

Standards Committee

17 December 2015

Present: Councillor C Johnson (Chair)
Councillors J Allan, P Earley, S Graham, F Lott and J O'Shea.

Also Present: Councillor M Green, Chair of the Licensing Committee.
Mr M Garry, Independent Vice-Chair of the Standards
Committee, Newcastle City Council.

SC13/12/15 Apologies for Absence

Apologies for absence were received from Councillors N Huscroft, M Madden, P Mason, Mr G Clark (Independent Person) and Mrs S Gardner (Independent Person).

SC14/12/15 Appointment of Substitute Members

There were no substitute members reported.

SC15/12/15 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations in relation to registerable personal interests reported.

SC16/12/15 Minutes

Resolved that the minutes of the previous meeting held on 3 September 2015 be confirmed.

SC17/12/15 Member Development

A report was received by the Workforce Development Lead which advised the Committee of the Member Development Programme consultation process and sought approval for the formal governance/decision making arrangements for future Member Development.

The Member Development Programme and associated project work had been considered and endorsed by the Member Support Group, which acted as a consultation group. Whilst this had been a successful approach to support recommendations, communicate the training needs of Members and gain support to encourage attendance at training events. It was recommended that the Standards Committee was involved in future consultations and formally agree future proposals; this would raise the profile and importance of Member development activity, whilst ensuring the training standards set by the Authority were delivered and monitored.

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The Member Development Programme training structure consisted of 3 themes:

(i) Regulatory training:

Committee training requirements were set out within the Councils Constitution. All committee training was completed annually as a condition to act/substitute on regulatory committees. Training was offered both face to face (workshop style) and online via e-learning.

(ii) Mandatory training:

The Council's Constitution details the requirements of Elected Members to attend 4 training programmes at least once per elected term, or as otherwise stated, to provide knowledge of legislation, clear understanding of elected Member responsibilities and provide general awareness where needed to support Member's in their role. Training programmes included: Code of conduct refreshed every two years; and Safeguarding; Corporate Parenting; Equality and Diversity every elected term.

Participation and monitoring of attendance at these programmes was undertaken by the Head of Human Resources & Organisational Development. Matters of concern were drawn to the attention of the Monitoring Officer, and, where appropriate, Group Leaders and/or the Standards Committee.

(iii) General training needs and skills development:

In consultation with the Member Support Group, a number of priority training needs were identified annually for delivery as part of the member development programme. Elected Members' self select their development needs from programme and attend training they find personally beneficial or supportive for specific roles they undertake e.g. Chair/Deputy Chairs of Committee.

A table detailing the programme of training activity recommended for the remainder of the 2015/16 Member Development Programme, in consultation with the Members Support Group, was set out in the report.

During discussion, Members made the following comments/suggestions:

- Members supported/endorsed the softer skills training as an excellent way forward.
- Additional daytime training dates should be considered where the requirement arose.
- Training and guidance should be provided for elected Members in relation to their responsibilities and position with regard to school governance.
- Members felt it would be useful if they could be informed earlier of the programme of training activity.

The Workforce Development Lead agreed to report the Standards Committee's comments/suggestions back to the next meeting of the Member Support Group for further consideration. She also reminded Members about the online e-learning modules available to support flexible learning.

Resolved that (1) the Standards Committee considers and approves future Member Development programmes;

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- (2) the Standards Committee be informed of associated Member development project work, tasks and activities as endorsed by the Member Support Group;
- (3) the Standards Committee approves that:-
- (i) Member Development Programmes continue to be structured as set out above;
 - (ii) Recommendations/amendments to constitutional training requirements for elected Members be consulted upon by the Members Support Group, with recommendations and approval by the Standards Committee;
 - (iii) General training needs and skills development training be consulted upon by the Member Support Group, with recommendations and approval by the Standards Committee.
- (4) the Standards Committee approves the remaining programme of training activity for delivery within the 2015/16 Member Development Programme as set out in the report.

SC18/12/15 Invited Guests

The Chair welcomed Councillor Muriel Green, Chair of the Authority's Licensing Committee, who was invited to the meeting as part of the ongoing programme of engagement with senior politicians and officers of the Authority to engage in a dialogue with the Standards Committee on ethical governance.

The Standards Committee in reformulating its work programme this year wanted to extend this dialogue to include input from other Authorities. This would allow the authority to contrast and compare issues that arise at North Tyneside in a regional context. Invitations were sent to the Chairs and Deputy Chairs of Standards Committees in the region via the Monitoring Officer Group.

The Committee was informed that Mr Mark Scrimshaw, Chair of the Governance Committee of the North East Combined Authority and the Independent Chair of Newcastle City Council's (NCC) Standards Committee had been invited but was unable to attend on this Occasion, but that he had been invited to attend a future meeting.

Newcastle City Council's Standards Committee was represented at the meeting by Mr Michael Garry, Joint Independent Vice-Chair.

In opening the discussion on ethical governance the Chair made reference to the Overview, Scrutiny and Policy Development Committee's Child Sex Exploitation sub group report to Cabinet on the 14 December 2015, which set out its recommendations of a review to ensure there was a pro-active approach to tackle child sex exploitation in North Tyneside and raise awareness of the warning signs to the wider community as a whole.

Recommendation 6 listed in the sub group's report and referred to Cabinet for consideration was, as follows:

"Cabinet requests that the Standards Committee reviews the current Members' and Co-opted Members Code of Conduct and considers including a provision that Members must report any suspicion of sexual exploitation or intelligence received on any safeguarding issues to the authority's Front Door Service and that failure to do so would be considered a breach of the Code of Conduct."

Members were informed that as part of the discussion on ethical governance as indicated by the Chair in his introduction, and the Standards Committee's responsibility for promoting and maintaining high standards of conduct by elected Members and Co-opted

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Members of the Council, it was intended to add this item to the Committee's work programme for consideration in more detail.

During discussion, Members made a number of comments/suggestions for further consideration:

- A description of the authority's Front Door Service should be provided to all Members of the Council to ensure awareness of the scheme.
- The responsibility of elected Members in relation to their appointments to Outside Bodies by the Authority was requested so as to ensure there was no confusion about how the Authority's code of conduct would be applied on issues of reporting in these circumstances.
- A review should be undertaken with regard to safeguarding and the broader issues of reporting including to include corporate parenting in a social situation and Members provided with the appropriate guidance and sign-posting.
- Members were of the view that the Standards Committee should propose the definitive wording in relation to potential breaches of the Code of Conduct for consideration by the Constitution Task Group.
- Reported incidents by elected Members should include feedback on the outcome of any investigation to give reassurance that the appropriate measures were being put in place as necessary to address any issues identified.
- In terms of safeguarding, the broader issues could be reviewed with a view to provide signposting and guidance.

In response to a Member's query on whether this was the national or local position; it was explained that as a result of the investigation by the authority's Overview, Scrutiny and Policy Development sub group, this had resulted in a requirement to put in place an obligation on Councillors to report and close the feedback loop as a reflection of the previously publicised i.e. Rotherham case, as well as taking into account the national position.

Mr Garry made a suggestion that given the importance of this subject, it may be useful for an item to be included for discussion at a future meeting of the regional Chairs and Deputy Chair's of Standards Committees and Independent Persons, and that the minutes of this Standards Committee could be the basis of that discussion.

Members raised the issue of political bickering in the context of elected Member code of conduct complaints, particularly in relation to the policing of these complaints and whether the 7 regional authorities had explored reciprocal arrangements when a complaint was referred for investigation. It was explained that this approach had previously been considered and that arrangements were in place, e.g. South Tyneside and vice-versa, but due to resource issues this was more difficult to achieve.

In response to a Member's query on whether the regional authorities came together to discuss /share issues about complaints and about monitoring the regime as there seemed to be no national blueprint; it was explained that following the introduction of the Localism Act in 2012, the regime all changed and as such there was no formal monitoring scheme in place. Each authority and its standards committee was responsible for discharging matters relating to code of conduct matters, however, the 7 regional authorities all had the same code of conduct but adopted individual local arrangements in each case. The Chair thanked Councillor Green and Mr Garry for their contribution to the discussion.

Resolved that (1) the position be noted;
(2) the Head of Law and Governance includes the comments/suggestions made by Members at this meeting in a report for consideration at the next meeting of the Standards Committee;
(3) the Head of Law and Governance on behalf of the Standards Committee, submits the minutes of this meeting to a future meeting of the regional Chairs/Deputy Chairs of Standards Committees as a basis for wider discussions on ethical governance.

SC19/12/15 Regional Meeting of Chair's and Deputies and Independent Persons

The Committee received a report as to business conducted at a recent regional meeting of the Chairs and Deputy Chairs of Standards Committees and Independent Persons.

The first regional meeting of Chairs and Deputy Chairs of Standards Committees and Independent Persons was held in June 2013. The fifth and most recent meeting was hosted by Gateshead Council on 9 October 2015. Most local authorities in the region were represented. The Minutes of the meeting were attached at Appendix 1 to the report. The discussion included the following items:

(i) Dealing with "persistent complainants"

One authority reported that it had received a substantial number of complaints from the same person and was keen to explore how other authorities dealt with that issue.

Some of the other authorities confirmed they had had a similar experience. It was generally agreed that each complaint should be dealt with in accordance with the authority's assessment criteria and these should generally "filter out" those complaints which had no merit so that they could be disposed of quickly. If a complainant continued to make purely vexatious complaints, then it would be for the Monitoring Officer and the Authority to decide how to deal with that complainant in the same way as it would deal with any other person who made vexatious complaints i.e. not necessarily under the standards regime.

(ii) Dealing with "persistent offenders"

Some authorities reported that some Members had had a number of complaints against them upheld but the current sanctions regime did not deter them from committing further breaches of the Code of Conduct for Members. It was acknowledged that the lack of effective statutory sanctions had been an issue of concern since the new regime was implemented in 2012. It was agreed that the Monitoring Officer Group would liaise to make joint representations to the Department for Communities and Local Government (DCLG). Those present agreed to supply evidence, anonymised where required, of the problems experienced to support these representations. It was also agreed that the letter to the DCLG could be copied to local MPs in an effort to seek their support.

(iii) Training for Standards Committee Members/Independent Persons

It was proposed that there should be regional training for Standards Committee members to deliver a common approach and economies of scale. Any such training would, of course, need to note the differences in the code of conduct adopted by each Authority. This proposal was welcomed. Similarly, it was also proposed that regional training for Independent Persons would be beneficial. This training could be largely combined with the

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training for standards committee members, given that it would relate to similar issues and would also help committee members to gain a better insight into the role of Independent Persons and vice versa, although the training would obviously need to recognise the specific responsibilities of each role.

The Monitoring Officer Group would bring a proposal to the next regional meeting which would be held in approximately six months' time, in Sunderland.

Resolved that the position be noted.

SC20/12/15 Standards Committee - Action Plan and Work Programme

A report was received from the Head of Law and Governance to advise the Committee of the Action Plan and Work Programme of the Committee for the year up to 31 March 2016 and current progress.

The Action Plan would be monitored by the Committee at each meeting and the progress of the identified actions would be reported in the Committee's Annual Report at the end of the municipal year.

The Committee was responsible for the Authority's statutory duty for promoting and maintaining high standards of conduct by elected Members and Co-opted Members of the Council.

A table detailing the proposed tasks and matters and a number of options was set out in the report for consideration by Members:

The operation of the Members' Code of Conduct would continue to be monitored to ensure that it was operating effectively.

The dialogue between the Committee, Members and appropriate Officers relating to ethical governance and ethical standards continued to be developed, with an option to invite Chairs of Standards Committees from other Authorities in the region to attend Committee meetings was proposed, to provide an opportunity to understand ethical governance and standards issues in other Authorities.

A meeting to facilitate the dialogue between local authority Chairs and Deputy Chairs and Independent Persons of Standards Committees in a regional forum to discuss ethical governance and the application of the Code of Conduct for Members' had been arranged by Gateshead Council for Thursday, 9 October 2015; details of which were provided in a separate report on the agenda.

The Committee would continue to receive training on relevant ethical standards issues, including local assessment, the Code of Conduct and other related matters/legislation, with an option to seek training on a regional basis.

The Committee would review training available to all Members on ethical governance and ethical standards issues including arrangements in respect to the Code of Conduct; granting of dispensations and the use of Social Media and declaring interests, to ensure that all elected Members received information to minimise risk of unwitting breaches of the Code of Conduct. As part of that training review, a report on the Members' Development

Programme had been requested by the Committee; details of which were provided in a separate report on the agenda.

The Committee would provide training to the Authority's Independent Persons to ensure that they understood their role in relation to ethical governance and the Code of Conduct for Members'.

At the meeting of the 3 September 2015 Standards Committee, a discussion took place concerning the operation of Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members, when it was suggested by the Head of Law and Governance that Member's should put forward any suggestions for changes or amendments to the Code of Conduct for Members and Co-opted Members; and that a letter would be sent to all Members of the Council seeking any proposed changes / amendments. Any responses received would be reported to the next meeting of the Standards Committee, to be held in March 2016.

With regard to the Cabinet's request in Minute SC18/12/15 that the Standards Committee reviews the current elected Members' and Co-opted Members Code of Conduct and gives consideration to the inclusion of a provision that Members must report any suspicion of sexual exploitation or intelligence received on any safeguarding issues. Members were of the view that this should be considered as part of the Committee's review of the Authority's Local Arrangements for dealing with Complaints under the Code of Conduct.

Any proposed amendments to the Local Arrangements after consideration and approval by the Committee and referral to the Constitution Task Group would be referred to a subsequent meeting of Full Council for consideration and adoption.

Resolved that the Action Plan/Work Programme for the year up to 31 March 2016 and current progress be noted.