

Standards Committee

3 March 2016

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

Also Present: Mr M Scrimshaw, Chair of the Governance Committee of the
North East Combined Authority and Independent Chair of the
Standards Committee, Newcastle City Council.

SC21/03/16 Apologies for Absence

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

SC22/03/16 Appointment of Substitute Members

Pursuant to the Council's Constitution, the appointment of the following substitute member was reported:

Councillor E Hodson for Councillor P Mason.

SC23/03/16 Declarations of Interest and Dispensations

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

SC24/03/16 Minutes

Resolved that the minutes of the previous meeting held on 17 December 2015 be confirmed.

A Member requested clarification on matters relating to the discussion and initial comments/suggestions made by Members in Minute SC18/12/15 with regard to promoting and maintaining high standards of conduct as part of its work programme, which were responded to appropriately.

SC25/03/16 Invited Guests

The Chair welcomed 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, to the meeting to participate in the ongoing discussion with invited guests to include elected Members, senior officers and others in a dialogue relating to the promotion of high ethical governance and ethical standards.

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 arose 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.

SC26/03/16 Code of Conduct for Members' and Co-opted Members

The Standards Committee received a report from the Head of Law and Governance on the Code of Conduct for Members' and Co-opted Members.

As part of the Annual Review of the Code of Conduct for Members' and the Local Arrangements for dealing with Complaints against Members, the Committee has been considering as part of its work programme 2015-16 whether any changes were necessary. Changes to the Code of Conduct and the Local Arrangements were most recently reviewed in 2014 and amendments at the time were made to the Local Arrangements.

At its meeting in December 2015, the Committee requested 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 there were considered necessary. No suggested amendments to the Code of Conduct for Members' and Co-opted Members or the Local Arrangements had been received from individual Members at publication of this report.

In addition, Cabinet at its meeting on 8 February 2016 referred a recommendation of the Children's Education and Skills Sub-Committee and the work of Child Sexual Exploitation Sub-Group to the Standards Committee. The referral requested the Standards Committee:

“review the Code of Conduct for Members' and Co-opted Members and consider including a provision that Members must report any suspicion of sexual exploitation or intelligence received on any safeguarding issues be referred to the authority's Front Door Service and that failure to do so would be considered a breach of the Code of Conduct.”

The Chair of the Standards Committee at the last meeting referred to the above recommendation as a part of the Committee's discussions in relation to ethical governance within the Authority. The Committee made a number of initial comments in relation to the recommendation. The initial comments were set out in the minutes of the meeting.

The Code of Conduct was divided into 4 Parts. The first Part provided the “General Conduct” obligations placed on Members and Co-opted Members. The recommendation of the Sub-Group, if adopted by the Council, would create an additional obligation within the first Part of the Code of Conduct. A suggested wording for this obligation was:

“12. You must report any suspicion you have or any intelligence/information you have received on any safeguarding issue regarding children or vulnerable adults, including potential or actual sexual exploitation, to the Authority and where appropriate the Police.”

The Committee considered whether an obligation of the kind recommended, should be included within the Authority's Code of Conduct. Following discussion Members of the Committee endorsed the recommendation for inclusion in the Code of Conduct.

As a part of the consultation with Members of the Council on any changes to the Code of Conduct, as detailed above, correspondence from one Member had been received supporting the recommendation of the Sub-Group.

The Committee was also requested to consider and amend as necessary, the proposed wording of the obligation as set out above to be placed in Part 1 of the Code of Conduct and refer the proposed addition to the Code of Conduct to the Constitution Task Group. The final decision to include the obligation was a matter for the Full Council when it considered changes to the Constitution at the Annual Council Meeting in May 2016.

Following considerable discussion, Members endorsed the wording of the obligation as set out above and the proposed addition to the Code of Conduct for referral to the Constitution Task Group.

Since the publication of this report, the Head of Law and Governance had received a suggestion from a Member in relation to two matters that needed to be reviewed concerning the operation of the Authority's Local Arrangements for Dealing with Complaints against Members' under the Code of Conduct. As a result, it was necessary to establish a Working Group of the Standards Committee to consider the suggestion.

In addition, at a meeting of the Standards Sub-Committee earlier this week that considered a complaint made against a Member, it was agreed that consideration be given to the development of guidance for Members in relation to the content of newsletters and leaflets issued by Members. In these circumstances it would be appropriate for the Working Group to consider this issue at the same time as the suggestion received from the Member.

During consideration of the Code of Conduct for Members' and Co-opted Members Report the following comments/suggestions were made:

- Clarification was sought on how Members could be reassured that referrals would be recorded and that allegations were taken seriously. It explained that although the Front Door Service was responsible for the processing and recording of referrals and that safeguarding issues regarding children and vulnerable adults were taken very seriously by the Authority, Members themselves should make a record of all referrals.
- A Member queried the arrangements in place where an allegation was received but not referred for investigation. It was explained that service arrangements were in place for scrutiny and also, if necessary, by this Committee. Councillor Graham, Chair of the Overview, Scrutiny and Policy Development Committee, and a member of the Standards, commented that scrutiny could request a report on how referrals were received and dealt with by the Front Door Service with all personal details made anonymous.
- In response to a query on whether these arrangements related only to referrals of children in the Authority's care; it was confirmed that referrals related to any safeguarding anywhere including adults and children alike.
- A Member proposed that following the Task Group's consideration of the report and recommendations an extraordinary meeting of the Standards Committee be convened to receive the Group's recommendations on the Code of Conduct for Members' and the Authority's Local Arrangements.

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The Committee also considered in general terms the benefits of regional training and an Independent pool of resources in order to collectively support individual authority's in the work of Standards Committees should the need arise. They felt that although shared Regional training was favoured in principal and working collaboratively could be beneficial, it was very important that the Local Arrangements in each Authority must take into consideration 'local needs', and the way forward.

Discussions ensued with regard to providing private sector legal advice in relation to Code of Conduct complaints, and whether it would be possible to provide a breakdown of the costs incurred in the regions authority's with the suggestion of carrying out an examination Regionally. The Chair of Standards Committee said he would endeavour to submit the suggestion to the next meeting of the regional Chairs and Deputy Chairs of Standards Committees and Independent Persons.

Resolved that (1) the Standards Committee establish a Working Group to consider the Code of Conduct for Members' and the Authority's Local Arrangements to include:

- a. the suggestion submitted by a Member in relation to the operation of the Authority's Local Arrangements for dealing with complaints against Members under the Code of Conduct; and
- b. the development of guidance for Members in relation to the content of newsletters and leaflets."

(2) the Standards Committee endorse the introduction of an obligation to require Members to advise the Authority of safeguarding suspicions to be incorporated into the Code of Conduct; and

(3) the Standards Committee endorse the wording of the obligation as set out above; and the proposed addition to the Code of Conduct be referred to the Constitution Task Group prior to its consideration at the Annual Meeting of the Council.

SC27/03/16 Draft Annual Report and Action Plan 2015-16

A report was received from the Head of Law and Governance which introduced the Standards Committee Draft Annual Report 2015-16 attached at Appendix1 for consideration prior to its finalisation and submission to the Annual Council meeting on 19 May 2016.

At the end of the municipal year the Standards Committee was required to approve the contents of the draft annual report summarising the work of the Committee over the previous year for submission to the Annual Council meeting.

The Committee was responsible for the promotion of ethical standards within the Authority, helping to secure adherence to the Members' Code of Conduct, monitoring the operation of the Code within North Tyneside, promoting and reviewing the Whistleblowing Policy for Members and conducting hearings following investigation and determining complaints made against Councillors in respect of alleged breaches of the Code of Conduct (including following requests for review).

The Committee was also responsible for the review of complaints made against Elected Members and Co-opted Members in respect of alleged breaches of the Code of Conduct for Members'.

The Standards Committee Draft Annual Report 2015-16 sets out the work undertaken by the Standards Committee and its Sub-Committees over the municipal year. The report highlighted the ways in which the Committee has influenced and shaped policy and the

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promotion and maintenance of ethical standards of conduct by the Elected Mayor, Councillors, Co-opted Members and Church and Parent Governor Representatives.

The Head of Law and Governance in presenting the draft Annual Report, highlighted some matters of particular note including the review of the Authority's Local Arrangements for dealing with Complaints against Members under the Code of Conduct; improved access to training; regional meetings of Chairs and Deputy Chairs of Standards Committees and Independent Persons; and an the ongoing dialogue with elected Members, appropriate officers and invited Chairs of Standards Committees from other Authorities in the region with regard to ethical governance and ethical standards.

In 2015-16 the Standards Committee comprised Councillors Jim Allan, Peter Earley (Deputy Chair), Sandra Graham, Nigel Huscroft, Carl Johnson (Chair), Frank Lott, Maureen Madden, Paul Mason and John O'Shea.

Mr George Clark and Mrs Stella Gardner were the appointed to act as Independent Persons by North Tyneside Council in relation to the operation of the Authority's Code of Conduct. Mr Clark and Mrs Gardner attended meetings of the Standards Committee as guests of the Committee.

During consideration of the draft Annual Report the following comments/suggestions were made:

In response to a comment that Newcastle City Council included Members' details of gifts and hospitality in its Standards Committee Annual Report but that North Tyneside Council did not. It was explained that although these details were uploaded separately onto the Authority's website, they could also be included in the annual report if the Standards Committee required it.

It was proposed by the Head of Law and Governance that amendments to the Standards Committee work programme be undertaken following consideration by Members of the above reports at today's meeting.

The Chair, on behalf of the Standards Committee thanked Mr Scrimshaw for his valuable contribution to the above discussions.

Resolved that (1) the comments/suggestions made by the Standards Committee to the draft Annual Report 2015-16 be received;
(2) the Head of Law and Governance, in consultation with the Chair of the Standards Committee, be authorised to finalise the Annual Report 2015-16, including the addition of a Chair's Foreword and taking into account any comments received pursuant to recommendation (1) above, prior to its submission to the Annual Council meeting to be held on 19 May 2016.