

DURHAM COUNTY COUNCIL

STANDARDS COMMITTEE

At a Meeting of **Standards Committee** held in Committee Room 1A - County Hall, Durham on **Thursday 7 June 2018 at 10.00 am**

Present:

Councillor E Huntington (Chair)

Members of the Committee:

Councillors J Atkinson, A Bainbridge, E Bell, J Bell, J Clark, M Clarke, J Nicholson and A Savory

Co-opted Members:

Town Councillor T Batson and Parish Councillor R Harrison

1 Apologies for Absence

Apologies for absence were received from Councillors B Kellett and D Stoker.

2 Declarations of Interest

Councillor E Bell declared an interest in the Code of Conduct Update report. The interest was not a disclosable pecuniary interest or other relevant interest, and the Member remained in the meeting during the consideration of the item.

3 Minutes

The Minutes of the meeting held on 22 March 2018 were agreed as a correct record and were signed by the Chair.

4 Code of Conduct Update

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which provided Members with an update on activity since the last meeting in respect of complaints received by Durham County Council (for copy see file of Minutes).

Members were informed by the Governance Solicitor that since the Agenda had been circulated decision notices had now been issued for all complaints, and the Monitoring Officer was to provide training for the two Councils at complaints ref:- COM 138 and COM 141, 143-145 in Appendix 2, where local resolution had been decided. Dates for the training had been agreed in June and July 2018.

Resolved:

That the report be noted.

5 Standards Update

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which informed Members of the 'national picture' on standards issues affecting local government (for copy see file of Minutes).

Members discussed the Committee on Standards in Public Life's call for consultation on improving ethical standards in third party providers of public services, and the response to the consultation exercise regarding the review of local government ethical standards. Following a question from Councillor Batson about how the Council was making its views known in relation to the standards regime, the Head of Legal and Democratic Services and Monitoring Officer referred the Member to the response to the consultation attached at Appendix 2 of the report, and also to a previous consultation regarding disqualification criteria for Councillors. Both consultations had been considered by the Standards Committee and Constitution Working Group, and any further opportunities to submit views would be reported to Members. In addition the Officer was a member of Lawyers in Local Government which had a voice with organisations such as the Local Government Association and the Society of Local Council Clerks, which were useful forums to express the views of Councils in relation to the standards regime. All Town and Parish Councils had also been invited to respond to the consultation.

Councillor Clark noted that the Committee had been advised previously that Code of Conduct training was not mandatory and asked if this was likely to change as part of the review. The Member was informed that the inability of Councils to compel Members to comply with recommended actions and the lack of sanctions had been raised as part of the response to the consultation. It had also been said that mandatory training for all elected members would improve ethical standards, and this was being explored for Durham County Councillors as part of a review of member development, but it would be more difficult under the present regime to require Town and Parish Councillors to attend Code of Conduct training.

Councillor Clark referred to the new guidance on scrutiny committees to be published later this year and hoped that training would be provided on any changes to the overview and scrutiny system.

Resolved:

That the report be noted, and Officers monitor the progress of the matters referred to and update the Committee.

6 Local Assessment Procedure for Code of Conduct Complaints

The Committee considered a report of the Head of Legal and Democratic Services which presented proposals for the revision of the Council's Local Assessment Procedure for Code of Conduct complaints (for copy see file of Minutes).

Members considered the proposed revisions which were set out in the report. Councillor Bell made the point that when a complaint was made against a Councillor and the outcome of assessment was No Further Action, there was no recourse for the Councillor against the individual who had made the allegations. Despite a decision of No Further Action it could have implications for a Councillor's reputation and at election time. The Head of Legal and Democratic Services and Monitoring Officer sympathised with the position but elected officials were subject to a greater level of scrutiny than members of the public and there was limited action that could be taken in these circumstances. However it was important that any complaint was examined in accordance with the Local Assessment Procedure and the decision notice should clearly give reasons why a complaint was not to be pursued.

Resolved:

- a) That the Equality Monitoring information be omitted from the Procedure with immediate effect;
- b) The views of Constitution Working Group be sought on the remainder of the proposed changes to the procedure before reconsideration at a future meeting of the Standards Committee.

7 Social Media Guidance

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer which discussed draft Social Media Guidance for Councillors and sought approval for consultation (for copy see file of Minutes).

Resolved:

That the draft Guidance attached at Appendix 2 in the report be agreed for consultation. The consultation to last for six weeks and invite views both on the content of the draft Guidance and whether or not it should constitute formal policy.