

# North Tyneside Council

## Report to Council

### Date: 24 July 2014

## ITEM 6

Title: Standards  
Committee - Annual  
Report and Appointment  
of Independent Persons

Portfolio(s): Elected Mayor

Cabinet Member(s): Mrs N Redfearn

Report from Service  
Area:

Chief Executive's

Responsible Officer:

Vivienne Geary, Head of Law and  
Governance

(Tel: (0191) 643  
5339)

Wards affected:

All

### PART 1

#### 1.1 Purpose:

To provide a report to Council on:

- a) the work of the Standards Committee from 1 April 2013 to 31 March 2014 and the action plan/work programme of the Standards Committee for 2014/15; and
- b) the extension of the appointments of Ms Stella Gardner and Mr George Clark as the Authority's Independent Persons, pursuant to the requirements of the Localism Act 2011. The Authority's current Independent Persons were appointed by Council in 2012, in accordance with the requirements of the Localism Act 2011.

#### 1.2 Recommendation(s):

Council is requested to:

1. note and receive the Annual Report/Work Programme of the Standards Committee for 2014/15; and
2. approve the extension of the appointment of Ms Stella Gardner and Mr George Clark as Independent Persons, pursuant to the requirements of the Localism Act 2011, for a further period of 2 years to July 2016.

#### 1.3 Forward Plan:

This report first appeared on the Forward Plan that was published on 30 June 2014.

#### 1.4 Council Plan and Policy Framework

This report does not relate directly to any of the themes/programmes/projects in the Council Plan (Our North Tyneside Plan).

## **1.5 Standards Committee Annual Report and Work Programme**

1.5.1 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.

Following a further review of the Authority's Local Arrangements in respect of dealing with complaints under the Code of Conduct for Members, Council in September 2013, along with other changes to the Local Arrangements, renamed the Governance Committee as the Standards Committee.

### **1.5.2 The Standards Committee's role**

The Standards 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.

### **1.5.3 Membership of the Standards Committee**

The following were the Members of the Standards Committee in 2013/14:

Councillors Jim Allan, Councillor Frank Lott, Councillor Paul Mason, Councillor Jean McLaughlin, Councillor John O'Shea, Councillor Lesley Spillard and Councillor Michael Huscroft. The Committee was chaired by Councillor David Corkey. The Deputy Chair was Councillor Carl Johnson.

Mr George Clark and Mrs Stella 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 are invited to attend meetings of the Standards Committee.

### **1.5.4 What has been done**

#### **Meetings of the Standards Committee**

The Standards Committee met on 4 occasions in 2013/14. The work of the Standards Committee in the last year is set out in the body of this report and the Action Plan outcome table detailed below.

The Standards Committee has a sub-committee. The Standards Sub-Committee was established to consider requests for dispensations from the requirements of the Code of Conduct for Members and to consider complaints of potential breaches of the Code of Conduct for Members. The sub-committee has met on 4 occasions.

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

In accordance with the Authority's Local Arrangements, from 1 April 2013 to 31 March 2014 there was only 1 local assessment of a complaint against a Members carried out. This complaint was referred for investigation.

The Sub-Committee received and accepted a report into this complaint that concluded that no breach of the Code of Conduct for Members had occurred.

The Sub-Committee also undertook a hearing into 1 complaint that had been referred for investigation. That complaint had been received in the previous municipal year. The Sub-Committee found that no breach of the Code of Conduct for Members and Co-Opted Members had occurred.

### 1.5.6 Public Engagement on Code of Conduct for Members and Co-opted Members

The Committee, at its December 2013 meeting, requested that a public engagement exercise be undertaken to gauge the public's perception of Member behaviour and the requirement for the Authority to have a Code of Conduct.

Engagement events were organised and took place in late April and June 2014. Participants were invited from the Residents Panel and the Youth Council. Both events were successful and positive feedback was received from the participants in relation to how the event was organised and run.

A report summarising the feedback received from participants was provided at the June meeting of the Standards Committee and further work in relation to seeking Member's views on the feedback will be undertaken via Member Briefings in September and October 2014.

### 1.5.7 Action Plan for 2013/14

The Action Plan for 2013/14 has been monitored by the Committee at each meeting.

The Standards Committee is responsible for the Authority'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
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	Completed. New arrangements approved at Council Meeting on 26 September 2013.

<p>Develop an ongoing 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.</p>	<p>To develop a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards.</p>	<p>Ongoing</p>	<p>Ongoing. The Elected Mayor and Interim Chief Executive attended the Committee on 6 June 2013. The current Chief Executive attended the Committee on 5 December 2013. The Chair and Deputy Chair of the Council and the Chair of the Overview and Scrutiny Committee attended the Committee on 6 March 2014.</p>
<p>To provide training for the Committee on relevant ethical standards issues</p>	<p>Training on local assessment, the Code of Conduct and other relevant matters/legislation.</p>	<p>Ongoing</p>	<p>Ongoing.</p>
<p>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.</p>	<p>To ensure all members receive information on ethical governance, ethical standards to minimise risk of unwitting breaches of the Code of Conduct</p>	<p>May 2013</p>	<p>Completed. On-line training via the Learning Pool is available to all Members in relation to the requirements of the Code of Conduct, declaring interests, dispensations and the use of social media.</p>
<p>Continue production of Annual Standards Committee Report</p>	<p>Presentation of Annual Report of the work of the Committee during the previous 12 months.</p>	<p>By end of each municipal year</p>	<p>Ongoing.</p>

Consider holding a 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	The meeting of Chair and Deputy Chairs in a regional forum (see below) overtook the requirement for a regional conference. This will be reconsidered as part of the new year's work programme.
Encourage the Chairs and Deputy Chairs of 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.	Completed. First meeting held on 25 June 2013. Further meeting held on 31 January 2014.
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	Completed. Training event held on 20 January 2014.

#### 1.5.8 The Standards Committee's - Future Work/Action Plan up to 31 March 2015

This Action Plan will be monitored by the Standards Committee at each meeting and the progress of the identified actions will be reported in the Committee's Annual Report in May 2015. The Standards Committee is responsible for the Authority's statutory duty to promote and maintain high standards of conduct by the Elected Mayor, Councillors and 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
To continue to develop an on going programme of meetings with invited guests, including the Elected Mayor, the Chief	To develop a dialogue between the Committee, and members and appropriate Officers relating to ethical	Ongoing

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.	governance and ethical standards.	
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 review 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	September 2014. Results of a survey detailing Members' views of the current training provision was presented to the Committee's meeting in June 2014. The results of that feedback will be used to review the available training.
Continue production of Annual Governance Committee Report	Presentation of Annual Report of the work of the Committee during the previous 12 months.	By end of each municipal year
Consider holding a regional Standards Committee 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 - July 2014 at regional forum of Chairs and Deputy Chairs of Standards Committees (see below)
Encourage the Chairs and Deputy Chairs of Standards Committees to meet in a regional forum	To facilitate a dialogue and discussion about ethical governance and the application of the Code of Conduct for Members	An event is currently scheduled for September 2014 and will be hosted by Northumberland County Council.
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 2014

To review the Authority's Local Arrangements for dealing with Complaints under the Code of Conduct	To ensure that the Authority's Local Arrangements meet the requirements and expectations of the Members and the relevant legislation.	September 2014
--	---	----------------

### 1.5.9 Appointment of Independent Persons

The Localism Act 2011 requires the Authority to appoint at least one Independent Person. The Independent Person's views are required to be sought and taken into account before the Authority's Standards Committee makes a decision on the investigations made into any allegations that a Member or Co-opted Member has failed to comply with the requirements of the Code of Conduct for Members and Co-opted Members, and at other times when considered appropriate. An Independent Person's views may also be sought by a Member who is the subject of a misconduct complaint.

The Council at its meeting on 1 July 2012 agreed to the appointment of two Independent Persons, in order to deal with situations where one Independent Person is ill, indisposed, away on holiday, or indeed has a conflict of interest in a matter on which they have to be consulted.

Mr George Clark was appointed at the July 2012 Council meeting as one of the Independent Persons. A second appointment at that meeting was not possible and Council authorised the Monitoring Officer to undertake a further recruitment process.

Mrs Stella Gardner was appointed at the September 2012 Council Meeting.

Mr Clark and Mrs Gardner were appointed for a period of 2 years with an option to extend the appointment for a further 2 years. This allowed for a balance between acquired proficiency and a possible perceived diminution of independence.

Mr Clark and Mrs Gardner have both indicated a willingness to continue in the role of Independent Person for a further period of 2 years.

The allowance to be paid to the Independent Persons has been determined by Council and is contained within existing budgets.

## 1.6 **Decision options:**

The following decision options are available for consideration by Council:

### Option 1

To note and receive the Annual Report/Work Programme of the Standards Committee for 2014/15 and agree to the appointment of the Independent Persons to July 2016 as set out in the report.

### Option 2

To refer the Annual Report/Work Programme of the Standards Committee for 2014/15 back to the Standards Committee for further consideration but agree to the appointment of the Independent Persons to July 2016 as set out in the report.

### Option 3

To note and receive the Annual Report/Work Programme of the Standards Committee for 2014/15 but not agree to the appointment of the Independent Persons to July 2016 as set out in the report and refer the appointment of Independent Persons back to the Standards Committee.

### Option 4

To refer the Annual Report/Work Programme of the Standards Committee for 2014/15 back to the Standards Committee for further consideration and not agree to the appointment of the Independent Persons to July 2016 as set out in the report and refer the appointment of Independent Persons back to the Standards Committee.

Option 1 is the recommended option.

## **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The Annual Report/Work Programme of the Standards Committee for 2014/15 provides a record of the work of the Standards Committee over the past year and provides an achievable work programme for the Committee in relation to the Authority's duty to promote and maintain standards of Members' behaviour for the next year. In respect of the appointment of Independent Persons the continued appointment of Mr Clark and Mrs Gardner will provide continuity in relation to advice relating to the application of the Authority's Code of Conduct for Members and Co-opted Members.

## **1.8 Appendices:**

Appendix 1 – Standards Committee Terms of Reference

## **1.9 Contact officers:**

Stephen Ballantyne – Lawyer Specialist – Governance and Employment, Law and Governance, tel. (0191) 643 5329.

Alison Campbell – Finance Business Manager, tel. (0191) 643 7038.

## **1.10 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

None.

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

The allowance to be paid to the Independent Persons has been determined by Council and will be contained within existing budgets.



## **2.2 Legal**

The Localism Act 2011 places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members and to appoint Independent Persons.

## **2.3 Consultation/community engagement**

### **2.3.1 Internal Consultation**

The Standards Committee at its meeting on 19 June 2014 considered and approved the annual report/work programme and the extension of the appointments of the Independent Persons. Both matters were referred to this Council meeting.

### **2.3.2 External Consultation/Engagement**

There has been no external consultation in relation to the annual report/work programme and the extension of the appointment of the Independent Persons as both matters relate to the internal governance of the Authority.

## **2.4 Human rights**

There are no human rights issues arising from this report.

## **2.5 Equalities and diversity**

There are no equalities and diversity issues arising from this report.

## **2.6 Risk management**

There are no risk management issues arising from this report.

## **2.7 Crime and disorder**

There are not crime and disorder issues arising from this report.

## **2.8 Environment and sustainability**

There are no environment and sustainability issues arising from this report.

### PART 3 - SIGN OFF

- Deputy Chief Executive  X
- Head of Service  X
- Mayor/Cabinet Member(s)  X
- Chief Finance Officer  X
- Monitoring Officer  X
- Strategic Manager–  
Strategic Services  X

## E Standards Committee

### 1. Standards Committee

Membership – 9

Quorum – 3

#### Terms of Reference

The following functions are the responsibility of the Standards 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 Authority 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 Authority in respect of Member 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 Authority'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 Authority'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.

## Information

1. The Members' Code of Conduct and all codes and protocols can be found in Part 8 - Codes and Protocols.
2. Please see Article 9 of the Constitution for further information on the Standards Committee.
3. For further information on the Standards Committee please see the Standards pages of the North Tyneside Council website or contact the Monitoring Officer on Tel (0191) 643 5339 or email [standardscommittee@northtyneside.gov.uk](mailto:standardscommittee@northtyneside.gov.uk).