



**Report of Helen Lynch, Head of Legal and Democratic Service 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 2022/23 and to set out the future direction which the Committee intends to take during 2023/24.

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 2022/23 in respect of the code of conduct issues for the elected Members within County Durham.
4. The report also refers to the training provided to Members as well as the annual work programme of the Standards Committee, which helps it to achieve the objective of promoting and maintaining high standards.

Recommendations

5. Standards Committee is asked to:
 - (a) Note the report.
 - (b) Agree the report to be presented to the Council on 19 July 2023.

Background

6. There is no legislative requirement for Standards Committees to produce an Annual Report. However, doing so is recognised as good practice. The report summarises the work undertaken by the Committee to assist the Council in discharging its duty to promote and maintain high standards of conduct.
7. The report also helps to publicise the work of the Committee generally and it is also a means for the Authority itself to monitor the Committee's work.

Membership of the Standards Committee 2022/23

8. For the period 2022/23, the Standards Committee comprised of 11 County Council Members and 2 Parish/Town Council Members as follows:

County Council Membership

Councillor Joan Nicholson - Chair

Councillor Liz Maddison - Vice Chair

County Councillors – Councillor Mark Abley, Councillor Jim Atkinson, Councillor Lesley Mavin, Councillor Anita Savory, Councillor George Smith, Councillor Tracie Smith, Councillor Tony Stubbs, Councillor Fraser Tinsley and Councillor Chris Varty.

Parish and Town Council Representatives

9. Councillor Terry Batson (Tow Law Town Council) served as a Parish Council co-opted member of the Committee from 2012 until he passed away in November 2022.
10. Councillor Ralph Harrison (Sacriston Parish Council) served as Parish Council co-opted member of the Committee from 2015 until his resignation in February 2023.
11. Councillors Alan Doig (City of Durham Parish Council) and Chris Foote-Wood (Dene Valley Parish Council) were appointed as the new Parish co-opted members of the Committee by full Council on 29 March 2023.

Independent Persons

12. For the period of 2022/23 the Independent Persons were as follows:

Kayleigh Louise Wilkinson (until March 2023)

Alan Fletcher

Karen Milburn (interim from February 2023)

Role of the Standards Committee

13. The Terms of Reference for the Committee are set out in the 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 Member's 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 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.

Work for the Standards Committee during 2022/23

15. During 2022/23 the Standards Committee met on four occasions and considered items contained within the work programme shown at Appendix 2. In addition, there was a special meeting held on 10 May 2023 to consider the outcome of the Independent Person interviews.
16. The Committee has continued to receive regular reports in relation to standards and governance issues nationally.
17. At its meeting on 5 December 2022 the Committee agreed that the Debate Not Hate Campaign would be added to the Committee's work programme so that it is kept up to date with progress and developments.
18. The work programme is intended to be flexible and items can be added during the course of the year. Accordingly, the Committee has reviewed the Council's Social Media Toolkit and considered reports relating to the appointment of Town and Parish Co-opted Members and the recruitment of Independent Persons. It has also reviewed the procedures for dealing with Member Code of Conduct complaints.

Recruitment of Independent Persons

19. Under the Localism Act 2011, the Council is required to appoint one or more Independent Persons to assist in the Standards process.
20. 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.
21. The Council last appointed to the role of Independent Person in July 2021. During 2022/23, one Independent Person stepped down from the role and the other was unavailable to carry out the role for a period at the start of 2023.
22. As a result, on 21 February 2023, the Corporate Director of Resources exercised delegated authority under Table 1, paragraph 12 of the Officer Scheme of delegation to appoint Karen Milner as Independent Person to

the Standards Committee on an interim basis to allow time for a recruitment exercise to be undertaken.

23. At its meeting on the 17 March 2023, the Standards Committee agreed to conduct a recruitment exercise with a view to appointing up to two new Independent Persons. The role was advertised between 20 March and 17 April 2023. Interviews were held on 4 and 5 May 2023, the outcome of which was reported to the Standards Committee on 10 May 2023. The recruitment Panel identified three strong candidates and therefore recommended to the Committee that three rather than two new Independent Persons be appointed. This means that the Council will have four Independent Persons. This will hopefully avoid the need to appoint an Independent Person on an interim basis in the event that one or more Independent Person is unavailable. It also means that different Independent Persons can be called upon to assist the Monitoring Officer or the Committee at different stages of a complaint.
24. Following the annual meeting of Council on 24 May 2023, the Standards Committee is now responsible for the appointment of Independent Persons. Therefore, the Committee will be asked to appoint Chris Hugill, David Rogers and Steven Winder as the new Independent Persons at its meeting on 8 June 2023.

Code of Conduct Complaints

25. 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.
26. The Monitoring Officer has delegated authority, after consultation with the Independent Person, if appropriate, to determine whether a complaint requires 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.
27. During 2022/23 the number of breakdown of complaints regarding breaches of the Code of Conduct was as follows:

Year	1 April 2021 to 31 March 2022	1 April 2022 to 31 March 2023
Total no. of complaints received	49	71

Source of Complaints	Councillors	23	Councillors	30
	Public	20	Public	34
	Parish/Town Council employee	5	Parish/Town Council Employee	6
	Anonymous	0	Anonymous	1
Complaints against including withdrawn and rejected	County Councillors	12	County Councillors	20
	Parish Councillors	29	Parish Councillors	33
	Town Councillors	16	Town Councillors	15
	Dual-hatted	2	Dual-hatted	3
Independent Persons Involved	The Independent Person was consulted in 5 complaints. The Independent Person also attended the Standards Hearing Panel on 23 December 2021.		The Independent Person was consulted in 11 complaints by the Subject Members and consulted once by the Monitoring Officer.	
Outcomes	No Further Action	22	No Further Action	30
	Local Resolution	20	Local Resolution	12
	Investigation	3	Investigation	3
	Standards Committee		Standards Committee	
	Hearing Panel	3	Hearing Panel	0
	Withdrawn/Rejected	2	Withdrawn/Rejected	16
			Ongoing	10

28. In 2022/23 the number of complaints is higher than in previous years. There was a decrease 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.

Future work plan

The Standards Committee agreed its work programme for 2023/24 which is shown at Appendix 3. As in previous years, the work programme covers standing agenda items and allows flexibility to add additional agenda items which may arise during the course of the year.

Background Papers

None

Author

Lauren Smith

Tel: 03000 267870

Appendix 1: Implications

Legal Implications

The Council has a duty under section 28 of the Localism Act 2011 to ensure that arrangements are in place under which allegations relating to the Code of Conduct can be investigated and decisions can be made. The Procedure for Member Code of Conduct Complaints ensures that this is complied with.

Finance

None.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

The Council has a legal obligation to ensure that documents which are published on its website are accessible in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. The Procedure for Member Code of Conduct Complaints ensures compliance with this obligation.

Climate Change

None.

Human Rights

None.

Crime and Disorder

None.

Staffing

None.

Accommodation

None.

Risk

None.

Procurement

None.

Appendix 2: 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. – deferred to 17 March 2023
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.• Debate Not Hate Campaign and Social Media Toolkit Review.• Review of Local Assessment and Local Determination Procedure.• Town and Parish co-opted members of the Standards Committee• Recruitment of Independent Persons

Appendix 3: Work Programme 2023/24

8 June 2023	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Debate Not Hate Campaign.• Annual Report.
8 September 2023	<ul style="list-style-type: none">• Review of national standards picture.• Debate Not Hate Campaign.• Complaints update.
4 December 2023	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Debate Not Hate Campaign.
7 March 2024	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Debate Not Hate Campaign.• Review of work programme 2023/24 and future work programme.