



**Report of Helen Bradley, Director 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 2023/24 and to set out the future direction which the Committee intends to take during 2024/25.

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 2023/24 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 The Standards Committee is asked to:
 - (a) Note the report.
 - (b) Agree the report to be presented to the Council on 26 June 2024.

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 2023/24

- 8 For the period 2023/24, the Standards Committee comprised of 11 County Council Members and 2 Parish/Town Council Members as follows:

County Councillors

- Councillor Joan Nicholson - Chair
- Councillor Kathryn Rooney - Vice Chair
- Councillor Jim Atkinson, Councillor Lesley Mavin, Councillor Elaine Peake, Councillor Anita Savoury, Councillor George Smith, Councillor Tracie Smith, Councillor Tony Stubbs, Councillor Fraser Tinsley and Councillor Chris Varty.

Parish and Town Council Representatives

- 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

- 9 For the period of 2023/24 the Independent Persons were as follows:
 - Alan Fletcher
 - Chris Hughill
 - Steve Winder
 - David Rogers

Role of the Standards Committee

- 10 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 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) to approve the arrangements under which allegations of a failure to comply with Council's Code of Conduct for Members can be investigated and decisions on allegations can be made, pursuant to section 28(6) of the Localism Act 2011.

(h) To approve the appointment of at least one independent person to discharge the functions set out in section 28(7) of the Localism Act 2011.

(i) 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;

(j) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council Members;

(k) dealing with any alleged breach by a Member of a Council Protocol, in accordance with procedures approved by the Committee;

(l) overview of the Officers' Code of Conduct;

(m) overview of the Protocol on Member / Officer Relations.

- 11 Each year the Standards Committee agrees a work programme, which reflects the Terms of Reference set out above.

Work for the Standards Committee during 2023/24

- 12 During 2023/24 the Standards Committee met on four occasions and considered items contained within the work programme shown at Appendix 2.
- 13 The Committee has continued to receive regular reports in relation to standards and governance issues nationally. The Committee is also kept up to date with progress and developments in relation to the Local Governments Association's Debate Not Hate Campaign.
- 14 In addition to the standing items, the Committee also approved the Procedure for Member Code of Conduct Complaints and recommended that Officers produce a Zero-Tolerance Approach to Abuse Policy in response to recommendations from the Local Government Association. This Policy will be presented to the Standards Committee in 2024/25 for consideration.
- 15 The work programme is intended to be flexible, and items can be added during the course of the year.

Recruitment of Independent Persons

- 16 Under the Localism Act 2011, the Council is required to appoint one or more Independent Persons to assist in the Standards process.
- 17 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.
- 18 Following the annual meeting of Council on 24 May 2023, the Standards Committee is now responsible for the appointment of the Independent Persons. As such, at its meeting on 8 June 2023, the Standards Committee appointed Chris Hughill, David Rogers and Steven Winder as the new Independent Persons.

19 At its meeting on 8 September 2023, the Committee agreed to extend the term of Alan Fletcher for an additional 2 years with effect from 22 September 2023.

Code of Conduct Complaints

20 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.

21 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.

22 During 2023/24 the number of breakdown of complaints regarding breaches of the Code of Conduct was as follows:

Year	1 April 2022 to 31 March 2023		1 April 2023 to 31 March 2024	
Total no. of complaints received		71		55
Source of Complaints	Councillors	30	Councillors	15
	Public	34	Public	31
	Parish/Town Council Employee	6	Parish/Town Council Employee	3
	Anonymous	1	County Council Employee	4
			Anonymous	1
			Pseudonym	1

Year	1 April 2022 to 31 March 2023	1 April 2023 to 31 March 2024
Complaints against including withdrawn and rejected	County Councillors 20 Town/ Parish Councillors 48 Dual-hatted 3	County Councillors 11 Town/ Parish Councillors 36 Dual-hatted 7 Other Authority 1
Independent Persons Involved	The Independent Person was consulted in 11 complaints by the Subject Members and consulted once by the Monitoring Officer or her representative.	The Independent Person was consulted in 5 complaints by the Subject Members and consulted in 11 complaints by the Monitoring Officer or her representative.
Outcomes	No Further Action 30 Local Resolution 12 Investigation 3 Standards Committee Hearing Panel 0 Withdrawn/Rejected 16 Ongoing 1	No Further Action 24 Local Resolution 6 Investigation 9 Standards Committee Hearing Panel 2 Withdrawn/Rejected 13 Ongoing 7

23 Fewer complaints were received in 2023/24 than in the previous year. There was also 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. However, the number of complaints referred to investigation was higher than in the previous year.

- 24 Members will recall that at the Committee meeting in September 2023, it was requested that a breakdown of costs of the Code of Conduct complaints be presented. A part year comparison was completed and presented at the Committee in December 2023. A full year comparison has been provided below.

Year	1 April 2022 – 31 March 2023	1 April 2023 – 31 March 2024
No. of hours spent on handling complaints		
County Councillors	155.03	20.28
Parish/Town Councillors	404.54	15036.34
Internal costs of incurred		
County Councillors	£15,557.74	£1192.32
Parish/Town Councillors	£44,495,35	£44,163,92
External costs incurred		
County Councillors	£0.00	£2000 ¹
Parish Councillors	£8,312	

Training

- 25 On 6 July 2023, the Independent Person's attended an induction which was delivered by the Senior Lawyer for Commercial and Corporate Governance and the Governance Legal Officer.
- 26 Lawyers in Local Government (LLG) delivered training on the role of the Independent Person. Three out of four of the Independent Person's attended the training session held on 13 November 2023 and 16 February 2024.
- 27 On 8 December 2023 the deputy Monitoring Officer delivered training on the Member/Officer Protocol to a Town Councillor following a decision notice of the Standards Hearing Committee Panel.
- 28 The Monitoring Officer delivered induction training to two new Councillors elected in by-elections during the course of the year.

¹ This is currently an estimated figure pending the work being completed.

Future work plan

- 29 The Standards Committee is asked to agree its work programme for 2024/25 which is shown at Appendix 3. In addition to the standing items, the Committee will be asked to consider items related to the Debate Not Hate Campaign such as the Zero-Tolerance to abuse policy and civility in public life. The Committee will also be asked to consider a draft Protocol on Member's use of Council Resources, the Council's approach to the publication of Members home addresses and a review of the Procedure for Member Code of Conduct complaints. As in previous years, the work programme will remain flexible to include any additional 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 2023/24

8 June 2023	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Debate Not Hate Campaign.• Annual Report.• Procedure for Member Code of Conduct Complaints• Appointment of Independent Persons to the Standards Committee
8 September 2023	<ul style="list-style-type: none">• Review of national standards picture.• Debate Not Hate Campaign.• Complaints update.• Extension of the Term of the Independent Person
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 – deferred to June 2024

Appendix 3: Work Programme 2024/25

6 June 2024	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Debate Not Hate Campaign.• Civility in Public Life• Protocol on Members Use of Council Resources• Publication of Member Addresses• Review of work programme 2023/24 and future work programme• Annual Report.
6 September 2024	<ul style="list-style-type: none">• Review of national standards picture.• Debate Not Hate Campaign.• Zero Tolerance Approach to Abuse Policy.• Complaints update.
4 December 2024	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Debate Not Hate Campaign.• Review of the 'Procedure for Member Code of Conduct Complaints'.
6 March 2025	<ul style="list-style-type: none">• Review of national standards picture.• Complaints update.• Debate Not Hate Campaign.• Review of work programme 2024/25 and future work programme.