

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Committee Room 1A , County Hall, Durham on **Tuesday 17 December 2019 at 10.00 am**

Present:

Councillor B Kellett (Chair)

Members of the Committee:

Councillors J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke, J Nicholson and A Savory

1 Apologies for Absence

Apologies for absence were received from Councillors E Huntington and D Stoker, Town Councillor T Batson and Parish Councillor R Harrison.

2 Declarations of Interest

There were no declarations of interest.

3 Minutes

The Minutes of the meeting held on 5 September 2019 were agreed as a correct record and were signed by the Chair.

4 Standards Committee Hearing Panel - Alleged Breaches of Code of Conduct - COM211-213, COM223 and COM236

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed Members of the outcome of a Standards Committee Hearing Panel held on 17 September 2019 to consider and determine complaints concerning the alleged conduct of Councillor D Farry of Ferryhill Town Council (for copy see file of Minutes).

The Panel considered a total of five complaints, three of which were considered collectively. Details of each complaint were included in the report.

The Panel determined that the Code of Conduct had been breached in respect of each complaint, and imposed sanctions.

Members were informed that a letter of Censure had been sent to Councillor Farry and published on the Council's website. The Councillor had confirmed that he had provided a written apology to the Complainants and that a copy was to be read onto the public record at the meeting of the Town Council. The Member had attended and completed code of conduct training with the Monitoring Officer on 20 November 2019.

At the hearing the Independent Person had recommended that a root and branch review of all Ferryhill Town Council Policies and Procedures be carried out. This had been addressed by the Town Council.

Resolved:

That the outcome of the Standards Committee Hearing Panel be noted.

5 Code of Conduct Update

The Committee considered 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).

Resolved:

That the information contained in the report be noted.

6 Annual Report of the Standards Committee 2018/2019

The Committee considered a report of the Head of Legal and Democratic Services regarding the Annual Report of the Standards Committee for 2018/2019 which informed of the work of the Committee during the year and set out the direction it intended to take in 2019/2020 (for copy see file of Minutes).

Councillor Clark noted that there had been a significant rise in the number of complaints compared to the previous year and that some of those complaints were made by multiple individuals in respect of a single Member. The Councillor asked if the Complainants in those cases had encouraged other individuals to submit complaints in the expectation that this would add more weight. The Governance Solicitor stressed that Complainants were assured that equal consideration was given to every complaint received, whether it was made by one person or by a number of individuals. A single Decision Notice was issued for multiple complaints which related to the same issue.

The Member requested that a running total of complaints handled be incorporated in each quarterly Code of Conduct Update in future.

Resolved:

That the Annual Report for 2018/2019 be noted and presented to the County Council.

7 Review of Member Code of Conduct/Code of Practice for Members and Officers dealing with Planning Matters

The Committee considered a report of the Head of Legal and Democratic Services which considered proposed changes to the Member Code of Conduct and the Code of Practice for Members and Officers dealing with Planning Matters (for copy see file of Minutes).

Members were informed that currently other relevant interests were treated the same as disclosable interests in the Code of Conduct, requiring the Member to declare and withdraw from the meeting during discussion and voting. These provisions also applied to the Code of Practice for Members and Officers dealing with Planning Matters.

The Committee considered the proposed changes which would require an other relevant interest to be declared but which would allow the Member to speak and withdraw before the vote. Members appreciated that a failure to declare an other relevant interest may amount to a breach of the Code, but considered that a Member should be permitted to speak on matters relating to their ward, and therefore agreed with the proposed change in this regard. The Committee also discussed the proposed change requiring the Member with an other relevant interest to withdraw before the vote, and considered that the Member should leave the meeting immediately after speaking. The Committee was concerned that if the Member left the meeting prior to the vote, it may be perceived that their presence throughout the discussion had influenced the decision. The Committee stated that if adopted the changes should be clearly communicated to Members and Officers.

Resolved:

That the Constitution Working Group be asked to consider the proposed changes to the Member Code of Conduct and Code of Practice for Members and Officers dealing with Planning Matters, taking into account the comments of the Standards Committee.

8 National Picture - Standards Update

The Committee considered a report of the Head of Legal and Democratic Services which informed Members of the national picture on standards issues affecting Local Government (for copy see file of Minutes).

Members were informed of cases which related to the work of the Committee since the last meeting.

Following discussion it was **Resolved:**

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