

Standards Committee

8 September 2023

Code of Conduct Update



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 Members of the Standards Committee with an update on complaints received by Durham County Council under the Code of Conduct for Members since the Committee's last meeting on 8 June 2023.

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 Procedure for Member Code of Conduct Complaints.

Recommendation

- 3 The Standards Committee is asked to:
 - a) Note the contents of the report.

Background

- 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 co-opted members and to adopt a Code of Conduct that is consistent with the Nolan Principles addressing the conduct that is expected of members when they are acting in their official capacity as a councillor and/or representative of the Council.
- 5 The Council 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 the town and parish councils for which the Council is the principal authority.
- 6 Expected standards of behaviour should also be embedded through effective member induction and ongoing training.
- 7 Members' failure to comply with the Code can be an issue of concern to local communities and result in a perception of poor governance. This could affect the reputation of the Council. The Council therefore maintains an open and transparent process for making complaints against members. Information and guidance on the process for making such complaints is clearly signposted and accessible on the Council's website.
- 8 These arrangements include provision for the Monitoring Officer to provide local solutions to resolve complaints without formal investigations.
- 9 The responsibility for standards activity, including the monitoring of the operation of the Code, falls within the jurisdiction of the Standards Committee. Regular oversight of complaints received enables the Standards Committee to identify particular trends or issues which might need further consideration by the Committee and/or wider training needs.
- 10 Details of complaints activity during the period between 1 June 2023 and 31 August 2023 is set out in Appendix 2. An analysis of those matters is set out below.

Complaints received since 1 June 2023

How many complaints were received?

- 11 There have been 14 formal complaints received between 1 June 2023 and 30 August 2023, of which:
- 2 were rejected as being outside of the scope of the Code;
 - 1 is subject of a final Decision Notice;
 - 1 has been withdrawn and;
 - 10 are ongoing matters.

Who were the Complaints from?

- 12 Of the 14 formal complaints received during the last period:
- 11 were from members of the public;
 - 2 were from a member against another member; and
 - 1 was from an officer of the Council.

Who were the Complaints about?

- 13 Of the 14 formal complaints received during the last period:
- 7 were about Town or Parish Councillors; and
 - 7 were about County Councillors.

Which provisions of the Members' Code of Conduct were alleged to have been breached?

- 14 Of the 14 formal complaints received during the last period, the principal provisions of the Members' Code of Conduct engaged were:
- All aspects of the code engaged: 1
 - Respect: 6
 - Accountability: 2
 - Disclosing confidential information: 2
 - Behaving in accordance with policy or legal obligations: 2
 - Fairness/Impartiality: 1

What were the outcomes?

15 Of the 1 formal complaint received during the last period which has been subject of a final Decision Notice:

- No further action was taken in relation to the matter.

16 In respect of ongoing complaints, it would not be appropriate to comment on matters that are currently being assessed or investigated but Decision Notices will be available for inspection once the decision has been communicated to the relevant Subject Member and Complainant.

B. Complaints received prior to 1 June 2023

17 During the last period, there has also been ongoing activity relating to a further 25 complaints, which were received prior to 1 June 2023 but remained ongoing at that date. Details of these also appear in Appendix 2. An analysis of those matters is set out below.

18 Of the 25 complaints which remained active at the date of the last meeting of the Standards Committee on 8 June 2023:

- 8 are now the subject of final Decision Notices; and
- 17 remain ongoing.

Who were the Complaints from?

19 Of the 17 complaints which remained active at the date of the last meeting of the Standards Committee on 8 June 2023:

- 2 were from members of the public;
- 4 were from officers concerning members; and
- 11 were from a member against another member.

Who were the Complaints about?

20 Of the 17 complaints which remained active at the date of the last meeting of the Standards Committee on 8 June 2023:

- 15 were about Town or Parish Councillors; and
- 2 were about County Councillors (2 of whom are also Town/Parish Councillors).

Which provisions of the Members' Code of Conduct were alleged to have been breached?

21 The principal provisions of the Members' Code of Conduct engaged were:

- All aspects of the Code engaged: 12

- Respect: 2
- Behave in accordance with all legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including the use of the Council's resources: 2
- Disclosing Confidential Information: 1

22 Members will note that the large majority of complaints which remained outstanding as of the last Committee meeting on 8 June 2023 concerned all aspects of the Code of Conduct.

What were the outcomes?

- 23 Of the 8 complaints received prior to 1 June 2023, which have been subject of a final Decision Notice during the last period:
- No further action was taken in relation to 2 matters;
 - Local resolution was deemed appropriate for 1 matter;
 - 1 matter has been referred for an investigation; and
 - 4 matters were referred for a Standards Hearing.

Local resolutions included Member Code of Conduct training with a particular emphasis on the requirements of confidentiality.

Why have some complaints taken longer to resolve?

- 24 Complaints have taken longer to resolve due to the complexity, for example where there are multiple complaints or complainants, or complaints involving multiple councillors.

Conclusion

- 25 This report provides a summary of the Code of Conduct Complaints handled over the last 3 months and 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

- Code of Conduct for Councillors.
- Procedure for Member Code of Conduct Complaints.

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Appendix 1: Implications

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 Code of Conduct for Members by the Council's own members and by members of parish/town councils for which the Council is the principal authority.

Finance

There are no financial implications.

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 arising out of this report other than those mentioned in paragraph 26 above.

Accommodation

There are no accommodation implications.

Risk

Risks	Uncontrolled Risk	Controls	Controlled Risk
Poor governance and decision-making outcomes.	High – legal challenges and/or a complaint of maladministration could be made.	Low – Members and key staff are appropriately trained and have a good understanding of the Code	Adherence with the Code, Constitution, and Procedures. Staff and Member training.

Reputational damage.	The Council could be ordered to pay compensation and/or suffer reputational damage.	requirements. This is a continuous requirement.	
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Procurement

There are no procurement implications.