

## Standards Committee

7<sup>th</sup> March 2024

## Code of Conduct Update



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### Report of Helen Bradley, 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 4 December 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 24 November 2023 and 23 February 2024 is set out in Appendix 2. An analysis of those matters is set out below.

## **Complaints received since 24 November 2023**

### **How many complaints were received?**

- 11 There have been 12 formal complaints received between 24 November 2023 and 23 February 2024, of which:
- 5 are subject of a final Decision Notice;
  - 5 are ongoing matters;
  - 2 has not progressed; and
  - 1 has been rejected.

### **Who were the Complaints from?**

- 12 Of the 12 formal complaints received during the last period:
- 7 were from members of the public;
  - 4 were from a member against another member; and
  - 1 was from an anonymous complainant.

### **Who were the Complaints about?**

- 13 Of the 12 formal complaints received during the last period:
- 11 were about Town or Parish Councillors; and
  - 1 was about a County Councillor

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

- 14 Of the 12 formal complaints received during the last period which had sufficient information, the principal provisions of the Members' Code of Conduct engaged were:
- Respect: 6
  - Behaving in accordance with policy or legal obligations: 5

## **What were the outcomes?**

- 15 Of the 5 formal complaints received during the last period which have been subject to final Decision Notices:
- No further action was taken in relation to 4 matters and;
  - Local resolution was deemed appropriate for 1 matter.
- 16 Local resolution included Member training in relation to the Parish Council's Annual Governance and Accountability Return reporting requirements. It is understood that training has been arranged for all Members of the Parish Council in March 2024.
- 17 Of the complaints that have not progressed or have been rejected:
- One complainant failed to provide further information which was requested, and another complainant submitted the complaint anonymously and therefore Officers were unable to contact them to request further information.
  - With regards to the complaint, which was rejected it was in relation to historic issues from a habitual and vexatious complainant.
- 18 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.

## **Complaints received prior to 23 November 2023**

- 19 During the last period, there has been ongoing activity relating to a further 33 complaints, which were received prior to 23 November 2023 but remained ongoing at that date. Details of these also appear in Appendix 2. An analysis of those matters is set out below.
- 20 Of the 33 complaints which remained active at the date of the last meeting of the Standards Committee on 4 December 2023:
- 6 are now the subject of final Decision Notices; and
  - 7 remain ongoing; and
  - 1 has not progressed; and
  - 15 have been referred for an investigation; and
  - 4 have been the subject of a Standards Hearing.

### **Who were the Complaints from?**

- 21 Of the 33 complaints which remained active at the date of the last meeting of the Standards Committee on 4 December 2023:
- 11 were from members of the public;
  - 9 were from officers concerning members; and
  - 12 were from a member against another member.

### **Who were the Complaints about?**

- 22 Of the 33 complaints which remained active at the date of the last meeting of the Standards Committee on 4 December 2023:
- 24 were about Town or Parish Councillors; and
  - 9 were about County Councillors.

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

- 23 The principal provisions of the Members' Code of Conduct engaged were:
- All aspects of the Code engaged: 9
  - Respect: 9
  - 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: 5
  - Disclosing Confidential Information: 3
  - Value colleagues and staff and engage with them in an appropriate manner: 3
  - Listen to the interests of all parties: 2
- 24 Members will note that the large majority of complaints which remained outstanding as of 4 December 2023 concerned all aspects of the Code of Conduct.

### **What were the outcomes?**

- 25 Of the 33 complaints received prior to 4 December 2023, which have been subject of a final Decision Notice during the last period:
- No further action was taken in relation to 6 matters;
  - Local resolution was deemed appropriate for 4 matters;
  - 11 matters have been referred for an investigation; and
  - 1 matter has not progressed.

- 26 Local resolution included training for a County Councillor on the Code of Conduct, mediation between a Member and Officers of the Town Council, training on a Town Council policy and a written apology to the Complainant.
- 27 In relation to the Code of Conduct training, the Member has declined to complete this as they do not believe they have breached the Code of Conduct.
- 28 Mediation between a Member and Officers is still outstanding however, it is understood that the Town Council are seeking arrangements for this.
- 29 In regard to the training on a Town Council policy, it is understood that the policy has since been revised and training will be delivered once it has gone through the Town Council's internal processes.
- 30 In relation to the apology to the Complainant, this has now been provided by the Member.
- 31 In relation to 3 of the matters where no further action has been taken, these complaints were intended to be referred for an investigation. However, the Members concerned have since resigned. It has therefore, been determined that it would not appropriate or a proportionate use of resources to take any further action in relation to these complaints.
- 32 At the last Standards Committee an update was given in respect of the 4 complaints received prior to 4 December 2023, in which two Members had been subjected to a Standards Hearing.
- 33 Following the recommendations of the Standards Hearing, the Committee will recall that both letters of censure were issued. Since that Committee, Officers have also delivered training to one Member.
- 34 The other Member has declined to complete their training at this stage and therefore the recommendation has not yet been complied with. The Member has advised that they have provided the recommended apologies. However, they have not provided copies to the Monitoring Officer as this was not a requirement of the Standards Hearing Panel.

### **Why have some complaints taken longer to resolve?**

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

## **Independent Person(s) Training**

- 36 At the last Standards Committee an update was given that two of the Council's independent persons attended training on the role of Independent Person delivered by Lawyers in Local Government (LLG) on 13 November 2023. A further training session was provided on 16 February 2024 where a third independent person attended.
- 37 The Standards Committee will recall that during the LLG training in November 2023, it was suggested that Independent Persons may find an informal network helpful to keep in touch, share best practice and provide mutual support. The Deputy Monitoring Officer has since liaised with fellow Monitoring Officers within the region who were receptive of the idea. To help facilitate this, the Head of Legal and Democratic Services is liaising with regional colleagues to create a contact list for all Independent Persons in the region interested in an informal network.

## **Conclusion**

- 38 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**

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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 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	Adherence with the Code, Constitution, and Procedures.



Reputational damage.	The Council could be ordered to pay compensation and/or suffer reputational damage.	the Code requirements. This is a continuous requirement.	Staff and Member training.
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**Procurement**

There are no procurement implications.

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## **Appendix 2: Code of Conduct Complaints Activity**

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