



North Tyneside Council

Standards Committee

22 February 2017

Thursday 2 March 2017, Room 0.01, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside commencing at **4.00 pm**.

| Agenda Item | Page |
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| 1. Apologies for Absence | |
| To receive apologies for absence from the meeting. | |
| 2. Appointment of Substitute Members | |
| To be notified of the appointment of any Substitute Members. | |
| 3. Declarations of Interest and Dispensations | |
| You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest. | |
| You are also invited to disclose any dispensations in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda. | |
| Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting. | |

Continued overleaf

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Contact Officer – Yvonne Harrison – (0191) 643 5320

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| 4. Minutes | 3 |
| To confirm the minutes of the Standards Committee meeting held on 1 December 2016; the Standards Sub-Committee meetings held on 15 and 20 December 2016. | |
| 5. Standards Committee Draft Annual Report 2016-17 | 14 |
| To consider the Draft Annual Report 2016-17 and update on the Action Plan/Work Programme of the Committee for the year up to 31 March 2017 and current progress. | |

Circulated to All Members of the Standards Committee:

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

Also circulated to:

Mr George Clark – Independent Person
Mrs Stella Gardner – Independent Person

Standards Committee

1 December 2016

Present: Councillor C Johnson (Chair),
Councillors J Allan, P Earley, F Lott, P Mason, CB Pickard
and L Spillard.

Also Present: Mr P Hanson, Deputy Chief Executive, North Tyneside Council,
Mr J Jackson, Independent Chairman of Standards Committee,
Northumberland County Council,
Mr L Henry, Legal Services Manager, Northumberland County
Council.

SC13/12/16 Apologies for Absence

Apologies for absence were received on behalf of Councillors A Arkle, K Osborne, Mr G Clark (Independent Person) and Mrs S Gardner (Independent Person).

SC14/12/16 Appointment of Substitute Members

There were no substitute Members reported.

SC15/12/16 Declarations of Interest and Dispensations

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

SC16/12/16 Minutes

Resolved that the minutes of the previous meeting held on 1 September 2016 be confirmed and signed by the Chair

SC17/12/16 Invited Guests

The Chair welcomed Mr Paul Hanson, Deputy Chief Executive (Chief Operating & Delivery Officer), North Tyneside Council, Mr Joe Jackson, Independent Chair of Standards Committee, Northumberland County Council, accompanied by Mr Liam Henry, Legal Services Manager, Northumberland County Council, who were invited to take part in the standards committee's continuing discussions on ethical standards as part of the committee's work programme. The invitation to engage with the committee included the Elected Mayor, political Group Leaders, representatives of the Senior Leadership Team, the Chair and Deputy Chair of Council, the Chairs of Overview and Scrutiny Committee and Regulatory Committees'. The invitation had also been extended to Chairs of Standards Committees from other Authorities in the region.

In introducing the theme of ethical governance and high ethical standards of conduct, the Chair invited Mr Henry and Mr Jackson to open the discussion by giving a brief summary

Standards Committee

of Northumberland County Council's (NCC) arrangements for dealing with Code of Conduct complaints to provide the standards committee with an understanding of the complaints process.

Mr Henry gave an overview of NCC's local arrangements for dealing with allegations of breaches of the Code of Conduct for elected Members and co-opted Members. He explained that proposals to amend the way in which standards committee hearings were conducted had been considered earlier this year, and, as a result, a decision was taken for hearings to be heard in public unless there were sufficient and strong grounds to hear them in private. Criteria were drawn up to ensure that safeguards were in place to protect the subject member, complainant and witnesses, if appropriate. The assessment criteria were also amended by the standards committee to include complaints that may be viewed as vexatious.

Mr Jackson explained that, as Independent Chair of the Standards Committee, he played a fundamental part in facilitating a fair hearing for all parties, and, in his experience, in most cases a reasonable/sensible conclusion was reached in determining the outcome of complaints. He commented that North Tyneside Council's local arrangements were broader than NCC's procedures which were based more on the code of conduct rather than on development and training, but that the processes were very similar.

Mr Jackson explained that the standards committee had supported the introduction of audio recording of hearings following the decision to record Council meetings. The audio recording proceedings also included the committee's deliberations which took place in private. The recordings were used for internal use only as an official record and not released to the public.

Mr Jackson made reference to an increasing area of concern which was the use of social media by elected Members and how to control it. The standards committee had considered and supported the development of a Social Media Networking Protocol which had recently been introduced. During the development of the protocol, there was some engagement with Associates to look at bullying issues which had a potential impact on running the business with a view to introducing alternative solutions to try and develop better working relationships between Councillors and to assist them to observe the Members' Code of Conduct.

Mr Hanson was then invited to give his perspective in terms of setting and maintaining high standards. He explained how his duties during the last few years translated into his day-to-day job in relation to staffing and elected Members. In leading a team of mainly front-line employees his starting point was staff behaviour and relationships with elected Members.

Praising and rewarding staff was important as was dealing with inappropriate behaviour and poor relationships, in particular, he looked for things done well, balanced with things going wrong as it was essential to treat any issues correctly, quickly and appropriately. He sought to achieve this by raising awareness throughout his teams' on how the Authority operated in a political environment and promoting respect for that mandate. He provided anecdotal examples of particular note with regard to the relevant conduct and boundaries.

Mr Hanson also worked hard at building positive relationships with elected Members, the Mayor and the Cabinet, in particular, newly elected Members in achieving positive relations built over a period of time, which had enabled him to maintain good working

relations in potentially difficult situations whilst maintaining credibility in resolving issues. His senior management team was the political interface for encouraging high ethical standards and a system of communications was in place which worked very well across his teams' via his senior management team. Understanding the political landscape and sensitivity by front-line staff in order to build and maintain credibility for positive relationships was integral.

Members were given the opportunity to ask questions of Mr Hanson, Mr Henry and Mr Jackson, which were responded to appropriately. During questioning Members considered:

- How Code of Conduct complaints were dealt with in the case of harassment or bullying when the details of complaints remained confidential: Bogus or vexatious complaints arose infrequently and these together with all complaints were properly vetted.
- The language used in a complaint if intemperate and whether this would warrant referral to the standards committee: Any action, if required, was only relevant to elected Member complaints, particularly if there was something unpleasant. Consideration of the appropriateness of warning was essential in making a judgment, and based on individual merit in order not to inflame the situation further.
- Suggestions for improving the complaints process: It was felt the reporting of complaints could be improved by providing more detail on the decisions taken and a better way of keeping Members informed, balanced with confidentiality.
- Members' use of social media and how this was controlled. Lessons learned from the outcome of complaints were important by looking at ways in which to do things differently, if necessary, and how to assist Members' to understand and manage the process through better guidance and training.
- Code of Conduct complaint hearings and whether they should be heard in public, and/or recorded: Both Authority's held hearings in public with agenda papers being published under confidential cover initially and thereafter determined by the committee on whether to be heard in public, subject to any requests for personal or sensitive details being withheld. The committee felt that if hearings were recorded it was essential to protect the integrity of the content.

The Chair thanked Mr Hanson, Mr Henry and Mr Jackson for attending and for their contributions to the discussion.

SC18/12/16 Member Development

The Standards Committee received a report which advised on the training completions for Member Development events during 2015/16 and 2016/17.

It was reported that due to technical issues experienced during the upgrade of the Council's online learning platform in October, attendance statistics for mandatory training modules would be tabled. The mandatory training module statistics provided a breakdown of completions of all Councillors for Code of Conduct training; and completions of Councillors for the term ending 2018 (20) covering Safeguarding, Sexual exploitation,

Standards Committee

Corporate Parenting and Equality & Diversity. The individual status for specific courses had been circulated to political Group Leaders.

An overview of the Member Development Training events offered to Elected Members during 2015/16 included: Sessions offered; Attendances; No shows and online completions. Details of the events during 2016/17 included Sessions offered; Attendees and Online completions.

It was also reported that additional development events for elected Members had been arranged covering Scrutiny training on the 5 December 2016 (to be facilitated by the Centre for Public Scrutiny); and planning training on the 14 December 2016 (to be facilitated by the Planning Advisory Service).

Cabinet agreed the 2016/17 Member Development Programme which detailed the training as mandatory for Elected Members as set out in the report. All committee Members had completed the appropriate training to allow them to sit on their appointed committee. The Member Development Programme was reviewed annually and would be considered by the Deputy Mayor in January 2017, ready for implementation in May 2017.

Further development of the Council's online learning system (Learning Pool) was underway to provide event reminders to elected Members when training was due to expire and the learning available to meet the requirements of the Member Development Programme. The online learning offer would continue to increase in 2016/17 to provide more flexible methods of learning for elected Members. Training/briefings would also be made available on the functions of the Learning Pool to maximise the Council's online learning offer.

During consideration of the Members Development report the following comments / suggestions were made:

In order to meet training requirements mandatory training for elected Members should be completed during the first year of their elected or re-elected term.

Some minor word changes in the reporting of training completions e.g. 'incomplete' to a more appropriate description.

Whether Member Briefings should be included in the member development programme as part of e.g. face-to-face training?

With regard to online training modules, Members queried why in some cases part-completed modules did not always register: It was explained that officers were aware of this problem and the upgrade to the online system should address this issue.

Basic training on how to use the online learning portal to assist Members who may benefit from the additional support in the use of electronic access/systems was suggested: It was explained that one-to-one training for elected Members to help build confidence going forward was also available via a number of routes.

The Workforce Development Lead in presenting her report thanked Members of the Standards Committee for their comments/suggestions and agreed to incorporate them as part of the ongoing review of the Member Development Programme.

1 December 2016

Resolved that (1) the report be noted;
(2) the Member Development Training Programme be revised in consultation with the Deputy Mayor, to include the requirement for elected Members to complete mandatory training during the first year of their elected or re-elected term.

SC19/12/16 Standards Committee – Action Plan/Work Programme

A report was received from the Head of Law and Governance which advised the Standards Committee on the progress of the Committee's Action Plan/Work Programme for the year up to 31 March 2017.

The Standards 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.

The Action Plan/Work Programme was 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.

Members were requested to consider the proposed tasks and matters that would be undertaken by the Committee as set out in the report.

As part of the ongoing programme of meetings with invited guests, invitations had been accepted for today's meeting (reported elsewhere on the agenda), and further invitations were being coordinated in relation to attendance at future meetings of the committee.

A review of the training available to all Council Members on ethical governance, ethical standards issues including arrangements with respect to the Code of Conduct; granting of dispensations, the use of Social Media and declaring interests was due to be undertaken.

A meeting of Chairs and Deputy Chairs and Independent Persons of Standards Committees in a regional forum was to be arranged in liaison with other authorities and that a date for the meeting was being progressed.

Resolved that the report be noted.

SC20/12/16 Reporting on Related Party Transactions

A report was received from the Head of Law and Governance which advised the Standards Committee of the revised arrangements regarding the recording of Members' involvement with Related Parties of the Authority.

The audit of the Authority's 2015/16 accounts was recently concluded and an unqualified audit opinion was issued. The Audit Completion Report in respect of the 2015/16 Annual Financial Report, produced by Mazars, the Authority's appointed External Auditor's, was presented to the Full Council on 22 September 2016.

A number of internal control issues were raised by Mazars and agreed actions were approved by Council in response. One of the internal control issues raised related to testing of Related Party Disclosures. An extract of the Audit Completion Report in relation

to this matter together with the Management Response agreed by Council was set out in Appendix 1.

The requirement to identify related party transactions was set out in Section 33 of Financial Reporting Standard 102 issued by the Financial Reporting Council and it required the Authority to disclose in its accounts “any related transactions”, including disclosures necessary to draw attention to the possibility that the Authority’s financial position had been affected by the existence of related parties and by transactions with such parties.

Related parties were defined as bodies or individuals that had the potential to control or influence the Authority, or, to be controlled by the Authority. The disclosure of these transactions allowed readers of the accounts to assess the extent to which the Authority might have been constrained in its ability to operate independently, or, might have secured the ability to limit another party’s ability to bargain freely with the Authority. Related parties included outside bodies and organisations, which had financial transactions with the Authority.

It was necessary for the purpose of identifying related party transactions to consider those transactions which included payments to organisations with contractual and/or financial links to the Authority, where the Members or close related members of their families had control or influence over the organisation, or, over the Authority. The objective was to identify any transaction which may have taken place as a result of the control or influence exercised by one party over the other. This of itself did not imply any improper influence but promoted transparency and identified where there was the opportunity for improper influence by either party.

The type of information that fell into a related party category included:

- (i) Ownership of an organisation that transacts with the Authority or a contractor of the Authority;
- (ii) Director of an organisation that transacts with the Authority;
- (iii) Trustee, governor or partner of an organisation that transacts with the Authority.

A related party transaction also included grants or loans to voluntary organisations, companies etc., or, payments for goods or services received by the Authority.

In relation to elected Members, the Authority’s External Auditors had considered that it was appropriate and sufficient to use of Members’ Register of Interests to identify related party transactions. Members were only required to update their register entries within 28 days of any change and the Register did not require such extensive details to be provided. As a result it was accepted by Full Council, that to provide more robust governance an annual return from each Member on related party transactions would be required.

In order to determine whether such related party transactions existed in relation to the Members of the Council, the Authority needed to know whether any Member had a relationship with a related party of the Authority. The Authority would therefore write to every Member in the course of preparation of its annual accounts, to ask whether to their knowledge they, or any business, partnership, company of which they were a Director or Company in which they had a significant shareholding, had any contract with the Authority, or, a related party of the Authority, such as the Authority’s strategic partners.

A blank copy of the annual return that would be requested from Members was attached at Appendix 2.

During consideration of the report the following comments/suggestions were made:

Members queried the wording of the related party transactions disclosure form, which in part seemed to be ambiguous particularly in relation to the questions at section 2, with the suggestion that in the first sentence the words 'to the best of my knowledge' should be added; and in bullet points 1 to 4 the sentence should read 'Payment to/from', rather than just 'to'.

With regard to the annual return and register of interest completion forms', it was suggested that the relevant forms could be posted on the Council's Intranet/Internet to enable Members' to complete forms online, if they preferred.

The Head of Law and Governance agreed to pass on the comments/suggestions received from the Standards Committee to the relevant officers that further work was needed to refine the relevant forms and to make clear the requirements of the revised arrangements prior to implementation.

Resolved that the report be noted.

Standards Sub-Committee

15 December 2016

Present: Councillor P Earley (In the Chair)
Councillor P Mason.

SSC01/12/16 Appointment of Chair

It was **Agreed** that Councillor P Earley be appointed as chair for the meeting.

SSC02/12/16 Apologies for Absence

Apologies were received on behalf of Councillor C Johnson.

SSC03/12/16 Declarations of Interest

The following declaration of interest was made:

Councillor P Earley declared a non-registerable personal interest in his own application for dispensation.

SSC04/12/16 Dispensations – Appointments to Outside Bodies

The Standards Sub-Committee received a report on applications received from a number of Members of the Council, seeking dispensation in accordance with Section 33(2)(e) of the Localism Act 2011. The dispensations sought would enable the Members to speak and vote on any item of business at any Authority meeting (including specifically the Authority's budget setting meetings) in which they had a registerable interest by virtue of their appointment by the Authority to outside bodies.

A copy of the application letters from Members seeking dispensation were submitted to the Sub-Committee.

Resolved that the applications received by Members for dispensation in respect to the registerable interests as set out below; be granted for either a period of 4 years, or, the date when the Member ceases to be the Authority's representative on the outside body, whichever is earlier:

| Item | Councillor | Outside Body |
|-------------|--------------------|-----------------------------------------------------------------------------------------------------------------|
| 1. | Councillor C Davis | North Tyneside Fostering and Adoption Panel Tyne and Wear Trading Standards Joint Committee (Substitute) |

Standards Sub-Committee

| Item | Councillor | Outside Body |
|-------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. | Councillor R Glindon | Association of North East Councils Resources Task and Finish Group Association of North East Councils Collaborative Procurement Sub-Committee North Tyneside Trading (Commercial Rental) Limited North Tyneside Trading (Commercial Sales) Limited |
| 3. | Councillor M Hall | Northumberland, Tyne and Wear NHS Foundation Trust Council of Governors |
| 4. | Councillor JLL Harrison | Northumbria Regional Flood and Coastal Committee |
| 5. | Councillor D McMeekan | British Destinations |
| 6. | Councillor J O'Shea | Association of North East Councils Resources Task and Finish Group |
| 7. | Councillor A Percy | Tyne and Wear Archive and Museums General Purposes Committee Tyne and Wear Archive and Museums Joint Committee Tyne Port Health Authority |
| 8. | Councillor CB Pickard | North Tyneside Trading (Commercial Rental) Limited North Tyneside Trading (Commercial Sales) Limited |
| 9. | Councillor Janet Hunter | Local Government Association Assembly Standing Advisory Council on Religious Education |
| 10. | Councillor S Day | Station Developments Limited |
| 11. | Councillor A McMullen | North East Combined Authority Overview and Scrutiny Committee (Substitute) |

Councillor P Earley declared a non-registerable personal interest in his own application for dispensation, and, as a result, the sub-committee was advised that Councillor Earley's withdrawal from the room during consideration of his application would result in an inquorate meeting.

At this point the Chair announced that the meeting stood adjourned at a time and date to be fixed by the Chair of Standards Committee when the remaining business would be considered.

Standards Sub-Committee

20 December 2016

Present: Councillor C Johnson (Chair)
Councillor P Mason.

SSC05/12/16 Apologies for Absence

There were no apologies of absence reported.

SSC06/12/16 Declarations of Interest

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

SSC07/12/16 Dispensations – Appointments to Outside Bodies

Further to Minute SSC04/12/16 of the meeting held on the 15 December 2016, the Standards Sub-Committee received a report on an application received from a Member of the Council, seeking dispensation in accordance with Section 33(2)(e) of the Localism Act 2011. The dispensation sought would enable the Member to speak and vote on any item of business at any Authority meeting (including specifically the Authority's budget setting meetings) in which he/she had a registerable interest by virtue of their appointment by the Authority to outside bodies.

A copy of the application letter from the Member seeking dispensation was submitted to the Sub-Committee.

Resolved that the application received by a Member for dispensation in respect to the registerable interests as set out below; be granted for either a period of 4 years, or, the date when the Member ceases to be the Authority's representative on the outside body, whichever is earlier:

| Item | Councillor | Outside Body |
|-------------|---------------------|-----------------------------------------------------------------|
| 1. | Councillor P Earley | North East Combined Authority Governance Committee (Substitute) |

North Tyneside Council Report to Standards Committee Date: 2 March 2017

ITEM 5

Title: Standards
Committee Draft Annual
Report 2016/17

Report from Service Area: Law and Governance

Report Authors: Vivienne Geary, Head of Law and Governance & Monitoring Officer (Tel: 643 5339)

Stephen Ballantyne, Lawyer Specialist – Governance and Employment (Tel: 643 5329)

Wards affected: All

1. Purpose

To introduce the Standards Committee Draft Annual Report for 2016/17 for consideration by the Committee prior to its finalisation and submission to the Annual Council meeting on 18 May 2017.

2. Recommendations

The Committee is requested to:

1. consider and suggest any additions and amendments to the Draft Annual Report 2016-17 attached at Appendix 1 as appropriate; and
2. authorise the Head of Law and Governance in consultation with the Chair of the Standards Committee to finalise the report, taking into account any comments received pursuant to recommendation 1 above, prior to its submission to the Annual Council meeting to be held on 18 May 2017.

3. Background

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

The Committee is 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 Standards Committee Draft Annual Report 2016/17 is attached at Appendix 1. The report sets out the work undertaken by the Standards Committee and its Sub-Committees over the municipal year. The report highlights the ways in which the Standards Committee has influenced and shaped policy and the promotion and maintenance of ethical standards of conduct by the Elected Mayor, Councillors, Co-opted Members and church and parent governor representatives.

The Committee will consider its work programme for the new municipal year 2017-18 at its first meeting of the new year on 8 June 2017. The Committee has recently met informally to discuss the work programme and its development for next year. The suggestions received will be fed into the new work programme for the approval of the Committee.

4. Appendices

Appendix 1 - Standards Committee Draft Annual Report 2016/17.

5. Contact officers:

| | |
|------------------------------------------------------------------|-----------------|
| Vivienne Geary, Head of Law and Governance | (0191) 643 5339 |
| Stephen Ballantyne, Lawyer Specialist: Governance and Employment | (0191) 643 5329 |

6. Background information:

None.

Standards Committee

Annual Report 2016-17

DRAFT



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, 1 complaint of potential breach of the Code of Conduct was 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 | | 1 | | 1 |
| 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 2016-17 there were no requests for the review of the initial assessment decision.

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.

The Standards Committee Work/Action Plan up to 31 March 2017

This Action Plan was monitored by the Committee at each meeting.

The Standards Committee is responsible for the Authority's statutory duty to promote and maintain high standards of conduct by the Elected Mayor, Councillors and Co-opted Members. The Committee has worked to discharge this duty by undertaking the following actions:

| Action | Why | By When | Status/Suggested Action |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Monitor the operation of the Members' Code of Conduct. | To ensure that it is operating effectively | Ongoing | Continue with monitoring. |
| To continue to develop an ongoing programme of meetings with invited guests, including the Elected Mayor, the Chief Executive, Deputy Chief Executive, Senior Leadership Team, Group Leaders, the Chair and Deputy Chair of Council and the Chairs of the Overview and Scrutiny Committee and the Planning Committee and other Regulatory Committees. | To develop a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards. | Ongoing | Continue to develop the programme. The Authority's Deputy Chief Executive (Chief Operating and Delivery Officer) attended a meeting in 2016. |
| To invite Chairs of Standards Committees from other Authorities in the region to attend Committee meetings. | To provide an opportunity to understand ethical governance and standards issues in other Authorities. | Ongoing | Continue to develop the programme. The Independent Chair of Northumberland County Council's Standards Committee attended a meeting in 2016. |

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>To provide training for the Committee on relevant ethical standards issues. To seek training on a regional basis.</p> | <p>Training on local assessment, the Code of Conduct and other relevant matters/legislation.</p> | <p>Ongoing</p> | <p>A regional training event was held on 26 July 2016, hosted by Newcastle City Council and facilitated by Bevan Brittan LLP Solicitors.</p> |
| <p>To review training available to all Council Members on ethical governance, ethical standards issues including arrangements with respect to the Code of Conduct for Members; granting of dispensations, the use of Social Media and declaring interests.</p> | <p>To ensure all members receive information on ethical governance, ethical standards to minimise risk of unwitting breaches of the Code of Conduct.</p> | <p>By January 2017</p> | <p>The Committee considered and commented upon a report on the Member Development Programme in December 2016 as part of the ongoing training review.</p> |
| <p>Continue production of Annual Standards Committee Report</p> | <p>Presentation of Annual Report of the work of the Committee during the previous 12 months.</p> | <p>By end of each municipal year</p> | <p>Continue with production of Annual Report.</p> |
| <p>Chairs and Deputy Chairs and Independent Persons of Standards Committees to meeting in a regional forum.</p> | <p>To facilitate a dialogue and discussion about ethical governance and the application of the Code of Conduct for Members.</p> | <p>Summer 2016</p> | <p>No regional meetings of the Chairs and Deputy Chairs of Standards Committees and Independent Persons took place in 2016/17. A regional training event detailed above took place in July 2016. This event did afford all Members and the Independent</p> |

| | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| | | | Persons who attended the opportunity to discuss informally matters relating to the operation of Standards Committees |
| <p>To provide training to the Independent Persons on their role including their new role in relation to the disciplinary procedures for Statutory Officers.</p> <p>To seek training on a regional basis.</p> | <p>To ensure that the Authority's Independent Persons understand their role in relation to ethical governance and the Code of Conduct for Members as well as the disciplinary procedures for Statutory Officers.</p> | Ongoing | <p>A regional training event was held on 26 July 2016, hosted by Newcastle City Council and facilitated by Bevan Brittan LLP Solicitors.</p> |
| <p>To review the Authority's Local Arrangements for dealing with Complaints under the Code of Conduct.</p> | <p>To ensure that the Authority's Local Arrangements meet the requirements and expectations of the Members and the relevant legislation.</p> | November 2016 | <p>No suggested amendments to the Local Arrangements under the Code of Conduct have been received.</p> |