

# Standards Committee

## Annual Report 2014-15



# Chair's Foreword

As Chair of the Standards Committee, I am pleased to present the Committee's Annual Report, which outlines the work undertaken by the Committee in 2014/15.

The Standards Committee remains committed to working with and supporting Members of the Council to ensure that they respect the Code of Conduct and uphold the standards expected of those in public life.

To achieve this the Committee has worked closely with the Council's Monitoring Officer to ensure that the principles of good governance and ethical standards remain central to the business of the Authority and instil public confidence in those elected to public office. In addition the Committee continues to invite speakers, both Members and Senior Officers, from across the Authority to exchange views and take forward the Authority's priorities in relation to ethical governance.

In my work as Chair I have represented the Committee and the Authority at regional meetings of the Chairs/Deputy Chairs of Standards Committee and Independent Persons. These meetings have provided a useful and informative insight into the ethical governance arrangements in neighbouring authorities and have provided an opportunity to discuss standards and code of conduct issues in a regional forum.

I would like to thank all of the Committee Members, the Independent Persons and Officers who I have worked with over this last year in relation to my role of Chair of the Standards Committee.

Councillor C Johnson  
Chair of the Standards Committee

# 1. Standards Committee

## 1. Introduction

At the end of each municipal year the Standards Committee submits for the consideration of Council an annual report summarising the work the Committee has carried out during the previous year.

This report comprises the Annual Review covering the period April 2014 to March 2015 together with background information regarding the standards regime established within North Tyneside Council. All references to 2014-15 in the report refer to this time period.

## 2. Background Information

### The Code of Conduct for Elected Members and Co-opted Members ('the Code' or 'The Code of Conduct')

The Localism Act 2011 requires the Authority to have a Code of Conduct. In 2012 North Tyneside Council ("the Authority") adopted a code which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity. The Code was developed regionally between Cumbria, Durham, Gateshead, Newcastle, North Tyneside, North Yorkshire, Northumberland, South Tyneside and Sunderland.

The code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected councillor or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority.

'Co-opted member' means any person who is a member of any committee or sub-committee of the Authority with a right to vote but who is not one of its elected members.

The code is intended to be consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Authority Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

### The Monitoring Officer

The Monitoring Officer holds a statutory role and is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or to the Cabinet (as set out in s.5(1) of the Local Government and Housing Act 1989).

The Monitoring Officer and her team administer the local arrangements for addressing complaints made under the Code of Conduct.

The Monitoring Officer's role includes the assessment and review of every complaint received under the Code of Conduct. Following consultation with the Authority's Independent Persons and consideration of the initial comments of the subject member the Monitoring Officer decides whether the complaint will be investigated.

The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Authority's adopted assessment criteria.

The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate.

### Independent Persons

The Authority has appointed two Independent Person(s) who are invited to attend all meetings of the Standards Committee. The appointment of Independent Persons is determined by a meeting of Full Council.

The Independent Person(s) must be consulted by the Authority before it makes a decision on a matter that has been referred to it for investigation; they can also be consulted by the Authority in respect of a code of conduct complaint at any other stage; and can also be consulted by a member or co-opted member of the Authority against whom a complaint has been made.

The Independent Persons do not form part of a quorum but may be invited to attend where considered appropriate by the Sub-Committee.

### The Standards Committee

In order to deal with complaints alleging breach of the Members' Code of Conduct the Authority has established a Standards Committee.

The Committee is responsible for the promotion of ethical standards within the Authority, helping to secure adherence to the Code, monitoring the operation of the Code, promoting and reviewing the Whistleblowing Policy for Members and conducting hearings following investigation and determining complaints made under the Code.

The Standards Committee's terms of reference are set out in Part 3, Paragraph 3.5(E) of North Tyneside Council's Constitution (the Constitution).

The Committee and its Sub-Committee conduct proceedings in accordance with:

- Article 9 of the Constitution; and
- the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members

### The Standards Sub-Committee

The Standards Sub-Committee receives and considers reports from Investigating Officers in relation to allegations of breaches of the Code.

Where a Final Report from an Investigating Officer recommends a finding that there is no breach of the Code, the Sub-Committee determines whether to accept the report; refer the report back to the Investigating Officer as it is considered incomplete; or refer the report to a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a Final Report from an Investigating Officer recommends a finding that there has been a breach of the Code the Sub-Committee undertakes a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code.

The Standards Sub-Committee is responsible for granting dispensations to the Elected Mayor, Councillors and Co-opted Members from requirements relating to interests set out in the Code.

The Sub-Committee also has responsibility for undertaking such further functions of the Standards Committee as may be delegated to the Sub-Committee in respect of the handling of complaints against the Elected Mayor, Councillors or Co-opted Members.

### **3. Training for Standards Committee Members**

Initial and refresher training for Members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, and this is refreshed annually, before they can serve on the Standards Committee. This training includes the duties and responsibilities of the Standards Committee.

Other than in exceptional circumstances, as determined in each case by the Monitoring Officer in consultation with the Mayor and Group Leaders, any Member who has not undertaken the training will not continue to serve on the Committee.

Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

### **4. Standards Committee Membership 2014-15**

In 2014/15 the Standards Committee comprised the following Members:

Councillors Jim Allan, David Corkey (Deputy Chair), Peter Earley, Sandra Graham, Ed Hodson, Carl Johnson (Chair), Frank Lott, Paul Mason and John O'Shea.

### **5. The Authority's Independent Persons**

The Authority's Independent Persons are Mr George Clark and Ms Stella Gardner who were first appointed by Council in July 2012 and September 2012 respectively and their appointments were extended in July 2014 for a further two years to July 2016, in accordance with the requirements of the Localism Act 2011.

### **6. Committee and Sub-Committee Meetings in 2014-15**

At the start of each year the Standards Committee agree its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. The Work Programme/Action Plan for 2014-15 is attached at Appendix 1 to this report and is commented upon further in paragraph 9 below.

The Standards Committee was scheduled to meet on 4 occasions in 2014 -15; however the timetable was revised to accommodate the necessary timeframe for the

Committee's Action Plan/Work Programme (in particular the review of the local arrangements). The following meetings took place:

- 19 June 2014
- 16 October 2014
- 29 January 2015
- 5 March 2015

The Sub-Committee met on the following dates to consider applications for dispensations under the Code:

- 13 November 2014
- 8 January 2015
- 29 January 2015
- 16 February 2015

The Sub-Committee also met on 16 March 2015 and 26 March 2015 to consider the outcome of investigations into complaints.

## **7. Complaints under the Code of Conduct for Members and Co-opted Members**

During 2014/2015, 26 complaints of potential breaches of the Code of Conduct were received. 2 complaints are awaiting assessment at the point of publication of this report.

Table 1 below details how each complaint was dealt with on assessment and provides details of the previous year.

Local Assessment Decisions	No action	Informal resolution	Referred for Investigation	Total
2014/2015	13	1	10	24
2013/2014			1	1
2012/2013	11	5	1	17

## **8. Reviews of Initial Assessment Decisions**

If a complainant is dissatisfied with an initial assessment decision they may seek a review. Reviews are undertaken by the Monitoring Officer in consultation with the Independent Persons and the Chair of the Standards Committee.

In 2014-15, 6 requests were made for a review of the initial assessment. Following the reviews, the original decisions were upheld.

In 2013-13 and 2013-14 there were no requests for the review of the initial assessment decision.

## **9. Decisions on complaints following investigation**

Of the 10 complaints which were referred for investigation:

2 investigations have been completed and considered by the Standards Sub-Committee. One complaint was upheld and it was found that a Member had been in breach of the Code of Conduct for Members. A letter of censure was issued by the Sub-Committee to the Member concerned.

The other complaint was not upheld and no breach of the Code of Conduct for Members was found.

The remaining 8 complaints are currently being investigated and following the receipt of the completed investigation reports will be considered by the Standards Sub-Committee.

## **10. Review of Standards Committee Work Programme and Action Plan for 2014/15**

The Standards Committee's Work Programme/Action Plan for 2014-15 is attached at Annex 1. Matters of particular note are summarised below.

The Standards Committee met on 4 occasions during the year. At each meeting the Committee monitored its Action Plan. The Plan is set out in Annex 1 of the report. The matters undertaken include:

### **A. 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.

The Monitoring Officer on behalf of the Standards Committee arranged Member Briefings during September and October 2014 to allow discussion and consultation on the comments received and provided a link to the findings and conclusions of the engagement via the Members weekly newsletter.

### **B. Review of Local Arrangements**

The Committee agreed to establish a working group to review the Authority's Local Arrangements for considering complaints to ensure that they are effective and transparent with appropriate ownership of the procedure by Members. Following consultation with the Chair of the Standards Committee, the Working Group met on 3 occasions during September and October and the findings of the Working Group were reported to the Standards Committee meeting in October 2014. At that meeting the Committee adopted the findings of the Working Group and the proposed amendments to the Local Arrangements were referred to Full Council for consideration and adoption in November 2014 (Minute C62/11/14). The proposed amendments were that:

- i) under the assessment process, a copy of the Subject Member's initial comments will normally be provided to the Complainant with the assessment decision unless there are particular reasons, in the view of the Monitoring Officer, not to; and
- ii) under the hearing process the Chair of the Standards Committee's primary responsibility is to ensure that a hearing is conducted in a fair yet timely manner and to minimise delay in reaching a decision on a complaint.

In addition, the Committee requested that the views of all Members be sought on the proposals to change the Authority's Local Arrangements prior to submission to Council. Details of the proposed changes were sent to all Members in November 2014 with responses requested. No responses were received. The review was concluded and the new arrangements were approved at the Council meeting on 27 November 2014.

### **C. Improved Access to Training**

On-line training was made available to all Members (via the Learning Pool) in relation to the requirements of the Code of Conduct, the declaration of interests, dispensations and the use of social media.

### **D. Regional Meetings of Chairs and Deputy Chairs of Standards Committees and Independent Persons**

A regional meeting of the Chairs and Deputy Chairs of Standards Committees and Independent Persons took place in July 2014. The main issues discussed were reported and considered by the Standards Committee in January 2015. A further meeting took place in March 2015.

### **E. Dialogue with Members and Officers**

An ongoing programme of Standards Committee meetings with invited guests, including the Elected Mayor, the Chief Executive, Heads of Service, Group Leaders, the Chair and Deputy Chair of Council and the Chairs of the Overview, Scrutiny & Policy Development Committee and the Planning Committee is in place to develop a dialogue between the Committee, and Members and appropriate Officers relating to ethical governance and ethical standards.

## **11. Conclusion**

The Committee continues to be busy and as this report demonstrates has dealt with a variety of matters in the past year. The Committee's aim is to continue to develop and maintain the Authority's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.