

## **Standards Committee**

**1 September 2017**

## **Annual Report of the Standards Committee 2016/2017**



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## **Report of Helen Lynch, Head of Legal and Democratic Services**

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### **Purpose of the Report**

1. To report on the work associated with the Standards Committee during 2016/17 and to set out the future direction which the Committee intends to take during 2017/18.

### **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 2016/2017**

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

#### **County Council Membership**

Councillor K Shaw – Chairman  
Councillor B Kellett – Vice Chairman

County Councillors J Clark, M Dixon, B Graham, G Holland, E Huntington, J Lindsay, M Nicholls, W Stelling and 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 community as a Member of Sacriston 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 to appoint the Independent Persons for a term of office of four years with effect from September 2012 and accordingly the term of office ended in September 2016. At its meeting on 21 September 2016 the County Council agreed to re-appoint Mr Dixon-Dawson and Mr Jackson for a further four year term in order to keep continuity of expertise in relation to the Council's standards regime.
11. In 2016/2017 the Independent Persons were involved in 1 Standards Committee Hearing Panel, compared to their involvement in 6 cases and 1 Local Investigation in 2015/2016.

## **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 2016/17. 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 2016/17 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:-

Year	1 April 2016 to 31 March 2017	1 April 2015 to 31 March 2016
<b>Total no. of complaints received</b>	70	56
<b>Source of Complaints</b>	Councillors 35 Members of the public 20 Parish/Town Council employee 3	Councillors 15 Members of the public 40 Parish/Town Council employee 1
<b>Complaints against</b>	County Councillors 12 Parish Councillors 13 Town Councillors 43 Dual-hatted 2	County Councillors 12 Parish Councillors 18 Town Councillors 26
<b>Independent Persons Involved</b>	1	6 (plus 1 Local Investigation)
<b>Outcomes</b>	No Further Action 66 Local Resolution 4 Standards Committee Hearing Panel 1	No Further Action 44 Local Resolution 4 Local Investigation 1

17. There has been an increase in the number of complaints received in 2016/2017 compared to the previous year. The Code of Conduct is intended to govern serious issues of misconduct and more recently there has been an increase in

complaints received about the use of social media and postings on personal facebook pages.

### **Work of the Standards Committee during 2016/17 – plenary meetings**

18. During the period the Committee has met 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 proposals for minor revisions to the Local Assessment Procedure, options for the future assessment of Code of Conduct complaints, the Annual Report of the Committee on Standards in Public Life for 2016/2016 and its Forward Plan for 2016/2017, and the outcome of a Standards Committee Hearing Panel.

### **Training and Development**

19. On 26 July 2016 a regional training session was held for Members of the Standards Committee and Independent Persons which covered matters such as the role of the Committee, the role of the Chair and Independent Persons, sanctions and procedures. The Monitoring Officer hosted training sessions on the Code of Conduct for Horden Parish Council on 27 July and 21 September 2016, and hosted a session for Etherley Parish Council on 10 November 2016.

### **Moving Forward**

20. 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 were held in May 2017 and training on the Code of Conduct for all new County Council members was held on 15 May 2017 which although not mandatory was attended by 33 out of the 41 new members. The Monitoring Officer will host a session on 3 October 2017 for all Parish and Town Councils, which will include training on the use of social media.

### **Conclusion**

21. 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.
22. Members' views on the content of this report are invited.

## **Recommendation**

23. It is recommended that:-

- a) Standards Committee note the report and;
- b) the report be presented to the County Council on 20 September 2017.

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## **Appendix 1: Implications**

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**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** – 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 and to have in place arrangements under which allegations can be investigated and decisions made. As explained in paragraph 2 of this report, the publication of an Annual Report aids the public understanding and awareness of the committee's work and demonstrates how the Council discharges its s. 27 duty.