

## **DURHAM COUNTY COUNCIL**

### **STANDARDS COMMITTEE**

At a Meeting of **Standards Committee** held in Committee Room 1A - County Hall, Durham on **Friday 7 June 2019 at 10.00 am**

#### **Present:**

**Councillor B Kellett (Chair)**

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

Councillors J Atkinson, A Bainbridge, J Clark, M Clarke, E Huntington, J Nicholson and D Stoker

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

Parish Councillors T Batson and R Harrison

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

Apologies for absence were received from Councillors E Bell, J Bell and A Savory.

#### **2 Declarations of Interest**

There were no declarations of interest.

#### **3 Minutes**

The Minutes of the meeting held on 4 March 2019 were agreed as a correct record and signed by the Chairman.

#### **4 National Picture - Standards Update**

The Committee considered a report of the Head of Legal and Democratic Services which provided an update on standards issues affecting Local Government (for copy see file of Minutes).

#### **Resolved:**

That the report be noted and officers be requested to monitor the progress of the matters referred to and keep the Committee updated.

## **5 Code of Conduct Review**

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

On 4 March 2019, the Standards Committee considered the report by the Committee for Standards in Public Life (CSPL) on Local Government Ethical Standards. The report, which followed a period of consultation between January 2018 and May 2018, made a number of best practice recommendations. The Standards Committee requested that the Member Code of Conduct be reviewed in light of the best practice recommendations.

The report summarised the 15 best practice recommendations following the CSPL consultation and made recommendations where necessary to revise the Code of Conduct and associated documents to reflect the best practices.

The Committee considered each Recommendation as follows:

### **Recommendation 1**

The Committee considered this to be absolutely correct and was in full agreement with it.

### **Recommendation 2**

The Head of Legal and Democratic informed the Committee that this recommendation picked up that trivial or malicious complaints could be considered as a breach of the Code and that councillors were required to comply with any formal standards investigation.

Councillor Harrison raised the scenario of a councillor being unable to attend a Standards Hearing due to medical illness and whether proof would be needed. The Head of Legal and Democratic Services replied that she would expect a very good reason for a councillor not to be able to comply with any formal standards investigation or attend a Standards Hearing.

Councillor Batson informed the Committee that generally a first complaint would not be treated as malicious or vexatious, but subsequent complaints may be.

Councillor Clark asked whether this would be adopted by Town and Parish Councils. The Head of Legal and Democratic Services replied that the amended Code would be shared with Town and Parish Councils but that it was a matter for them as to whether they wished to adopt it.

### **Recommendation 3**

The Head of Legal and Democratic Services informed the Committee that the Code of Conduct was already reviewed annually as part of the annual review of the Constitution. Members would recall that the Code of Conduct had been significantly revised last year.

### **Recommendation 4**

The Head of Legal and Democratic Services informed the Committee that code of conduct was currently accessible on the Council's website and was in the Council Constitution. However it was proposed that the Code's webpage was retitled 'Councillor Code of Conduct and Standards Committee' for ease of reference

### **Recommendations 5 to 10**

The Committee noted that the Council's existing practices reflected the recommendations but that the Procedure for Local Assessment of Complaints and the Local Determination Procedure were clarified to reflect current practice..

### **Recommendation 11**

Councillor Batson informed the Committee that he supported that all such complaints should go through the Chair of the Parish or Town Council.

Councillor Clark asked whether this could be done without the agreement of the Clerk. The Head of Legal and Democratic Services replied that a complaint could be made but it would be limited how far this could be taken without the consent of the Clerk. Councillor Clark added that she would not like it to be the responsibility of the Chair.

The Head of Legal and Democratic Services replied that the Chair and Clerk were notified of complaints received and were also supplied with copies of Decision Notices. They would therefore never be unaware of any complaints received. The Head of Legal and Democratic Services confirmed that she would never not consider complaints about the conduct of a Councillor towards the Clerk on the basis that it had not been submitted by the Chair or Council as a whole.

The recommendation was intended to assist the Clerk but it was only a recommendation for Parish and Town Council's to consider and not compulsory.

### **Recommendation 12**

The Head of Legal and Democratic Services informed the Committee she considered that providing advice, support and management of investigations and adjudications on alleged breaches to Parish and Town Councils was already within the remit of a Monitoring Officer for a principal authority.

### **Recommendations 13 and 14**

The Committee noted that the Council's practices already reflected the recommended best practice but that the Local Assessment Procedure should be updated to document the practices in relation to potential conflicts of interest.

### **Recommendation 15**

The Head of Legal and Democratic Services informed the Committee that the Council's arrangements already reflected the recommended best practice. Meetings with political Group Leaders regularly took place as well as meetings to discuss specific conduct issues as appropriate.

### **Resolved**

- (i) That the proposed changes to the Member Code of Conduct, Local Assessment Procedure and Local Determination Procedure be approved;
- (ii) That the proposed changes be considered by Constitution Working Group prior to consideration by full Council.

## **6 Standards Update**

The Committee noted a report of the Head of Legal and Democratic Services and Monitoring Officer which provided an update on activity since the last meeting in respect of complaints received by Durham County Council against councillors (for copy see file of Minutes).