

Standards Committee

9 September 2016

Annual Report of the Standards Committee 2015/2016



Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To report on the work associated with the Standards Committee during 2015/16 and to set out the future direction which the Committee intends to take during 2016/17.

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.

Membership of the Standards Committee 2015/2016

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

County Council Membership

Councillor M Williams – Chairman
Councillor K Shaw – Vice Chairman

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

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

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

Independent Persons

4. Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process.
5. The functions of the Independent Persons are:
 - a) 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.
 - b) 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:-

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.

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.
9. On 23 September 2015 the Council agreed that an annual remuneration of £500 should be paid to the Independent Persons following a review of the function, and to reflect their wider role under the Localism Act 2011. This came into effect on 1 April 2016.
10. The Council also agreed a term of office for the Independent Persons. Previous independent members were appointed for a term of office of four years to allow for continuity, and at the meeting on 23 September 2015 the Council agreed that a similar term should be applied to the Independent Persons, commencing with effect from their date of appointment. The existing term of office is due to end in September 2016 and a report will be submitted to the County Council with proposals for appointment to the positions.
11. In 2015/2016 the Independent Persons were involved in 6 cases and 1 Local Investigation, compared to 10 cases and 1 Local Investigation in 2014/15.

Role of the Standards Committee

12. 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.
13. 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 (until May 2016).

Parish and Town Council Sub-Committee

14. Article 9 of the constitution enables the Standards Committee to 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. There have been no appointments to this Sub-Committee during 2015/16. Support and training has been carried out by officers.

Code of Conduct Complaints

15. 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. The Monitoring Officer has delegated power, after consultation with the Independent Person, 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.
16. During 2015/16 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:-

Year	1 April 2015 to 31 March 2016	1 April 2015 to 31 March 2015
Total no. of complaints received	56	28
Source of Complaints	Councillors 15 Members of the public 40 Parish/Town Council employee 1	Councillors 4 Members of the public 21 Parish/Town Council employee 3
Complaints against	County Councillors 12 Parish Councillors 18 Town Councillors 26	County Councillors 8 Parish Councillors 12 Town Councillors 8
Independent Persons Involved	6 (plus 1 Local Investigation)	10 (plus 1 Local Investigation)
Outcomes	No Further Action 44 Local Resolution 4 Local Investigation 1 - following 8 complaints in respect of 1 Parish Councillor	No Further Action 26 Local Resolution 2

17. There has been an increase in the number of complaints received in 2015/2016 compared to the previous year. This is partly due to groups of complainants submitting the same complaint in relation to a member. The Code of Conduct is intended to govern serious issues of misconduct. In the past year there are indications that it has been used by councillors as a tool or weapon against an individual with whom there is a political or personal difference of opinion. Members have been reminded through training events that they are elected to represent their constituents and should not be distracted from this by engaging in petty complaints.

Work of the Standards Committee during 2015/16 – plenary meetings

18. During the period the Committee has met in plenary session on 4 occasions. At each meeting the Committee received quarterly updates on the current status of all live complaints and complaints closed since the previous update. The Committee also received reports regarding the effectiveness of the Employee Code of Conduct, a minor change to the Members' Code of Conduct, and 1 Local Investigation Report.

Delegated Decisions

19. Prior to changes to the Constitution in May 2016 the Standards Committee had an oversight of payments or provision of other benefits in cases of maladministration. The Head of Legal and Democratic Services, in consultation with the Chairman of the Standards Committee, was authorised 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 2015/16, 8 such payments were made following agreement and approval by the Chair of the Standards Committee and the Head of Legal and Democratic Services further to findings of fault, maladministration and/or injustice by the Local Government Ombudsman. Payments ranged from £50.00 to £1000.00.

This function is now undertaken by the Head of Legal and Democratic Services, in consultation with the Chairman of the Corporate Issues Overview and Scrutiny Committee following the transfer of the oversight of the Council's complaints process to Corporate Issues Overview and Scrutiny Committee.

Training and Development

20. On 18 November 2015 the Chair of the Standards Committee and the Monitoring Officer hosted a refresher training session on the Code of Conduct for delegates from all Parish and Town Councils. The session was well-attended and generated good debate and discussion. An individual refresher training session was held for members of Ferryhill Town Council on 25 January 2016.

Moving Forward

21. The Standards Committee is continually dedicated to its responsibility to champion and promote high standards of conduct amongst the County's local politicians. 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. Elections to the County Council and Parish and Town Councils are to be held in May 2017 when training on the Code of Conduct for new members will be arranged.

Conclusion

22. 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.
23. Members' views on the content of this report are invited.

Recommendation

24. It is recommended that:-
 - a) Standards Committee note the report and;
 - b) the report be presented to the County Council on 21 September 2016.

Appendix 1: Implications

Finance – Covered in the body of the report.

Staffing – None specific to this report.

Risk – None specific to this report.

Equality and Diversity - None specific to this report.

Accommodation - None specific to this report.

Crime and Disorder - None specific to this report.

Human Rights - None specific to this report.

Consultation - None specific to this report.

Procurement - None specific to this report.

Disability Discrimination Act - None specific to this report.

Legal Implications - None specific to this report.