with the Chairman of the Standards Committee, was authorised 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 2015/16, 8 such payments were made following agreement and approval by the Chair of the Standards Committee and the Head of Legal and Democratic Services further to findings of fault, maladministration and/or injustice by the Local Government Ombudsman. Payments ranged from £50.00 to £1000.00.

This function is now undertaken by the Head of Legal and Democratic Services, in consultation with the Chairman of the Corporate Issues Overview and Scrutiny Committee following the transfer of the oversight of the Council's complaints process to Corporate Issues Overview and Scrutiny Committee.

Training and Development

20. On 18 November 2015 the Chair of the Standards Committee and the Monitoring Officer hosted a refresher training session on the Code of Conduct for delegates from all Parish and Town Councils. The session was well-attended and generated good debate and discussion. An individual refresher training session was held for members of Ferryhill Town Council on 25 January 2016.

Moving Forward

21. The Standards Committee is continually dedicated to its responsibility to champion and promote high standards of conduct amongst the County's local politicians. 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. Elections to the County Council and Parish and Town Councils are to be held in May 2017 when training on the Code of Conduct for new members will be arranged.

Conclusion

22. 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.
23. Members' views on the content of this report are invited.

Recommendation

24. It is recommended that:-
 - a) Standards Committee note the report and;
 - b) the report be presented to the County Council on 21 September 2016.

Contact: Clare Burrows, Governance Solicitor Tel: 03000 260548

Appendix 1: Implications

Finance – Covered in the body of the report.

Staffing – None specific to this report.

Risk – None specific to this report.

Equality and Diversity - None specific to this report.

Accommodation - None specific to this report.

Crime and Disorder - None specific to this report.

Human Rights - None specific to this report.

Consultation - None specific to this report.

Procurement - None specific to this report.

Disability Discrimination Act - None specific to this report.

Legal Implications - None specific to this report.

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

Agenda Item 8

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