

Standards Committee

Annual Report 2015-16



North Tyneside Council

Chair's Foreword

To be completed following discussion with Chair of Standards Committee

Councillor C Johnson
Chair of the Standards Committee

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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 2015 to March 2016 together with background information regarding the standards regime established within North Tyneside Council. All references to 2015-16 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 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

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 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 2015-16

In 2015/16 the Standards Committee comprised the following Members:

Councillors Jim Allan, Peter Earley (Deputy Chair), Sandra Graham, Nigel Huscroft, Carl Johnson (Chair), Frank Lott, Maureen Madden, 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 2015-16

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 2015-16 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 2015 -16. The following meetings took place:

- 4 June 2015
- 3 September 2015

- 17 December 2015
- 3 March 2016

The Sub-Committee met on 17 December 2015 to consider applications for dispensations under the Code.

The Sub-Committee also met on 1 March 2016 to consider the outcome of an investigation into a complaint under the Code.

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

During 2015/2016, 15 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.

Local Assessment Decisions	No action	Informal resolution	Referred for Investigation	Total
2015/2016	15			15
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 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

6 linked complaints from 2014/15 are to be considered in the immediate future by the Standards Sub-Committee at a full hearing following the receipt of the completed investigation report in November 2015 where the Investigator has found a breach of the Code of Conduct.

The investigation reports of 3 other complaints from 2014/15, where the Investigator has found no breach of the Code of Conduct, are to be received by the Standards Sub-Committee as soon as possible.

1 other complaint outstanding from 2014/15 has recently been considered by the Standards Sub-Committee in a full hearing following the receipt of the Investigators report that found a breach of the Code of Conduct. The complaint was (result to be inserted following hearing)

10. Review of Standards Committee Work Programme and Action Plan for 2015/16

The Standards Committee's Work Programme/Action Plan for 2015-16 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. Review of Code of Conduct and Local Arrangements

The Standards Committee had to consider as a part of its Work Programme for 2015/2016 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. The Committee requested at its meeting in December 2015 that the Monitoring Officer undertake an engagement process with all Members of the Council to identify any suggestions for change to the Code of Conduct for Members or the Local Arrangements that they considered were necessary. No suggestions were received from individual Members of the Council.

The Standards Committee received a referral from Cabinet of a recommendation from the Children, Education and Skills Sub-Committee and the work of Child Sexual Exploitation Sub Group in relation to the addition of an obligation into the Code of Conduct for Members with respect to the reporting of safeguarding suspicions. The Committee considered the wording of an additional obligation to be introduced into the Code of Conduct and referred the proposed addition to the Constitution Task Group prior to its referral to the Annual Council Meeting.

B. Regional Meetings of Chairs and Deputy Chairs of Standards Committees and Independent Persons

Regional meetings of the Chairs and Deputy Chairs of Standards Committees and Independent Persons took place in October 2015 and January 2016.

C. 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 of other Authorities in the region 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.

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