

# Standards Committee

## Annual Report 2016-17



North Tyneside Council

# 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 2016/17.

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, as well as the Chairs of Standards Committees from other Authorities in the region, 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 2016 to March 2017 together with background information regarding the standards regime established within North Tyneside Council. All references to 2016-17 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 councils.

The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected member 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

The Standards 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 if 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, Members 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, elected Members 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, 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 2016-17**

In 2016/17 the Standards Committee comprised the following Members:

Councillors Jim Allan, Anne Arkle, Peter Earley (Deputy Chair), Carl Johnson (Chair), Frank Lott, Paul Mason, Kate Osborne, Bruce Pickard and Lesley Spillard.

### **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.

Following a formal recruitment process in 2016, it was agreed by the Council that the appointments held by Mr Clark and Ms Gardner be extended for a further two years until 31 July 2018.

### **6. Committee and Sub-Committee Meetings in 2016-17**

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 2016-17 is attached at Appendix 1 to this report and is commented upon further in paragraph 9 below.

The Standards Committee met on 4 occasions in 2016 -17. The following meetings took place:

- 9 June 2016
- 1 September 2016
- 1 December 2016
- 2 March 2017

The Sub-Committee met on the 15 and 20 December 2016 to consider applications for dispensations under the Code of Conduct.

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

During 2016/2017, 5 complaints of potential breaches of the Code of Conduct were received.

Table 1 below details how each complaint was dealt with on assessment and provides details of the previous years to 2012/2013.

**Table1**

Local Assessment Decisions	No action	Informal resolution	Referred for Investigation	Total
2016/2017	4	1	0	5
2015/2016	15	0	0	15
2014/2015	13	1	10	24
2013/2014	0	0	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 2016-17 there was 1 request made for the review of the initial assessment decision. Following the review, the original decision was upheld.

In 2015-16, 1 request was made for a review of the initial assessment. Following the review, the original decision was upheld.

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**

There have been no investigations, hearing or decisions on complaints during 2016/17.

## **10. Review of Standards Committee Work Programme and Action Plan for 2016/17**

The Standards Committee's Work Programme/Action Plan for 2016-17 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 matters undertaken include:

### **A. Review of Code of Conduct and Local Arrangements**

The Standards Committee had to consider as a part of its Work Programme for 2016/17 whether any changes were necessary to the Code of Conduct for Members and the Local Arrangements for dealing with complaints under the Code of Conduct. No changes were suggested.

### **B. Member Development Programme**

The Standards Committee considered and commented upon the Member Development Programme covering the training events completed during 2015/16 and 2016/17. This included a breakdown of the mandatory training completions of all Members for Code of Conduct training; and completions of Members for the term ending 2018 covering Safeguarding, Sexual Exploitation, Corporate Parenting and Equality & Diversity. The Committee also made suggestions for improvement to be incorporated into the Member Development Programme agreed by Cabinet, in consultation with the Deputy Mayor.

The Standards Committee in discharging its duties also contributed to a further event being offered to all Members covering Equality and Diversity

### **C. Members' Safety**

The Standards Committee was advised of the guidance, training and support available to all Members of the Council in relation to their personal safety when undertaking ward business and surgeries.

Following the tragic murder of Jo Cox, the Member for Parliament for Batley and Spen in 2016, Parliament issued guidance to its Members in relation to personal safety when undertaking their constituency business, which was also shared with elected Members across the country. In addition the Police issued, via the Authority, safety advice to all Members in a booklet 'Protect Yourself'. The Committee therefore reviewed the guidance that it issued to Members and a leaflet, drafted with the assistance of the Authority's Health and Safety service was issued. In addition, Lone Working and Conflict Management training was made available to all Members. The Committee recommended further safety measures which included risk assessments of premises where surgeries were held, issuing personal alarms to those Members who requested one, and to investigate the feasibility of using telephones with a fast dial number to call for support.

At the time of the publication of this report risk assessments of premises are currently being undertaken. Personal alarms have been distributed to those members who requested one. Training has been offered and booklet, bespoke to Members, has also been produced and distributed.

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

No regional meetings of the Chairs and Deputy Chairs of Standards Committees and Independent Persons took place in 2016/17. However, a regional training event for Standards Committee members and Independent Persons did take place in July 2016. This event did afford all Members and the Independent Persons who attended the opportunity to discuss informally matters relating to the operation of Standards Committees. A regional meeting of Chairs and Deputy Chairs of Standards Committees and Independent Persons has been arranged for 3 April 2017.

**F. Dialogue with Members and Officers**

An ongoing programme of Standards Committee meetings with invited guests, including the Elected Mayor, the Chief Executive, members of the Senior Leadership team, Group Leaders, the Chair and Deputy Chair of Council and the Chairs of the Overview, Scrutiny & Policy Development, Planning, Regulation and Review, and Licensing Committees as well as the Chairs of Standards Committees from other Authorities in the region is in place to develop a dialogue between the Committee, and Members and appropriate Officers relating to the promotion of ethical governance and standards.

During 2016-17 the invited guests included Mr Paul Hanson, the Authority's Deputy Chief Executive (Chief Operating and Delivery Officer), and Mr Joe Jackson, Independent Chairman of Standards Committee, Northumberland County Council, accompanied by Mr Liam Henry, Legal Services Manager, who gave their perspective on the promotion of high 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.