

County Council

23 September 2015

**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 associated with the Standards Committee during 2014/15 and to set out the future direction which the Committee intends to take during 2015/16.

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 associated with the Standards Committee during the previous municipal year and then go on to communicate the future direction of the Standards Committee.

Membership of the Standards Committee

5. The Standards Committee is comprised of 11 County Council Members and 2 Parish/Town Council Members as follows:-

County Council Membership – 2014/15

Councillor J Armstrong – Chairman during 2014/15
Councillor M Williams – Vice Chairman during 2014/15

County Councillors E Bell, J Clark, M Dixon, B Graham, G Holland, E Huntington, I Jewell, W Stelling, B Stephens

Parish and Town Council Representatives

Terry Batson - is a consultant Arborist and a former Local Government Officer. Terry is also a Member of Tow Law Town Council

Ralph Harrison – is a former Member of Chester le Street District Council and continues to serve his local communities as a Member of Sacriston Parish Council and Kimblesworth & Plawsworth Parish Council.

Independent Persons

6. Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the standards process.
7. The functions of the Independent Persons are:
 - i. They 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.
 - ii. They 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 of the authority.
8. In September 2012 the Council appointed the following persons:-
 - i. John Dixon Dawson. John is from Peterlee and is currently Head of Post Graduate Programmes at the University of Sunderland Business School.

He has a career going back to 1986, which has involved various placements at universities in the North East, four years as a non-Executive Director at an NHS Trust and seven years as a Deputy Town Clerk.
 - ii. Peter William Jackson. Peter is from Newton Hall and is retired. Originally from the private sector having fulfilled the roles of Factory Manager, General Manager, Managing Director, Group Technical Executive and Sales Manager.
He has also served on the Youth Employment Committee of the Council and the Police Consultative Committee for Durham County Council.

Role of the Standards Committee

9. The Members of the Standards Committee have a common interest in that they believe in principled local politics and value their role as champions of high standards of conduct amongst local politicians.

10. 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 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) 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;
 - (h) the determination of allegations of misconduct on the part of Members and Co-opted Members of the Council and Parish and Town Council 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 the Officers' Code of Conduct;
 - (k) overview of the Protocol on Member/Officer Relations;
 - (l) overview of payments or provision of other benefits in cases of maladministration.

Parish and Town Council Sub-Committee

11. The Standards Committee will appoint a sub-committee comprising 3 Councillors. 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.

Code of Conduct Complaints

12. 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. Furthermore, the Monitoring Officer has delegated power, after consultation with the Independent Person and if appropriate, to determine whether a complaint merits formal investigation. Wherever practicable, the Monitoring Officer seeks resolution of complaints without formal investigation and she has discretion to refer decisions on investigation to the Standards Committee where she feels that it is inappropriate for her to take the decision. The Standards Committee receives a quarterly report on the discharge of this function.
13. During 2014/15 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:-

CODE OF CONDUCT COMPLAINTS 1 APRIL 2014 – 31 MARCH 2015

- **NUMBER OF COMPLAINTS** – 28 Complaints received.
- **SOURCE OF COMPLAINTS** – 4 of the complaints were received from councillors; 21 received from members of the public; 3 were received from Parish/Town Council employees.
- **SUBJECTS BY TYPE** – 8 complaints were about County Councillors; 12 complaints were about Parish Councillors; 8 complaints were about Town Councillors.
- **OUTCOMES** - 24 – No further action; 2 – Resolved with Local Resolution; 2 complaints are yet to be resolved.

This compares with the following number and breakdown for the year 2013/14:-

CODE OF CONDUCT COMPLAINTS 1 APRIL 2013 – 31 MARCH 2014

- **NUMBER OF COMPLAINTS** – 42 Complaints received.
- **SOURCE OF COMPLAINTS** – 9 of the complaints were received from councillors; 25 received from members of the public; 8 were received from Parish/Town Council employees.
- **SUBJECTS BY TYPE** – 9 complaints were about a County Councillors; 13 complaints were about Parish Councillors; 20 complaints were about Town Councillors.

- **OUTCOMES** - 34 – No further action; 8 – Resolved with Local Resolution (training/advisory visit from Deputy Monitoring Officer)

Work of the Standards Committee during 2014/15 – plenary meetings

14. During the period the Committee have met in plenary session on 4 occasions. 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.

Delegated Decisions

15. In accordance with Article 9, part I, the Standards Committee has the overview of payments or provision of other benefits in cases of maladministration. This is further reflected in Article 21c of the Constitution, page 108, paragraph 52, which provides for the Head of Legal and Democratic Services, in consultation with the Chairman of the Standards Committee, to make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended).

During 2014/15, 8 such payments were made following agreement and approval by the Chair of the Standards Committee and the Head of Legal and Democratic Services and further to findings of fault, maladministration and/or injustice by the Local Government Ombudsman. Payments ranged from £57.00 to £500.00.

Training and Development

16. Further to a request for training, the Chair of the Standards Committee accompanied officers to Bishop Auckland Town Council in September 2014. The Town Council had requested refresher training on the NALC Code of Conduct 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.

Moving Forward

17. 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 a training session will be hosted by the Chair of the Standards Committee and the Monitoring Officer in November 2015, to provide refresher training on the Code of Conduct to delegates from all local Parish and Town Councils. Similar sessions have been facilitated in previous years and are always well attended.
The Committee will continue to provide support and advice where necessary, to local Councils and in conjunction with the County Durham Association of Local Councils.

Conclusion

18. 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.
19. Members' views on the content of this report would be welcome.

Recommendation

20. It is recommended that Council notes the report.

Appendix 1: Implications

Finance – Covered in the body of the report.

Staffing – None specific within this report.

Risk – None specific within this report.

Equality and Diversity - None specific within this report.

Accommodation - None specific within this report.

Crime and Disorder - None specific within this report.

Human Rights - None specific within this report.

Consultation - None specific within this report.

Procurement - None specific within this report.

Disability Discrimination Act - None specific within this report.

Legal Implications - None specific within this report.