

## Standards Committee

25 June 2021

### Annual Report of the Standards Committee 2020/2021



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

### Electoral division(s) affected:

None

### Purpose of the Report

- 1 To provide an overview of the work of the Standards Committee during 2020/2021 and to set out the future direction which the Committee intends to 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 2020/2021 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:
  - a. the Standards Committee note the report; and
  - b. the report be presented to a meeting of the Council in July 2021.

## **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 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 2020 - 2021.

## **Membership of the Standards Committee 2020/2021**

- 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. 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.

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.

- 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.
- 14 Each year the Standards Committee agrees a work programme, which reflects the Terms of Reference set out above.

### **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 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.
- 16 During 202/2021 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:

<b>Year</b>	<b>1 April 2019 to 31 March 2020</b>	<b>1 April 2020 to 31 March 2021</b>
<b>Total no. of complaints received</b>	49	48
<b>Source of Complaints</b>	<p>Councillors 13</p> <p>Members of the public 33</p> <p>Parish/Town Council employee 2</p> <p>Anonymous 1</p>	<p>Councillors 22</p> <p>Members of the public 21</p> <p>Parish/Town Council employee 0</p> <p>Anonymous 0</p>
<b>Complaints against (including withdrawn and rejected)</b>	<p>County Councillors 15</p> <p>Parish Councillors 18</p> <p>Town Councillors 16</p> <p>Dual-hatted 0</p>	<p>County Councillors 15</p> <p>Parish Councillors 13</p> <p>Town Councillors 36</p> <p>Dual-hatted 0</p>
<b>Independent Persons Involved</b>	<p>The Independent Person was consulted in respect of 8 complaints.</p> <p>The Independent Person also attended the Standards Hearing Panel on 17 September 2019.</p>	<p>The Independent Person was consulted in 8 complaints.</p> <p>The Independent Person also attended the Standards Hearing Panel on 14 December 2020.</p>
<b>Outcomes</b>	<p>No Further Action 32</p> <p>Local Resolution 8</p>	<p>No Further Action 19</p> <p>Local Resolution 16</p>

	Investigation (relating to multiple complaints) 1	Investigation 5
	Standards Committee Hearing Panel (relating to multiple complaints) 1	Standards Committee Hearing Panel 1
	Withdrawn/Rejected 13	Withdrawn/Rejected 4

- 17 In 2020/21 the number of complaints remain consistent with the previous years. There was an increase in the number of complaints where local resolution was recommended and equally the same increase was observed in the number of complaints referred for investigation.
- 18 For future reporting the themes for the complaints will be recorded so that emerging trends can be considered. Also complaints have historically been recorded as one complaint irrespective of the number of members subject to the complaint where it relates to the same event. For future reports this figure will be further broken down.

### **Work of the Standards Committee during 2020/2021**

- 19 During the year there was disruption to the normal meeting schedule due to covid-19 restrictions. The Committee met on two occasions. The Committee received updates on the current status of complaints and of the 'national picture' on Standards issues affecting Local Government.
- 20 An informal meeting of the standards committee took place on 21 July 2020 for members of the Committee and the Independent Persons to comment on the Local Government Association model code of conduct consultation.
- 21 During the year, the Committee also considered the recruitment process for the Independent Persons which was agreed by full Council on 20 January 2021. The recruitment process took place between February 2021 and April 2021 and the recruitment Panel were made up of the Monitoring Officer, Deputy Monitoring Officer and Chair of the Standards Committee. The Committee will be asked to make recommendations to Council as to who should be appointed at its meeting in July 2021.

22 As part of the work programme the Committee also considered the Local Government Association Model Code of Conduct, which was published in December 2020 following the recommendations from the Committee for Standards in Public Life (CSPL). The Committee noted that the Council's Member Code of Conduct already largely reflected the best practice identified by the CSPL. The Committee therefore recommended to Council that the Code be amended to fully reflect the best practice rather than adopt an entirely new Code.

23 The Standards Committee also recommended updates to the 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 to full Council for approval. These amendments to the Code of Conduct were approved by full Council on 24 March 2021.

### **Future work plan**

24 The Standards Committee will continue to monitor the progress by the Government in the response to the report on Ethical Standards in Public Life published by the Committee for Standards in Public Life and monitor any changes in legislation arising from this.

25 The Standards Committee will also be invited to agree a work programme for 2021/22. This will include standing agenda items on the national picture and an update on code of conduct complaints. In addition, it is proposed that the Standards Committee will review the arrangements for, co-opted membership of Town and Parish Councillors to the standards committee and the Local Assessment of Complaints procedure.

### **Background Papers**

- None

### **Further Information**

- None

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## **Appendix 1: Implications**

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### **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.



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## Appendix 2: Work Programme 2020/2021

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Meeting	Item	Date Considered
4 June 2020	<ol style="list-style-type: none"> <li>1. Review of national standards picture.</li> <li>2. Complaints update.</li> <li>3. Appoint of Independent Persons.</li> <li>4. Review of Member Guidance on the use of Social Media.</li> </ol>	<p>Deferred due to cancellation</p> <p>Deferred due to cancellation</p> <p>9 December 2020</p> <p>Not considered in 2020/21</p>
4 September 2020	<ol style="list-style-type: none"> <li>1. Review of national standards picture.</li> <li>2. Complaints update.</li> <li>3. Annual Report 2019/2020.</li> </ol>	<p>Deferred due to cancellation</p> <p>Deferred due to cancellation</p> <p>9 December 2020</p>
9 December 2020	<ol style="list-style-type: none"> <li>1. A Review of national standards picture.</li> <li>2. Complaints update.</li> </ol>	<p>9 December 2020</p> <p>9 December 2020</p>
3 March 2021	<ol style="list-style-type: none"> <li>1. Review of national standards picture.</li> <li>2. Complaints update.</li> <li>3. Work programme review.</li> <li>4. LGA Model Code of Conduct.</li> </ol>	<p>3 March 2021</p> <p>3 March 2021</p> <p>3 March 2021</p> <p>3 March 2021</p>