

County Council

22 January 2020

**Annual Report of the Standards
Committee 2018/2019**



**Report of Helen Lynch, Head of Legal and Democratic Services and
Monitoring Officer**

Electoral division(s) affected:

None

Purpose of the Report

- 1 To inform the Council of the work of the Standards Committee during 2018/2019 and to set out the future direction which the Committee intends to take during 2019/2020.

Executive summary

- 2 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.
- 3 This report sets out the progress made by the Standards Committee in 2018/2019 in respect of code of conduct issues for the elected Members within County Durham.
- 4 This report also sets out the training provided to Members as well as the work programme of the Standards Committee to achieve the objective of promoting and maintaining high standards.

Recommendations

- 5 It is recommended that Council note the report.

Background

- 6 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.
- 7 References to Articles in the Council's Constitution in this report are to those that existed during 2018 – 2019. Standards Committee's Terms of Reference are set out in Article 7.

Membership of the Standards Committee 2018/2019

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

County Council Membership

Councillor B Kellett – Chairman

Councillor E Huntington – Vice Chairman

County Councillors J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke, J Nicholson, A Savory and D Stoker.

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 community as a Member of Sacriston Parish Council.

Independent Persons

- 9 Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process.
- 10 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.

- 11 In September 2012 the Council appointed the following persons:
- a. 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.
 - b. 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.
- 12 The Independent Persons were appointed for a four-year term with effect from 25 September 2016 and this is their second term of office.

Role of the Standards Committee

- 13 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.
- 14 In accordance with Article 7 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.

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 to the Standards Committee where she feels that it is inappropriate for her to make the decision. The Standards Committee receives a quarterly report on the discharge of this function.
- 16 During 2018/19 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:-

Year	1 April 2018 to 31 March 2019	1 April 2017 to 31 March 2018
Total no. of complaints received	96	41
Source of Complaints	Councillors 27	Councillors 14

	Members of the public	67	Members of the public	25
	Parish/Town Council employee	2	Parish/Town Council employee	1
	Anonymous	0	Anonymous	1
Complaints against including withdrawn and rejected	County Councillors	13	County Councillors	13
	Parish Councillors	30	Parish Councillors	13
	Town Councillors	53	Town Councillors	15
	Dual-hatted	0	Dual-hatted	0
Independent Persons Involved	The Independent Person was consulted in respect of 28 complaints.		7 plus 1 Standards Committee Hearing Panel	
Outcomes	Withdrawn/Rejected	7	No Further Action	30
	No Further Action	70	Local Resolution	8
	Local Resolution	10	Local Investigation	3
	Local Investigation	9	Standards Committee Hearing Panel	1

- 17 There has been an increase in the number of complaints received in 2018/2019 compared to the previous year. Whilst there has been an increase in the number of complaints received by the Authority it is important to note that some of these complaints are made by multiple individuals in respect of a single Member.
- 18 There has been a rise in the number of complaints which have been rejected on initial assessment or withdrawn prior to a decision being reached.

Work of the Standards Committee during 2018/2019

- 19 During the year the Committee has met on four occasions. The Committee received updates on the current status of complaints and of the 'national picture' on Standards issues affecting Local Government. A Work Programme for the Committee was agreed at the December 2018 meeting.

- 20 As part of the Work Programme during 2018/2019 the Committee reviewed the Local Assessment Procedure, adopted Social Media Guidance and considered Department of Communities and Local Government Consultation on Disqualification Criteria for Councillors.
- 21 The Committee had previously commented on the review of Local Ethical Standards undertaken by the Committee for Standards in Public Life. The report was published in January 2019 and as a result of this the Standards Committee agreed to update the Code of Conduct to include the best practice recommendations.

Training and Development

- 22 The Monitoring Officer held a training session on 14 November 2018 for Stanley Town Council and on 8 January 2019 for Waldrige Parish Council. The Monitoring Officer has also delivered individual training to Members elected during 2018/2019.

Moving Forward

- 23 The Standards Committee is continually dedicated to its responsibility to champion and promote high standards of conduct amongst the County's local politicians. To achieve this aim the Committee will review the Member Code of Conduct, including Planning, the Member/Officer Protocol and Gifts and Hospitality.
- 24 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.

Appendix 1: Implications

Legal Implications

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles and to have in place arrangements under which allegations can be investigated and decisions made. The publication of an Annual Report aids the public understanding and awareness of the committee's work and demonstrates how the Council discharges its section 27 duty.

Finance

There are no financial implications arising out of the report.

Consultation

There are no consultation implications arising out of the report.

Equality and Diversity / Public Sector Equality Duty

There are no equality and diversity implications arising out of the report.

Climate Change

There are no climate change implications arising out of the report.

Human Rights

There are no Human Rights implications arising out of the report.

Crime and Disorder

There are no Crime and Disorder implications arising out of the report.

Staffing

There are no staffing implications.

Accommodation

There are no accommodation implications.

Risk

There are no risk implications arising out of the report.

Procurement

There are no procurement implications.