

Standards Committee

4 December 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 6 September 2024.
- 2 To present options in relation to how costs associated with Code of Conduct Complaints are presented to the Standards Committee.

Executive summary

- 3 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.
- 4 A review of the formatting of the Code of Conduct Update report has recently been undertaken. The review determined that the way in which information is presented to the Standards Committee can appear unclear and the report has therefore been updated to ensure an accurate overview of Code of Conduct Complaints.
- 5 At the Standards Committee on 6 September 2024, Members requested that Officers consider how costs associated with complaints are presented. The report details options for Members to consider and agree for future presentation.

Recommendation

- 6 The Standards Committee is asked to:
 - a) Note the contents and suggested formatting of the report;

- b) Consider and agree the proposed arrangements for reporting on costs incurred in relation to Code of Conduct complaints.

Background

- 7 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.
- 8 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.
- 9 Expected standards of behaviour should also be embedded through effective member induction and ongoing training.
- 10 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.
- 11 These arrangements include provision for the Monitoring Officer to provide local solutions to resolve complaints without formal investigations.
- 12 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.
- 13 Members will note that the formatting of the report has changed. This has occurred following a review of the formatting of the report undertaken by Officers, where it was considered the information in the previous format could, at times, be unclear. Officers have therefore restructured the report to make to ensure it is clear and more user friendly. The changes include the use of tables to display the information, using the previous headings. There have been no substantial changes in terms of the type of information reported.

- 14 By presenting the information in the new style, will mean that the complaints previously located at Appendix 2 can be removed as they will now be included within the main body of the report.

- 15 A request at the last Standards Committee meeting in September 2024 was made by Members for Officers to consider how costs are reported on Code of Conduct Complaints. The report details options for Members to consider and agree to.

Complaints received since 17 August 2024

In total 8 complaints were received, details of which are contained within the table below;

No.	Ref	Who were the Complaints about?	Who were the Complaints from?	Code – Alleged Breach in behaviour	Status	
1.	FS-Case-639836769	County	Member - County	N/A	Rejected	Member found not to be acting in their capacity
2.	FS-Case-646763676 & FS-Case-646763550	Town / Parish	Public	N/A	Withdrawn	Withdrawn by Complainant
3.	FS-Case-647974596	Town /Parish	Member – Town / Parish	Respect	Final Decision Notice	Local Resolution, training to be arranged
4.	FS-Case-649115018	Town/Parish	Public	Respect	Withdrawn	Complainant failed to provide information within the time frame

No.	Ref	Who were the Complaints about?	Who were the Complaints from?	Code – Alleged Breach in behaviour	Status	
5.	FS-Case-653590172	County	Public	N/A	Rejected	Member found not to be acting in their capacity
6.	COM 428	County	Member - County	Respect	Ongoing	
7.	FS-Case-656584143	Town / Parish	Public	Respect	Ongoing	
8.	FS-Case-659130673	County	Officer	All Aspects	Ongoing	

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.

Complaints received prior to 17 August 2024

- 17 During the last period, there has been ongoing activity relating to a further 9 complaints, which were received prior to 17 August but remained ongoing at that date. Details of these also appear in Appendix 2. An analysis of those matters is set out below.

No.	Ref	Who were the Complaints about?	Who were the Complaints from?	Code – Alleged Breach in behaviour	Status	
1.	FS-Case-611093168	Town / Parish	Clerk	Respect	Final Decision Notice	Local Resolution
2.	FS-Case-612868811	Town / Parish	Public	Respect	Final Decision Notice	No Further Action
3.	FS-Case-624080427	Town / Parish	Public	Respect	Final Decision Notice	No Further Action
4.	FS-Case-629842314	Town / Parish	Officer	Respect	Final Decision Notice	Local Resolution

No.	Ref	Who were the Complaints about?	Who were the Complaints from?	Code – Alleged Breach in behaviour	Status	
5.	FS-Case-630753228	Town / Parish	Member	Respect	Final Decision Notice	No Further Action
6.	FS-Case-633486446	Town / Parish	Public	Respect	Final Decision Notice	No Further Action
7.	FS-Case-634584948	County	Public	Legal Obligations	Ongoing	
8.	FS-Case-636483198	Town / Parish	Member	N/A	Withdrawn	Complainant failed to provide further information
9.	FS-Case-639113710	County	Public	Respect	Final Decision Notice	No Further Action

Why have some complaints taken longer to resolve?

18 Complaints have taken longer due to staffing levels and workload as well as the complexity of the matters raised.

Investigations

- 19 In addition to the 9 outstanding complaints from the previous quarter, there are 2 ongoing investigations. Further details are set out below;

No.	Who were the Complaints about?	Who were the Complaints from?	Code – Alleged Breach in behaviour	Status
1.	County	Officers and Members	Respect	Ongoing
2.	Town / Parish	Members and the Public	All Aspects of the Code	Ongoing

Costs Options

- 20 The costs incurred dealing with all Member Code of Conduct complaints are the responsibility of the County Council as the principal authority. There is no power for the County Council to recover costs incurred from Town and Parish Councils. The Committee considered that there should be greater transparency in relation to the resource implications for dealing with complaints.
- 21 At present, the Standards Committee currently receives information in relation to the number of hours spent and costs (internal and external) incurred handling complaints against County Councillors and Town/ Parish Councillors within its annual report. Members will recall that a part year comparison was also presented to the Committee in December 2023 following a request from the Committee.
- 22 At the Committee in September 2024, it was requested that Officers consider options for more regular reporting on the costs incurred. The Committee hopes that such information might discourage spurious/tit for tat complaints and/or encourage more accountability at the ballot box. In response to this request, it is suggested that costs on concluded complaints are included within the quarterly update report to the Committee. The annual report will continue to provide the costs over the course of the relevant municipal year.
- 23 In relation to complaints against Town and Parish Councillors, it is suggested that the Clerk is advised of the costs incurred to the County

Council on conclusion of a complaint. It will be a matter for Town and Parish Councils to determine whether they report on such costs if/when they report on complaints at their Council meetings.

If the Committee agree to these proposals, it is suggested that a column is added to the tables summarising complaints to include the costs incurred in relation to completed complaints. It is not considered appropriate to report on costs for matters, which are ongoing so as not to prejudice those matters.

Conclusion

- 24 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.
- 25 The report also makes proposals in relation to the reporting on costs incurred in relation to Code of Conduct complaints.

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