

County Council

31 October 2018

**Annual Report of the Standards
Committee 2017/2018**



Report of Helen Lynch, Head of Legal and Democratic Services

Purpose of the Report

1. To inform the Council of the work of the Standards Committee during 2017/18 and to set out the future direction which the Committee intends to take during 2018/19.

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. References to Articles in the Council's Constitution in this report are to those that existed during 2017 – 2018. It has since been amended, and the Standards Committee's Terms of Reference are now set out in Article 7.

Membership of the Standards Committee 2017/2018

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

County Council Membership

Councillor B Kellett – Chairman
Councillor E Huntington – Vice Chairman

County Councillors E Bell, J Bell, J Clark, M Clarke, T Henderson, M McGaun, M McKeon, J Nicholson and A Savory.

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

5. Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process.
6. 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.
7. 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.
8. The Independent persons were appointed for a four year term with effect from 25 September 2016 and this is their second term of office.
9. In 2017/2018 the Independent Persons were involved in seven cases and one Standards Committee Hearing Panel.

Role of the Standards Committee

10. 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.
11. 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.

Parish and Town Council Sub-Committee

12. Article 9 of the Constitution enables the Standards Committee to appoint a sub-committee comprising three 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 2017/18. Support and training has been carried out by officers.

Code of Conduct Complaints

13. 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 to the Standards Committee where she feels that it is inappropriate for her to make the decision. The Standards Committee receives a quarterly report on the discharge of this function.
14. During 2017/18 the number and breakdown of complaints regarding breaches of the Code of Conduct was as follows:-

Year	1 April 2017 to 31 March 2018	1 April 2016 to 31 March 2017
Total no. of complaints received	41	70
Source of Complaints	Councillors 14 Members of the public 25 Parish/Town Council employee 1 Anonymous 1	Councillors 35 Members of the public 20 Parish/Town Council employee 3
Complaints against	County Councillors 13 Parish Councillors 13 Town Councillors 15 Dual-hatted 0	County Councillors 12 Parish Councillors 13 Town Councillors 43 Dual-hatted 2
Independent Persons Involved	7 plus 1 Standards Committee Hearing Panel	4 plus 1 Standards Committee Hearing Panel
Outcomes	No Further Action 30 Local Resolution 8 Local Investigation 3 Standards Committee Hearing Panel 1	No Further Action 66 Local Resolution 4 Standards Committee Hearing Panel 1

15. There has been a decrease in the number of complaints received in 2017/2018 compared to the previous year but there has been an increase in the number of complaints where Local Resolution was recommended, and three were referred for Local Investigation by the Monitoring Officer. Of the total number of complaints received, eight of these related to the behaviour of Councillors in meetings and seven were allegations regarding the perceived inappropriate use of social media.

Work of the Standards Committee during 2017/18

16. During the year the Committee has met on four occasions. The Committee received updates on the current status of complaints and of the 'national picture' on Standards issues affecting Local Government. A Work Programme for the Committee was agreed at the December 2017 meeting.
17. The Committee was consulted on proposals by the Department for Communities and Local Government to update disqualification criteria for local members, and agreed revisions to the Code of Conduct and the protocol on member/officer relations which were adopted by the Council in May 2018. The Committee also commented on the review of Local Ethical Standards undertaken by the Committee for Standards in Public Life.
18. The Chair and Vice-Chair of the Committee accompanied the Monitoring Officer to the regional meeting of Monitoring Officers, Chairs/Vice-Chairs of Standards Committees and Independent Persons on 2 April 2017.

Training and Development

19. 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 held a training session on the Code of Conduct for all Parish and Town Councils on 3 October 2017 which was attended by representatives from 18 Parish Councils. At the request of Cornforth Parish Council the Governance Solicitor provided Code of Conduct training to its members on 13 November 2017. Neighbouring Parish/Town Councils Bishop Middleham, Ferryhill, Chilton and Kirk Merrington were invited to the session.
20. Members of the Standards Committee attended a regional training session on the use of social media on 10/11 October 2017, and the Chair and Vice-Chair of the Committee observed a meeting of Newcastle City Council's Standards Committee on 13 October 2017.

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.
22. Complaints regarding the perceived inappropriate use of social media platforms are on the increase both locally and nationally, and Guidance is being developed on this topic to assist both County and Parish and Town Council Members. Changes to the Local Assessment Procedure which are designed to give greater clarity to assessing and investigating complaints, are being considered.

Conclusion

23. 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.

Recommendation

- a) Council is asked to note the report.

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Appendix 1: Implications

Finance – None specific to this 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.