

County Council

20 January 2021

**Annual Report of the Standards
Committee 2019/2020**



**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 2019/2020 and to set out the future direction which the Committee will take during 2020/2021.

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 2019/2020 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.

Recommendation

- 5 It is recommended that Council note the report.

Background

- 6 This report is presented to Council on an annual basis, whilst 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 general public, it is also a means for the Authority itself to monitor the Committee's work.
- 7 Members will note that there has been a delay in presenting this report due to the disruption of the meeting timetable as a consequence of the Covid - 19 pandemic. The report covers the work of 2019/20 as well as a brief interim update on the work of 2020/2021 to provide assurance that the work of the Committee has continued to promote the principles and values of good governance across the County Council and Town and Parish Councils over the last few months into 2020/2021.
- 8 The annual report for 2020/2021 is scheduled to be presented to Council after June 2021 which will ensure that Council receives a timely update on the activity of the Standards Committee for the year.

Membership of the Standards Committee 2019/2020

- 9 The Standards Committee is comprised of 11 County Council Members and 2 Parish/Town Council 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

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

- 11 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.
- 12 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. He was 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.
- 13 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

- 14 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.
- a) The Terms of Reference for the Committee are set out in the Council's Constitution as follows: 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.
- 15 Each year the Standards Committee agrees a work programme, which reflects the Terms of Reference set out above.

Code of Conduct Complaints

- 16 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 a Standards Hearing 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.

- 17 During 2019/2020 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 2019 to 31 March 2020
Total no. of complaints received	96	49
Source of Complaints	Councillors 27 Members of the public 67 Parish/Town Council employee 2 Anonymous 0	Councillors 13 Members of the public 33 Parish/Town Council employee 2 Anonymous 1
Complaints against including withdrawn and rejected	County Councillors 13 Parish Councillors 30 Town Councillors 53 Dual-hatted 0	County Councillors 15 Parish Councillors 18 Town Councillors 16 Dual-hatted 0
Independent Persons Involved	The Independent Person was consulted in respect of 28 complaints.	The Independent Person was consulted in respect of 8 complaints. The Independent Person also attended the Standards Hearing Panel on 17 September 2019.
Outcomes	No Further Action 70 Local Resolution 10 Investigation 9 Withdrawn/Rejected 7	No Further Action 32 Local Resolution 8 Investigation (relating to multiple complaints) 1 Standards Committee

		Hearing Panel (relating to multiple complaints)	1
		Withdrawn/Rejected	13

- 18 There has been a reduction in the number of complaints received in 2019/2020 compared to the previous year. There has been a broadly even spread of complaints received from members of the public and Councillors which mirrors the previous year.
- 19 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. In many instances a complaint has been rejected on the basis that it is evident that the Member was not acting in their capacity as a Councillor at the time of the alleged breach. This includes allegations relating to the employment of the Member, neighbour disputes and social media posts made in a personal capacity.

Work of the Standards Committee during 2019/2020

- 20 During the year the Committee 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.
- 21 As part of the Work Programme the Committee considered the report of the Committee for Standards in Public Life in relation to ethical standards. The report detailed a series of best practice recommendations which were considered by the Standards Committee as part of the Code of Conduct review in June 2019. Of the 15 best practice recommendations 13 were considered by the Committee to already in place.
- 22 The Standards Committee recommended for full Council approval an update to the Code of Conduct to fully implement the best practice recommendations which were to be considered at the Annual Meeting of Council in May 2020. It was not possible to hold this meeting because of the Covid-19 pandemic. It is anticipated that these changes will be presented to Council in March 2021 as part of the annual review of the constitution.
- 23 In addition to the review of the existing Code of Conduct and complaints procedure, the Committee considered a revision to the Employee Code of Values, Behaviours and Conduct in respect of Gifts and Hospitality. The review recommended a number of amendments to the Code by way of clarification to make it easier for employees to understand their

obligations in relation to Gifts and Hospitality. The recommendations of the Standards Committee were considered and approved by full Council on 4 December 2019.

- 24 The Standards Committee undertook a review of Member Code of Conduct on 'other relevant interests' which would allow Members with such an interest to speak but not vote on the relevant item of business. The Committee agreed to the change and this update was scheduled to be considered by full Council in May 2020 as part of the annual Constitution review. Again, it is anticipated that these changes will be presented to Council in March 2021.

Training and Development

- 25 The Monitoring Officer and Governance Solicitor in 2019/2020 delivered individual training to Members who have been subject to local resolution as well as those who have been newly elected as part of a member induction programme.
- 26 The Panel received a training session delivered by the Monitoring Officer and Governance Solicitor on how to conduct and manage Standards Hearing Panels.
- 27 On 17 February 2020, the Chair and Vice-Chair attended a training session on "Developments in Governance for Chairs and Vice-Chairs of Standards Committees and Independent Persons. The training included an update on the Local Government Association's work on a draft model Code of Conduct, which was led by Durham County Council's Monitoring Officer.

Moving Forward

- 28 The Standards Committee remains dedicated to its responsibility to champion and promote high standards of conduct amongst the County's local politicians.
- 29 The Committee has continued to progress its work programme for 2020/2021 throughout the pandemic. This has included considering the appointment of new Independent Persons and responding to the Local Government Association consultation on the Model Code of Conduct. The Committee continues to monitor progress following publication of Committee in Standards in Public Life's report on local government ethical standards. The work of the Committee will be covered in the

Annual Report for 2021/22 which will be presented to Council after June 2021.

Background Papers

- None

Further Information

- None

Contact: Kamila Coulson-Patel

Tel: 03000 269674

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.