

North Tyneside Council Report to Council Date: 16 May 2013

ITEM 18

Title: Governance
Committee - Annual
Report and Action Plan

Report from Directorate: Chief Executive's Office

Report Author: Vivienne Geary, Head of Law and Governance (Tel: 643 5339)

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Wards affected: All

1.1 Purpose:

To provide a report on:

- a) the work of the Governance Committee from its creation on 1 July 2012 to 31 March 2013; and
- b) the action plan/work programme of the Governance Committee for 2013/14.

1.2 Recommendation(s):

Council is requested to note and receive the Annual Report/Work Programme of the Governance Committee for 2013/14.

1.3 Information

Central Government's modernisation agenda for local government in the late 1990's included the introduction of a new ethical framework for local government. This followed on from the Nolan report on Standards in Public Life published in 1995.

The Local Government Act 2000 provided the statutory basis for this and a key element was that Authorities were required to set up Standards Committees.

The Localism Act 2011 introduced changes to the Local Government Act 2000 with effect from 1 July 2012 and the Council abolished the Standards Committee and established a Governance Committee in response to the new requirements in relation to ethical governance.

1.3.1 The Governance Committee's role

The Governance Committee's terms of reference are set out in Appendix 1 to this report. The Committee's ongoing role is to consider what actions it should undertake to promote high standards of behaviour by Members and Co-opted Members.

The Committee's terms of reference require the preparation of an Annual Report for submission to the Annual Meeting of the Council. The Annual Report contains the Governance Committee's work programme for 2013/14.

1.3.2 Membership of the Governance Committee

The following are the Members of the Governance Committee for the municipal year 2012/13:

Councillors J Allan, R Glindon, N J Huscroft, C Johnson, P Mason, M Madden, T Mulvenna, J O'Shea and G Westwater. The Committee is chaired by Councillor T Mulvenna. The Deputy Chair is Councillor C Johnson.

Mr G Clark and Mrs S Gardner have been appointed by the Council to act as Independent Persons in relation to the operation of the Authority's Code of Conduct. Mr Clark and Mrs Gardner attend meetings of the Governance Committee as guests of the Committee.

1.3.2 What has been done

Meetings of the Governance Committee

The Governance Committee has met on five occasions in 2012/13. The work of the Governance Committee in the last year is set out in the body of this report.

The number of meetings and the percentage of attendance of Members at meetings of the Governance Committee in accordance with the signed attendance sheets is set out below:

Councillor	No of Meetings and percentage attended	Apologies submitted
Councillor J Allan	4 (80%)	Yes
Councillor R Glindon	2 (40%)	Yes on one occasion
Councillor N J Huscroft	1 (20%)	None received
Councillor C Johnson	5 (100%)	N/A
Councillor P Mason	2 (40%)	Yes on all occasions
Councillor M Madden	4 (80%)	Yes
Councillor T Mulvenna	5 (100%)	N/A
Councillor J O'Shea	5 (100%)	N/A
Councillor G Westwater	0 (0%)	Yes on 4 occasions

The Governance Committee established a Sub-Committee in 2012/13. The Governance Sub-Committee was established to consider requests for dispensations from the requirements of the Code of Conduct for Members and to consider reports of complaints for potential breaches of the Code of Conduct for Members referred for investigation. The Sub-Committee has met on three occasions. The membership of the Sub-Committee is drawn from the membership of the full committee by invitation to all Members on a first response basis. The Sub-Committee, to maintain political balance, requires 2 Labour Members and 1 Conservative Member.

Councillor	No of Meetings attended	Apologies submitted
Councillor J Allan	3 (100%)	N/A
Councillor R Glindon	0 (0%)	Not required
Councillor N J Huscroft	0 (0%)	Not required
Councillor C Johnson	0 (0%)	Not required
Councillor P Mason	3 (100%)	N/A
Councillor M Madden	0 (0%)	Not required
Councillor T Mulvenna	3 (100%)	N/A
Councillor J O'Shea	0 (0%)	Not required
Councillor G Westwater	0 (0%)	Not required

Councillors Huscroft and Westwater have previously indicated that due to work commitments they find it difficult in attending the 4.00pm commencement time of the Governance Committee.

At the meeting of the Committee held on 22 November 2012 those Members present were reminded that they could appoint a substitute to attend meetings in their absence subject to the substitute having completed the relevant training. A note was circulated to this effect to all Members of the Committee prior to the next meeting of the Committee on 10 January 2013.

Complaints under the Code of Conduct for Members and Co-opted Members

The Governance Committee from 4 July 2012 to 31 March 2013 has carried out 17 local assessments of complaints against Members of which: 1 was referred for investigation; 6 were referred to the Monitoring Officer for further action; and 10 where no further action was taken.

4 of the complaints were submitted by members of the public the remaining 13 were submitted by Members of the Council.

Action Plan for 2012/13

The Action Plan for 2012/13 has been monitored by the Committee at each meeting.

The Governance Committee is responsible for the Council's statutory duty to promote and maintain high standards of conduct by the Elected Mayor, Councillors and Co-opted Members. The Committee had worked to discharge this duty by undertaking the following actions:

Action	Why	By When	Status/Suggested action
Monitor the operation of the new Members' Code of Conduct.	To ensure that it is operating effectively	Ongoing	Ongoing.
Re-examine the operation of the Register of Interests in light of the new Code of Conduct.	To ensure that all Members have registered their interests in accordance with the Code	January 2013	Survey of Member's views undertaken. Outcome of survey reported to Governance

			Committee on 21 March 2013.
Review the Whistle-blowing Procedure for Members.	To ensure that it is operating effectively	December 2012	Completed.
Review the assessment criteria for complaints against Members in the local filter process	To ensure that it is operating effectively	January 2013	Defer until 5 complaints have been received and assessed.
Develop an on going programme of meetings with invited guests, including the Elected Mayor, the Chief Executive, Strategic Directors, Group Leaders, the Chair and Deputy Chair of Council and the Chairs of the Overview and Scrutiny Committee and the Planning Committee.	To develop a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards.	Arrangements are currently being undertaken to facilitate the attendance of guests to meetings of the Governance Committee	Ongoing. Rescheduled for 2013/14.
To provide training for the Committee on relevant ethical standards issues	Training on local assessment, the Code of Conduct and other relevant matters/legislation.	Ongoing	Training provided. Update training planned to take place in the new municipal year.
To make training available to all Council Members on ethical governance, ethical standards issues including arrangements with respect to the granting of dispensations for all Members.	To ensure all members receive information on ethical governance, ethical standards to minimise risk of unwitting breaches of the Code of Conduct	In advance of budget setting process	Training provided on 10 January 2013 and via an online training package.
Continue production of Annual Governance Committee Report	Presentation of Annual Report of the work of the Committee during the previous 12 months at Annual Council Meeting.	By end of each municipal year	Completed
Consider holding a regional Governance/Standards Committee Regional Conference.	To facilitate a dialogue and discussion about ethical governance and the application of the Code of Conduct for Members	May 2013	Considered at Governance Committee on 17 January 2013. Delay until new Municipal Year when there was more information and comparable data available

			across the region.
Encourage the Chairs and Deputy Chairs of Governance/Standards Committees to meeting in a regional forum	To facilitate a dialogue and discussion about ethical governance and the application of the Code of Conduct for Members	May 2013	Subject to discussion with other Authorities. Feedback awaited to proposal that Independent Persons be included in such meetings
To provide training to the Independent Persons on their role	To ensure that the Authority's Independent Persons understand their role in relation to ethical governance and the Code of Conduct for Members	November 2012	Completed

1.3.3 The Governance Committee's - Future Work/Action Plan up to 31 March 2014

This Action Plan will be monitored by the Committee at each meeting and the progress of the identified actions will reported in the Committee's Annual Report in May 2014.

The Governance Committee is responsible for the Council's statutory duty to promote and maintain high standards of conduct by the Elected Mayor, Councillors, Co-opted Members. The Committee will work to discharge this duty by undertaking the following actions:

Action	Why	By When
Monitor the operation of the new Members' Code of Conduct.	To ensure that it is operating effectively	Ongoing
Review the Authority's local arrangements for considering complaints against Members.	To ensure that it is operating effectively and transparently with appropriate ownership of the procedure by Members	July 2013
Develop an on going programme of meetings with invited guests, including the Elected Mayor, the Chief Executive, Strategic Directors, Group Leaders, the Chair and Deputy Chair of Council and the Chairs of the Overview	To develop a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards.	Ongoing

and Scrutiny Committee and the Planning Committee.		
To provide training for the Committee on relevant ethical standards issues	Training on local assessment, the Code of Conduct and other relevant matters/legislation.	Ongoing
To make training available to all Council Members on ethical governance, ethical standards issues including arrangements with respect to the Code of Conduct; granting of dispensations, the use of Social Media and declaring interests.	To ensure all members receive information on ethical governance, ethical standards to minimise risk of unwitting breaches of the Code of Conduct	May 2013
Continue production of Annual Governance Committee Report	Presentation of Annual Report of the work of the Committee during the previous 12 months at Annual Council Meeting.	By end of each municipal year
Consider holding a regional Governance/Standards Committee Regional Conference.	To facilitate a dialogue and discussion about ethical governance and the application of the Code of Conduct for Members	Decision whether to hold such an event - September 2013
Encourage the Chairs and Deputy Chairs of Governance/Standards Committees to meeting in a regional forum	To facilitate a dialogue and discussion about ethical governance and the application of the Code of Conduct for Members	Mid June. Favourable responses from authorities in the region have been received to this event.
To provide training to the Independent Persons on their role	To ensure that the Authority's Independent Persons understand their role in relation to ethical governance and the Code of Conduct for Members	November 2013

1.4 Appendices:

Appendix 1 – Governance Committee Terms of Reference

1.5 Contact officers:

Vivienne Geary, Head of Law and Governance (0191) 643 5339

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1.6 Background information:

Reports to and Minutes of Governance Committee Meetings

Stephen Ballantyne
Report author.....

Governance Committee

Membership – 9

Quorum – 5

Terms of Reference

The following functions are the responsibility of the Governance Committee:

1. To promote and maintain high standards of conduct by the Elected Mayor, Councillors, Co-opted Members and church and parent governor representatives.
2. To ensure the Elected Mayor, Councillors and Co-opted Members and church and parent governor representatives observe the Members' Code of Conduct.
3. To advise the Council on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train the Elected Mayor, Councillors and Co-opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct and Disclosable Pecuniary Interests.
6. To grant dispensations to the Elected Mayor, Councillors and Co-opted Members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
7. To monitor complaints received by the Council in respect of the Members' Code of Conduct.
8. To review the Whistle-blowing policy for Members.
9. To conduct hearings following investigation and determine complaints made against Councillors (including following requests for review).
10. Where a Member is found to have failed to comply with the Code of Conduct to take such action as may be necessary to promote and maintain high standards of conduct, in accordance with the powers available to the Committee.
11. To amend the assessment criteria for complaints against Members (included in the Council's adopted arrangements) as it considers appropriate from time to time.
12. To undertake such further functions as may be the responsibility of the Committee under the Council's adopted arrangements in relation to the handling of complaints against Members.
13. To approve the contents of an annual report summarising the work of the Committee over the previous year for submission to the Annual Council meeting.