

Standards Committee

7th June 2024

Code of Conduct Update



Report of Helen Bradley, Director 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 7 March 2024.

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 2 February and 20 May 2024 is set out in Appendix 2. An analysis of those matters is set out below.

Complaints received since 24 February 2024

How many complaints were received?

- 11 There have been 18 formal complaints received between 24 February 2023 and 20 May 2024, of which:
- 4 are subject of a final Decision Notice;
 - 8 are ongoing matters;
 - 6 have been rejected.

Who were the Complaints from?

- 12 Of the 18 formal complaints received during the last period:
- 12 were from members of the public; and
 - 3 were from a member against another member; and
 - 1 was from a Parish Council Clerk.

Who were the Complaints about?

- 13 Of the 18 formal complaints received during the last period:
- 10 were about Town or Parish Councillors; and
 - 7 were about County Councillors; and
 - 1 was about a Dual Hatted Member

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

- 14 Of the 18 formal complaints received during the last period, the principal provisions of the Members' Code of Conduct engaged were:
- Respect: 6
 - Behaving in accordance with policy or legal obligations: 7

What were the outcomes?

- 15 Of the 4 formal complaints received during the last period which have been subject to final Decision Notices:
- No further action was taken in relation to 3 matters and;
 - Local resolution was deemed appropriate for 1 matter.
- 16 Local resolution included a recommendation that the Member complete training in relation to Equality and Diversity Training and that the member publish an apology. The training is in the process of being arranged. It is understood that the Member published an apology, but the Complainant has indicated he considers the apology to be unsatisfactory.
- 17 Of the complaints that have not progressed or have been rejected:
- One Complainant failed to provide sufficient information for their complaint to be dealt with anonymously. The Complainant only wanted to proceed on an anonymous basis.
 - One complaint was rejected as a similar complaint concerning the member had recently been dealt with by way of a decision notice and they had recently completed training.
 - Two complaints were older than 3 months old relating to incidents that occurred in 2023 and provided no good reason for delay.
 - Two Complainants failed to provide sufficient information in order to progress their complaints.
- 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 February 2024

- 19 During the last period, there has been ongoing activity relating to a further 2 complaints, which were received prior to 23 February 2024 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 11 complaints which remained active at the date of the last meeting of the Standards Committee on 7 March 2024:
- 5 are now the subject of final Decision Notices; and
 - 3 remain ongoing; and

- 4 have been rejected.

Who were the Complaints from?

- 21 Of the 11 complaints which remained active at the date of the last meeting of the Standards Committee on 7 March 2024:
- 6 were from members of the public;
 - 4 were from a member against another member; and
 - 1 was from a Complainant who wished to be anonymous.

Who were the Complaints about?

- 22 Of the 11 complaints which remained active at the date of the last meeting of the Standards Committee on 7 March 2024:
- 9 were about Town or Parish Councillors; and
 - 2 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: 6
 - Behave in accordance with all legal obligations: 5
- 24 Members will note that a small number of complaints remained outstanding as of 7 March 2024 concerned all aspects of the Code of Conduct.

What were the outcomes?

- 25 Of the 11 complaints received prior to 7 March 2024, which have been subject of a final Decision Notice during the last period:
- No further action was taken in relation to 4 matters;
 - Local resolution was deemed appropriate for 1 matter;
- 26 Local resolution included member training in relation to the Annual Governance and Accountability Return reporting requirements.

Why have some complaints taken longer to resolve?

- 27 Complaints have taken longer due to staffing levels and workload. Some complaints are also subject to investigation.

Conclusion

28 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	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.

Appendix 2: Code of Conduct Complaints Activity
