

## Standards Committee

2 December 2021

## Code of Conduct Update



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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 the Committee with an update on activity since the last meeting in respect of complaints received by Durham County Council against Councillors.

#### Executive summary

- 2 The report provides an update on the complaints of alleged breaches of the Code of Conduct currently being assessed and those which have been completed. Complaints are considered in accordance with the council's Local Assessment Procedure dated May 2021.

#### Recommendation

- 3 The Standards Committee is recommended to note the contents of the report.

## Complaints

- 4 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. It must also have in place arrangements to consider allegations about breaches of the Codes of Conduct for Members, by the council's own members and of members of parish/town councils for which the council is the principal authority.
- 5 There have been 8 formal complaints received between 26 August 2021 and 24 November 2021. There have been 9 final decision notices issued in the last period. The outcome of each complaint shown at Appendix 2. There are 4 complex historic complaints which are expected to be concluded in advance of the Standards Committee meeting. Provided decision notices have been issued with the relevant parties, an update will be provided to the Committee on the outcome.
- 6 There have been no complaints which have been rejected at the pre initial assessment stage in the last period.
- 7 In respect of the ongoing complaints it would not be appropriate to comment on those complaints that are currently being assessed investigated but Decision Notices will be available for inspection once the decision has been communicated to the Member subject to the Complaint.
- 8 A meeting of the Standards Committee Hearing Panel took place on 23 November 2021 relating to COM 322-324 and COM 364. The Hearing Panel considered the complaint against Councillor Pete Molloy in his capacity as a Spennymoor Town Councillor. The Panel made findings that there had been breaches of the Member Code of Conduct and recommended sanctions which were:
  - (a) For the Member to issue a written apology to the two officers within 14 days of the decision and provide a copy of the apology to the Monitoring Officer.
  - (b) For the Member to undertake training on the Member Code of Conduct, Member Officer relations and Equality and Diversity within three months of the hearing.
  - (c) Mediation to take place between the Member and the officers named in the complaints, to be facilitated by the Monitoring Officer within three months of the hearing.

## **Training**

- 9 On 3 September 2021 and 13 October 2021, members of the Standards Committee received training on the Hearing Panel Process delivered by the Governance Solicitor.
- 10 The Governance Solicitor delivered training on 10<sup>th</sup> November 2021 to the Independent Persons as part of their continuous training and development. This session built on the session on the Hearing Panels Process with a focus on the role of the Independent Person.

## **Conclusion**

- 11 The report is intended to provide an overview of complaints handling to assist the Standards Committee to fulfil their role in promoting and maintaining high standards of conduct.

## **Background papers**

- Local Assessment Procedure dated May 2021.
- Decision Notices.

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## **Appendix 1: Implications**

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### **Legal Implications**

The council has a duty under s. 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. It must also have in place arrangements to consider allegations about breaches of the Codes of Conduct for Members, by the council's own members and of members of parish/town councils for which the council is the principal authority.

### **Finance**

There are no financial implications arising out of the report.

### **Consultation**

None.

### **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**

None

### **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**

None.

### **Procurement**

There are no procurement implications.