

North Tyneside Council

Report to Council

Date: 21 July 2016

ITEM 7

Title: Member Code of
Conduct Complaints
Nos.NT10/11/17/19 and
20/2014

Report from Service

Area:

Law and Governance

Responsible Officer:

Vivienne Geary, Head of Law and
Governance

(Tel: (0191) 643
5339)

Wards affected:

All

PART 1

1.1 Executive Summary:

On 21 March 2016 the Authority's Standards Sub Committee considered five complaints made under the Code of Conduct for Members against former Councillor David Ord. In determining the complaints the Sub-Committee found former Councillor Ord to be in breach of the Code of Conduct for Members in relation to the complaints submitted.

The Sub-Committee requested as a part of its determination of the complaints that a report be submitted to the Council Meeting detailing the Sub-Committee's decisions with respect to the complaints against former Councillor Ord.

A copy of the Sub-Committee's Full Decision Notice is attached to this report at Appendix 1.

1.2 Recommendation(s):

It is recommended that Council note the decision of the Standards Sub-Committee in relation to the Code of Conduct for Members complaints against former Councillor David Ord.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 13 June 2016.

1.4 Council Plan and Policy Framework

This report relates to none of the priorities in the 2014/18 Our North Tyneside Plan

1.5 Information:

1.5.1 On 21 March 2016 the Authority's Standards Sub Committee considered five complaints (Complaint Nos. NT10/11/17/19 and 20/2014) made under the Code of Conduct for Members against former Councillor David Ord. Four of the complaints (Complaint Nos.

10/11/17 and 20/2014) had directly arisen from events that had taken place in the Council Meeting held on 27 November 2014. The fifth complaint (Complaint No. NT19/2014) had arisen as a result of words used by former Councillor David Ord to describe Councillor B Burdis.

- 1.5.2 In determining the complaints the Sub-Committee found former Councillor Ord to be in breach of the Code of Conduct for Members.
- 1.5.3 A copy of the Sub-Committee's Full Decision Notice in relation to the above complaints is attached to this report at Appendix 1.
- 1.5.4 The Sub-Committee requested as a part of its determination of the Complaints that this report be submitted to the Full Council Meeting detailing the Sub-Committee's decisions with respect to the complaints against former Councillor Ord.
- 1.5.5 In accordance with the decision of the Standards Sub-Committee, former Councillor Ord was issued with a Letter of Censure on 22 March 2016. In that letter former Councillor Ord was also requested to provide a letter of apology:
 - a) to the Council in relation to the complaints that arose from the Council Meeting on 27 November 2014; and
 - b) to Councillor B Burdis in relation to the words that he used to describe Councillor Burdis.
- 1.5.6 To date former Councillor Ord has not provided either letter of apology.
- 1.5.7 The Localism Act 2011 places a statutory duty on the Council to promote and maintain high standards of conduct by its elected and co-opted members. The Act requires the Council to adopt a Code of Conduct dealing with the conduct of its elected and co-opted members.
- 1.5.8 The Act does not give the Council any powers to impose sanctions. So, where a failure to comply with the Code of Conduct is found, the actions which the Council, through the Standards Sub-Committee can take are limited to its common law powers. The following are available the sanctions to the Standards Sub-Committee:
 - Issuing a formal censure;
 - Referral of the determination findings to full Council for information;
 - Publication of the determination findings by such means as thought fit;
 - Council removing the member from any or all Committees or Sub-Committees for a specified period (subject to the approval of the member's Group if applicable);
 - The Elected Mayor removing the member from the Cabinet, if a Cabinet Member, or from particular Portfolio responsibilities;
 - The Council removing the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the Council;
 - The Elected Mayor removing the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the executive;
 - The Council offering training to the member; or
 - The Council excluding the member from the Council's offices or other premises or facilities, for a specified period and to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as an elected member.

1.6 Decision options:

There are no decision options this report is for information.

1.7 Appendices:

Appendix 1: North Tyneside Council Standards Sub-Committee Hearing Decision Notice
21 March 2016

1.8 Contact officers:

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

Alison Campbell – Senior Business Partner. Tel (0191) 643 7038

1.9 Background information:

None.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no direct financial or other resource implications arising from this report.

2.2 Legal

There are no direct legal implications arising from this report.

2.3 Consultation/community engagement

There are no consultation/community engagement implications arising from this report.

2.4 Human rights

There are no direct human rights issues arising from this report.

2.5 Equalities and diversity

There are no direct equalities and diversity implications 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 no direct crime and disorder issues arising from this report.

2.8 Environment and sustainability

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

PART 3 - SIGN OFF

- Deputy Chief Executive
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy