

Standards Committee

2 September 2022

Annual Report of the Standards Committee 2021/22



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 2021/22 and to set out the future direction which the Committee intends to take during 2022/23.

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 2021/22 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 the Council on 21 September 2022.

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 2021/22.

Membership of the Standards Committee 2021/22

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

County Council Membership

Councillor J Nicholson - Chair

Councillor F Tinsley - Vice Chair

County Councillors - Councillor Jim Atkinson, Councillor Anita Savory, Councillor David Stoker, Councillor Mark Abley, Councillor Liz Maddison, Councillor Tracie Smith, Councillor Tony Stubbs, Councillor Chris Varty and Councillor Lesley Mavin

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 is required to appoint one or more Independent Persons to assist in the Standards process.
10. The Independent Persons :
 - a. 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. 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. The term of office of the two Independent Persons, John Dixon Dawson and Peter William Jackson came to an end on 21 September 2021. A recruitment exercise for their successors took place between 1 February 2021 and 21 April 2021, and the Council on 14 July 2021 approved the appointment of Alan Fletcher and Kayleigh Louise Wilkinson as the Independent Persons from 22 September 2021 with a term of office of two years with the option to extend once.
- 12. The Committee during 2021/22 gave thanks to the outgoing Independent Persons and welcomed the two new Independent Persons. The Monitoring Officer and Governance Lawyer delivered training to the Independent Persons as part of their Induction to the Standards Committee.

Role of the Standards Committee

- 13. The Terms of Reference for the Committee are set out in the Council's Constitution 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.

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.
16. The Monitoring Officer has delegated authority, 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 2021/22 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:

Year	1 April 2020 to 31 March 2021	1 April 2021 to 31 March 2022
Total no. of complaints received	48	49

Source of Complaints	Councillors	22	Councillors	23
	Public	21	Public	20
	Parish/Town Council employee	0	Parish/Town Council employee	5
	Anonymous	0	Anonymous	0
			Other – MP	1
Complaints against including withdrawn and rejected	County Councillors	15	County Councillors	12
	Parish Councillors	13	Parish Councillors	29
	Town Councillors	36	Town Councillors	16
	Dual-hatted	0	Dual-hatted	2
Independent Persons Involved	The Independent Person was consulted in 8 complaints.		The Independent Person was consulted in 5 complaints.	
	The Independent Person also attended the Standards Hearing Panel on 14 December 2020.		The Independent Person also attended the Standards Hearing Panel on 23 November 2021.	
Outcomes	No Further Action	19	No Further Action	22
	Local Resolution	16	Local Resolution	20
	Investigation	5	Investigation	3
	Standards Committee		Standards Committee	
	Hearing Panel	1	Hearing Panel	3
	Withdrawn/Rejected	4	Withdrawn/Rejected	2

18. In 2021/22 the number of complaints remain consistent with the previous years. There was an increase in the number of complaints where local resolution was recommended on the previous year and a similar trend was observed in respect of the complaints where the recommendation was no further action.

19. A Hearing Panel of the Standards Committee was convened on 23 November 2021 to consider the complaints against County Councillor. The Panel upheld the Investigating Officers finding of a breach of the Member Code of Conduct and made recommendations in respect of the complaints raised.

Work of the Standards Committee during 2021/22

20. During 2021/22 the Standards Committee met on four occasions and considered the items contained within the work programme shown at Appendix 2.
21. In addition to the items proposed to be considered on the work programme, the Standards Committee conducted a review of the arrangements for submitting complaints against Members. The Committee agreed to introduce an online form, which was launched in April 2022.
22. The Committee has continued to receive regular reports in relation to standards and governance issues nationally. This has included an update on the Government's response to the Committee in Standards in Public Life's report and recommendations in relation to ethical standards in local government. The Government has indicated that they will consult further in respect of some of the issues raised.
23. Following the completion of the Member Induction programme, the Committee reviewed the Member's Social Media Toolkit and subject to a minor clarification, considered the Toolkit to remain fit for purpose.
24. The Monitoring Officer and Governance Lawyer delivered training as part of the induction programme to new and returning Councillors at both County Council and Town/Parish Council level. Training was also delivered on behalf of the Monitoring Officer in conjunction with CDALC to Town and Parish Councillors in respect of interests.

Future work plan

25. The Standards Committee agreed its work programme for 2022/23 which is shown at Appendix 3. The work programme covers standing agenda items and allows flexibility to add additional agenda items which may arise during the course of the year.
26. The Standards Committee will continue to monitor any Government activity arising out of its response to the CSPL report referred to above. It will aim to participate in any consultation exercises on this or other relevant topics as well as monitor any changes in legislation arising from this.

Background Papers

None

Further Information

- None

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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.

Appendix 2: Work Programme 2021/22

25 June 2021	<ul style="list-style-type: none">• Confirmation of appointment of Independent Persons.• Annual Report 2021/22• Work Programme 2021/22• Review of national standards picture.• Complaints update.
3 September 2021	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Review of Code of Conduct complaints procedure.• Co-opted membership on the Standards Committee (<i>reported at meeting on 11 March 2022</i>)
2 December 2021	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Member Training and Development. (<i>deferred to 2022/23</i>)
11 March 2022	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Review of Local Assessment Procedure – Digital Form• Social Media Guidance review.• Review of Work Programme 2021/22 and work Programme 2022/23. (<i>deferred to first meeting of 2022/23</i>)

Appendix 3: Draft Work Programme 2022/23

10 June 2022	<ul style="list-style-type: none">• Work Programme 2022/23• Review of national standards picture.• Complaints update.
2 September 2022	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Annual Report.
5 December 2022	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Member Training and Development.• Review of Local Determination Procedure.
17 March 2023	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Review of work programme 2022/23 and future work programme