

## **Standards Committee**

**16 September 2011**

### **Draft Annual Report of the Standards Committee**



---

## **Report of Colette Longbottom, Head of Legal and Democratic Services**

---

### **Purpose of the Report**

1. To reflect and report on the work of the Standards Committee during 2010/11 and to set out the future direction which the Committee intends to take during 2011/12.

### **Background Information to the Annual Report**

2. Although there is no legislative requirement for Standards Committees to produce an Annual Report, doing so is recognised as good practice. Not only does the report publicise the work of the Committee to the wider general public, it is also a means for the Authority itself to monitor the Committee's work.
3. There are several purposes of the report, beginning with a reflection of the role and make-up of the Standards Committee.
4. Primarily this report provides a review of the work undertaken by the Standards Committee during the previous municipal year. Furthermore, the report will communicate the future direction of the Standards Committee.

### **Membership of the Standards Committee**

5. 2010/11 saw several changes made to the membership and composition of the Standards Committee.
6. Members were saddened by the news that Town Council representative Councillor J Day of Tow Law Town Council, passed away. Councillor Day had previously been a Town Council representative on Wear Valley District Council's Standards Committee before successfully being appointed to the Standards Committee of the new Unitary Authority.
7. The decision was taken not to fill this vacant position as the requirement under the Standards Committee (England) Regulations 2008 ('the Regulations') is for at least two members of the Standards Committee to be members of parish/town councils and the Committee is fulfilling this requirement.

8. Also during the year 2 independent Members took the decision to resign from the Standards Committee due to excessive time constraints. It is a requirement under the Regulations that at least 25% of the members of a Standards Committee are independent members and as such the Committee were required to appoint to both vacant positions.
9. Members were mindful of the uncertainty surrounding the future of Standards Committees as the proposals within the Decentralisation and Localism Bill are to abolish the requirement to maintain a standards committee.
10. Standards for England guidance allows for independent members of another standards committee (for example police and fire authority standards committees) to be temporarily appointed to another standards committee to consider a particular assessment, review or hearing or for a particular period of time. As such the decision was taken to temporarily appoint two independent members from one of the Authority's affiliated committee's - County Durham and Darlington Fire Authority Standards Committee and Durham Police Authority Standards Committee.
11. Following a request for expressions of interest to the independent members of these affiliated Standards Committee's, the Committee were pleased to temporarily appoint Mr J G Armstrong and Mr J Hitchman as independent members of the Durham County Council Standards Committee until such time as the Decentralisation and Localism Bill comes into force.
12. As such the Standards Committee is comprised of 6 Independent Members, 5 Parish/Town Council Members and 12 County Council Members, as follows:

**Joe Armstrong**

Joe has represented the Esh Electoral Division on Durham County Council for almost 10 years.

**Allan Bainbridge**

Allan was elected to the County Council in 2008 and represents the Chester-le-Street South Electoral Division.

**Eddie Bell**

Eddie was elected to the County Council in 2008 and represents the Deneside Electoral Division. Eddie was also a Councillor on the former Easington District Council.

**Colin Carr**

Colin was elected to the County Council in 2006 and is a former Chartered Wastes Manager. Colin was also Councillor on the former Chester-le-Street District Council.

**Pauline Charlton**

Pauline is a former teacher and was elected to Durham County Council in 2008. She served as a Councillor on the former Teesdale District Council and was Clerk to Cockfield Parish Council for a number of years.

David Farry

David was elected to the County Council in 2008 and was a Councillor on the former Sedgfield Borough Council.

Grenville Holland

Grenville was elected to the County Council in 2008 and was a Councillor on the former Durham City Council. He represents the Nevilles Cross Electoral Division on the County

John Shiell

John was elected to the County Council in 2008 and represents the Chester-le-Street North and East Division. He was previously a member of Chester-le-Street District Council, having been elected in 2007.

Dennis Southwell

Dennis was elected to the County Council in 2005 and was a Cabinet member on the former Durham City Council. Dennis also serves on Belmont Parish Council and Durham Police Authority.

Watts Stelling

Watts has represented the Leadgate and Medomsley Electoral Division on the Council since 2001 and was also a Councillor on the former Derwentside District Council. He has been a member of the Standards Committee since 2001.

Mac Williams

Mac was elected to the County Council in 2006 and represents the Durham South Electoral Division and is currently the Chairman of Durham County Council.

Sam Zair

Sam was elected to the County Council in 2008 and is a successful local businessman. He is also a member of Bishop Auckland Town Council.

### ***Independent Members***

James Greenwell Armstrong

James worked in the Civil Service for 48 years and has been an independent member on the County Durham and Darlington Fire and Rescue Standards Committee for 2 years.

David Balls

David has been a magistrate for 21 years. He is also actively involved as an Education Appeals Panel member for the Local Authority.

Denny Balmer

Denny is a former senior civil servant and a serving Justice of the Peace. She also serves as a non-executive director of a Citizens Advice Bureau.

John Hitchman

John was principal of a Chartered Architect's practice in Durham City and is a member of the County Durham and Darlington Fire and Rescue Standards Committee as an independent lay member.

Tina Naples

Tina is a retired civil servant.

Dorothy Winter

Dorothy is a Human Resources Business Partner with the Land Registry and chairs the Council's Standards Committee. Dorothy became a magistrate in 1984.

She is an employment tribunal member (employer representative) and a chartered fellow of the Chartered Institute of Personnel and Development (Fellow of Institute of Leadership and Management).

### ***Parish and Town Council Representatives***

Terry Batson

Terry is a consultant Arborist, ex Local Government Officer and former Managing Director.

Frances Duggan

Frances plays an active role in a number of groups relating to health. He has been a member on the judging panel for Newcastle Strategic Health Authority for a number of years.

Marina Goyns

Marina was involved in retail management and is now retired.

Doreen Liversidge

Doreen is a retired Police officer and she is a member on her local parish council.

John Marr

John was a former technician/fitter and has been a Town Councillor on Spennymoor Town Council since 1989.

### **Role of the Standards Committee**

13. The Members of the Standards Committee have a common interest in that we believe in principled local politics and value our role as champions of high standards of conduct amongst our local politicians.
14. In accordance with Article 9 of the Constitution of Durham County Council the roles and functions of the Standards Committee are as follows:
  - (a) promoting and maintaining high standards of conduct by councillors, independent members and co-opted members;
  - (b) assisting the councillors, independent members, co-opted members 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;
- (d) monitoring the operation of the Members' Code of Conduct and Planning Code;
- (e) advising, training or arranging to train councillors, independent members, co-opted members and parish and town council members on matters relating to the Members' Code of Conduct and Planning Code;
- (f) granting dispensations to councillors, independent members, co-opted members and parish and town council members from requirements relating to interests set out in the Members' Code of Conduct and Planning Code;
- (g) the exercise of any functions under regulations made under section 54(4) of the Local Government Act 2000;
- (h) the assessment, investigation and determination of allegations of misconduct on the part of Members;
- (i) dealing with any alleged breach by a Member of a council protocol, in accordance with procedures approved by the Committee;
- (j) overview of probity aspects of internal and external audit;
- (k) overview of the Officers' Code of Conduct;
- (l) overview of the Protocol on Member/Officer Relations;
- (m) overview of the Council's Confidential Reporting Code;
- (n) overview of complaints handling and Ombudsman investigations;
- (o) power to make payments or provide other benefits in cases of maladministration etc.;
- (p) power to grant exemptions on the political restriction of officer posts;
- (q) the exercise of (a) – (h) in relation to parish and town council members.

### **The Work of the Committee During 2010/11 - Complaints to the Standards Committee**

15. The responsibility for the consideration of complaints that a councillor may have breached the Code of Conduct lies with the Standards Committees of Local Authorities and as such this Standards Committee is responsible for handling all complaints made against members of Durham County Council and the members of the 104 Parish and Town Councils throughout County Durham.

16. There are number of Sub Committees of the Standards Committee responsible for the handling of complaints, as follows:

Assessment Sub Committee – considers complaints for initial assessment against the Assessment Criteria (appendix 1) in order to determine whether there is a potential breach of the Code of Conduct;

Review Sub Committee – considers requests by complainants to review the initial decision of the Assessment Sub Committee where a decision of No Further Action has been delivered.

Standards Committee Hearing Panel – following a decision of an Assessment / Review Sub Committee to refer the complaint to the Monitoring Officer for further investigation, the Hearing Panel will convene when the Investigating Officer, upon completion of an investigation, concludes that there has been a breach of the Code of Conduct.

17. During 2010/11 there have been 15 Assessment/Review Sub Committee Meetings which have dealt with a total of 61 complaints. 19 of these complaints were made against County Councillors. These figures indicate an increase in the work of the Standards Committee with only 13 Assessment / Review Sub Committee Meetings being held during 2009/10, which in total dealt with 48 complaints, 16 of which were against County Councillors.
18. Of these complaints, 31 were considered by a Review Sub Committee following request by the complainants, compared to just 17 in the previous year.
19. There has been at least 1 Assessment/Review/Hearing Sub Committee meeting per month between 1 June 2009 and 31 March 2010.
20. The Standards Committee Hearing Panel has convened 6 times during the period compared to just once in 2009/10. It upheld the findings of the Investigating Officer and as such imposed sanctions on the Councillors against whom the complaints had been made. The Councillors found to have breached the Code of Conduct were Parish Councillors.

#### **Work of the Standards Committee during 2010/11 – plenary meetings**

21. During the period the Committee have met in plenary session on 4 occasions. In addition one special meeting of the Committee was held in June 2010. It is commonplace for the members of the Committee to receive quarterly update reports on the current status of all live complaints and complaints which have recently been closed as dealt with since the previous session.
22. In conjunction with bullet (f) of Article 9 of the Constitution of Durham County Council, the Standards Committee has considered 2 requests for granting dispensations to councillors parish and town council members from requirements relating to interests set out in the Members' Code of Conduct and Planning Code. All requests for dispensation were successfully granted by the Committee.

23. In conjunction with bullet (n) of Article 9 of the Constitution of Durham County Council, the Standards Committee receives a Complaints, Compliments, Comments and Suggestions report at each plenary session, allowing the Committee to oversee the Council's complaints handling arrangements and performance throughout the Authority. These reports provide basic statistics, results against corporate performance targets, any relevant trends and details of levels of satisfaction. Individual Services provide detailed data regarding the nature of complaints received, any necessary action taken including preventative measures against reoccurrence and how the intelligence gained from complaints is used in future service planning and delivery.
24. Between 1 April 2010 and the 31 March 2011, 1787 non statutory complaints, 1412 compliments and 568 suggestions were received by Durham County Council. This compares with 1088 non statutory complaints, 385 compliments and 220 suggestions received in 2009/10.
25. The majority of complaints (60%) related to Neighbourhood Services. This service grouping is front facing and the scope of its service provision includes customer services, waste collection, street cleansing, highways and leisure provision. These services are provided to all residents of County Durham and as such this exposure explains why Neighbourhood Services receives the greatest percentage of complaints.
26. Of the 1787 non statutory complaints received during the financial year, further investigation shows that there were 1044 occasions where the complaint was not actually upheld. This indicates that although service users were dissatisfied with the service they received the services had in fact acted properly and followed appropriate procedures.

### **The Work of the Committee During 2010/11 – Development Strategy**

27. During the year 2010/11 the Standards Committee adopted and implemented a Standards Committee Development Strategy, which set out exactly how it intended to continue building and maintaining the ethical framework of the authority. Accompanying the many commitments which were made within the Development Strategy was an Action Plan which detailed key performance indicators and targets that would support and aid to monitor the effectiveness of the strategy. For information a copy of the Development Strategy and accompanying action plan is attached at appendix 2.
28. However as it became apparent that the future of Standards Committees was somewhat uncertain due to the proposals contained within the Decentralisation and Localism Bill, the Committee resolved in November 2010 not to actively continue with the additional work as denoted in the Development Strategy until such time as the future proposals for Standards became clearer.

### **The Work of the Committee During 2010/11 – Parish and Town Councils Sub Committee**

29. At the meeting of the Standards Committee held on 16 September 2010, Members resolved to appoint a Parish and Town Council Sub Committee. Doing so allowed the Standards Committee to fulfil their constitutional

obligations in line with paragraph 9.04 of Article 9 of the Constitution of Durham County Council which reads as follows:

*“The Standards Committee will appoint a sub committee comprising 3 councillors, 3 parish/town council members and 3 independent members. The remit of the sub committee will be to support parish and town councillors and their clerks in maintaining high standards of conduct, whether through training or otherwise, and for this purpose to maintain close links with the County Durham Association of Local Councils.”*

30. The Sub Committee subsequently adopted a Terms of Reference, attached as appendix 3 to this report. As per the Terms of Reference, the Sub Committee adopted action point 5 from the Standards Committee development strategy which is to develop communication links with local politicians, This is to improve awareness and understanding of the value of the Code of Conduct and the role and functions of the Standards Committee amongst the County's Parish and Town Councils with a view to reducing the number of complaints submitted to the Standards Committee.
31. In December 2010 the sub committee sent letters to all 104 Parish and Town Councils offering training and support in maintaining high standards of conduct. During the remainder of 2010/11 the Sub Committee attended 7 Parish/Town Councils to discuss issues such as the Code of Conduct, dual hatted Members and the future for standards following the Localism Bill. All visits undertaken have been extremely successful and well received with a number of local Councils requesting a return visit. At the end of 2010/2011 many more visits were already scheduled in to be undertaken and all subsequent visits will be reported in the 2011/12 Annual Report.

### **Local Government Ombudsman**

32. The Local Government Ombudsman is a Government established independent service which investigates complaints about a wealth of council matters.
33. A breakdown of Local Government Ombudsman business for the previous quarter is reported to each plenary session of the Standards Committee.
34. On an annual basis the Ombudsman undertakes a health check (now in its ninth year) on each relevant authority and produces an Annual Review letter which provides complaint based information aimed at assisting Councils to assess and review their performance. For information a copy of the recent Local Government Ombudsman Annual Review Letter is attached at appendix 4.

### **Training and Development**

35. The Standards Committee embarked on 2010/11 with extensive plans for training, development and indeed publicity. The financial year got off to a great start when the Standards Committee hosted the first Parish and Town Councils Conference, held in July 2010 at County Hall.



36. Much planning and preparation went into the Conference which mirrored in approach the Annual Assembly of Standards Committees. Delegates were invited from all of the County's 104 Parish and Town Councils and more than 100 people attended, with a broad mix of local councillors, clerks and chairs along with some members of the Standards Committee.
37. Presentations delivered during the event covered topics such as Quality Status, the Local Councils Charter and the Local Assessment process. The topics generated good debate and discussion with delegates and many attendees took the opportunity to seek clarification and ask questions on relevant issues.
38. All delegates were provided with an evaluation form and of those which were completed, the feedback proved extremely positive, with delegates commenting that the Conference had been informative, concise, well delivered and relevant.
39. In addition the Head of Legal and Democratic Services delivered two Member Seminars on Standards and the Code of Conduct, to which all Members of Durham County Council were invited.
40. However with the publication of the Decentralisation and Localism Bill and the future proposals for the future of Standards Committee's contained therein, the decision has been taken to hold back on training and development initiatives until such time as the future of Standards becomes clearer. The Parish and Town Councils Sub Committee of the Standards Committee will continue to deliver training and support to Parish and Town Councils in the meantime but no additional initiatives will be commenced at this time.

## **Moving Forward**

41. The Standards Committee is continually dedicated to its responsibility to champion and promote high standards of conduct amongst the County's local politicians. As such during the year 2010/11 so far the Standards Committee has adopted and implemented a Standards Committee Development Strategy, which sets out exactly how it will continue as a Committee to build and maintain the ethical framework of the authority. Accompanying the many commitments which are made within the Development Strategy is an Action Plan which details key performance indicators and targets that will support and aid to monitor the effectiveness of the strategy.
42. The Local Government Act 2000 established a Standards Board for England, the purpose of which was to ensure an independent process for investigating instances of unethical conduct by local authority Members, including allegations of breaches of the Code of Conduct.
43. However in December 2010 the government published the Decentralisation and Localism Bill which proposed that the Code of Conduct that was introduced under the Local Government Act will cease to have effect and the undertakings to comply with the Code of Conduct given by Members when they signed the declaration will also cease to have effect when the code ceases to have effect.

44. It is proposed that the Secretary of State's power to specify principles which cover a Code of Conduct removed and that the Secretary of State will have no power to issue a model Code of Conduct. The provisions compelling Local Authorities to adopt the Code of Conduct will be rescinded and the County Council will no longer have responsibility for the Code of Conduct in relation to Parish Councils. Furthermore the Standards regime will end and Standards for England will be abolished.
45. The impact of this on local authorities is so far unknown, and as of yet, despite the actual contents of the bill to date there has been a lack of clarity regarding the future of Standards Committees and the Code of Conduct following various debates in Parliament and amongst relevant groups.
46. From a County Council perspective, Constitution Working Group is working on a proposed position for the authority with regard adopting a future Code of Conduct. They have recently agreed to wait until a draft Code of Conduct is prepared by the Association of County Secretaries and Solicitors and further debates have been held in Parliament before looking at a future position further.
47. In the meantime the Standards Committee will continue to operate as usual, promoting the values of good governance and providing a robust, open and transparent system of handling Code of Conduct complaints.

## **Conclusion**

48. This is now the seventh Annual Report which the Committee has presented to the Council for consideration and the third which I have had the personal privilege to present as Chair of the Standards Committee.
49. The Standards Committee has continued to promote the principles and values of good governance within the Council and indeed with the introduction of the Parish and Town Council Sub Committee, the scope of this work has now developed across the County. The Members of the Standards Committee are committed, dedicated and hopeful that Durham County Council will, if necessary, opt for its future continuation.
50. Members views on the work of the committee and of the manner in which it reports to Council are always welcome.

## **Recommendations**

51. Council is asked to note the report.