

(Note: These minutes are subject to confirmation at the next meeting of the committee scheduled to be held on 21 June 2018.)

Standards Committee

8 March 2018

Present: Councillor C Johnson (Chair)
Councillors B Burdis, EN Darke, F Lott, M Green,
Janet Hunter, P Mason, CB Pickard and M Rankin

SC23/03/18 Apologies for Absence

Apologies for absence were received on behalf of Councillor P Earley and Ms S Gardner, Independent Person.

SC24/03/18 Appointment of Substitute Members

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

Councillor M Green for Councillor P Earley.

SC25/03/18 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

SC26/03/18 Minutes

Resolved that the minutes of the previous Standards Committee meeting held on 25 January 2018; and the minutes of the Standards Sub-Committee meetings held on 23 November 2017 and 25 January 2018 be confirmed and signed by the Chair.

SC27/03/18 Invited Guests

Mrs Norma Redfearn, Elected Mayor, and Mr Patrick Melia, Chief Executive, were invited to the meeting as part of the ongoing programme of engagement with invited guests in a dialogue with Members and appropriate officers on the promotion of high ethical governance and standards.

The Elected Mayor and the Chief Executive both acknowledged the importance of the Standards Committee in discharging its duties on the Authority to promote and maintain high ethical standards.

The Elected Mayor encouraged all Members to be open, honest and transparent and to be respectful of each other and each other's views. She said that Members were responsible for their own behaviour and were expected to abide by the obligations of the Authority's Code of Conduct for Members'. In the case of proven misbehaviour under the Code of

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Conduct, the Elected Mayor felt that more options were needed to enable adequate sanctions to be applied by the Standards Committee.

The Chief Executive said the Authority's governance framework was intended to be consistent with Nolan's Seven Principles of Public Life and that these principles were very important in terms of public perception and on how high standards could be achieved in practice.

The Chief Executive said it was a matter of public trust in us that both Member and officer behaviour was properly governed. In terms of ethical principles, it was important how the Authority was perceived by the general public with regard to the expected behaviour of elected Members and officers in Public Life. He made reference to the current lack of adequate Code of Conduct sanctions available in applying the above principles, which were perceived as inadequate in terms of public trust, and, in his view, this was a key issue which should be addressed nationally.

The Chair explained that the regional Standards Committees' had written to the Government on two separate occasions with regard to highlighting the issue of adequate sanctions, but no changes had been made as a result.

During discussion, Member's raised the issue of delays in concluding Code of Conduct complaint investigations. It was explained that this Authority had a strong governance framework in place and also regionally and in the case of potential delays, the Chair of the Standards Committee was able, if necessary, to intervene and apply time restrictions, subject to some constraints on engagement e.g. delays with Members' participation in the process.

The Chair, on behalf of the Standards Committee, thanked the Elected Mayor and Chief Executive for their contribution to the discussion.

SC28/03/18 Standards Committee Action Plan/Work Programme 2017-18 Update

To consider progress on the Action Plan/Work Programme of the Standards Committee up to 31 March 2018.

This Action Plan was monitored by the Committee at each meeting and the progress of the identified actions set out in the report would be included in the Committee's Annual Report to Council at the end of the municipal year.

A schedule containing a list of the identified actions completed during 2017-18 together with the actions in progress were detailed in the report. The Head of Law and Governance in presenting the report highlighted some matters of note with regard to the progress of the identified actions, including the feasibility of filming at Planning Committee meetings in liaison with the Chair, and feedback from regional authorities invites to attend each other's committee meetings which was awaited.

A separate report on the Ministerial Code published by the Cabinet Officer that dealt with a number of ethical governance issues which may be of relevant to the Authority, was provided elsewhere on the agenda.

Resolved that progress of the identified actions for the year up to 31 March 2018 be noted.

SC29/03/18 Standards Committee Draft Annual Report 2017-18

A report was received from the Head of Law and Governance which introduced the Standards Committee Draft Annual Report 2017-18 attached at Appendix1 for consideration prior to its finalisation and submission to the Annual Council meeting on 17 May 2018.

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 Standards Committee Draft Annual Report 2017-18 attached at Appendix 1 set 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 had 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. A summary of the Committee's Work/Action Plan which was monitored at each meeting was attached at Annex 1.

The Standards Committee would consider its work programme for the 2018-19 Municipal year at its first meeting of the new year on 21 June 2018.

In presenting the draft Annual Report, the Head of Law and Governance explained that a further complaint had been received under the Code of Conduct for Members since the publication of the agenda papers. The report would be updated to reflect the position, and include details of the intended response on behalf of the Committee to the Consultation described in Minute SC30/03/18 below, prior to submission to Annual Council.

It was proposed by the Head of Law and Governance that amendments to the Standards Committee work programme be undertaken, following consideration by the Standards Committee of the Draft Annual Report 2017-18.

Resolved that (1) any additions and amendments made by the Standards Committee to the draft Annual Report 2017-18 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 2017-18, taking into account any comments received pursuant to recommendation (1) above, prior to its submission to the Annual Council meeting to be held on 17 May 2018.

SC30/03/18 Consultation - Local Government Ethical Standards

A report was submitted which advised the Standards Committee of The Committee on Standards in Public Life's launch of its consultation to inform its review of Local Government Ethical Standards.

The Committee on Standards in Public Life considered that robust standards arrangements were needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. The Committee had launched its consultation to inform its review of local government ethical standards. The consultation closed at 5pm on 18 May 2018.

The terms of reference for the review was to examine the structures, processes and practices in local government in England for:

- maintaining codes of conduct for local councillors
- investigating alleged breaches fairly and with due process
- enforcing codes and imposing sanctions for misconduct
- declaring interests and managing conflicts of interest
- whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review would consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities, including Metro Mayors and the Greater London Authority, including the Mayor of London.

Anyone with an interest could respond to the consultation questions. The Committee welcomed submissions from members of the public. However, the consultation was aimed Particularly, at the following stakeholders, both individually and corporately:

- local authorities and standards committees
- local authority members - for example, Parish Councillors, District Councillors
- local authority officials - for example, Monitoring Officers
- think tanks with an interest or expertise in local government
- academics with interest or expertise in local government
- representative bodies or groups related to local government

Further information, submission guidelines, and consultation questions were available in the consultation document at Appendix 1 to the report.

Resolved that the Head of Law and Governance, in consultation with the Chair of the Standards Committee, be authorised to respond on behalf of the Committee to the consultation, taking into account any comments and views expressed by the Standards Committee in the consideration of this matter.

SC31/03/18 Cabinet office - The Ministerial Code

A report was submitted which advised the Standards Committee of the publication by the Cabinet Office of the Ministerial Code that dealt with a number of ethical governance issues which might be of relevance to the Authority.

The Ministerial Code sets out the standards and conduct expected of Ministers of the Government. The Code was first published as Questions of Procedure for Ministers in 1992, although it had been in existence before this as a confidential internal circular, since at least the Second World War, and was well known unofficially in the media, academic texts and Parliament. Its text had been subject to revision following recommendations from the Committee on Standards in Public Life and the Select Committee on Public Administration.

It had become customary for a revised Code to be published at the beginning of a new administration. The Code was currently administered by the Propriety and Ethics Group within the Cabinet Office.

The latest version of the Ministerial Code was issued on 9 January 2018 by Prime Minister Theresa May following the resignation of three Cabinet Ministers, in November and December 2017, which attracted significant public comment. It aimed to address the type of behaviour that led to their resignations; sexual harassment, improper behaviour and undisclosed ministerial meetings.

The Code had 10 sections and began with a foreword from the Prime Minister, Theresa May.

The following sections of the Ministerial Code were of relevance to the Authority in respect to the principles of conduct they demonstrated. Such principles were relevant to all holders of public office.

Section 1 – Ministers of the Crown: this section was an introduction, setting out the role of ministers to the government, to Parliament, and to the people. It directed ministers to "behave in a way that upholds the highest standards of propriety," to uphold the principle of collective responsibility, not to mislead parliament, and to avoid conflicts of interest.

Section 2 – Ministers and the Government: sets out the precise rules of collective responsibility. It also stated that ministers should relinquish all government material when ceasing to hold a role, and provided rules on access to government papers by former ministers, for example, those writing memoirs may wish to check the documents from their time in office. This set of rules was known as the "Radcliffe rules".

Section 5 – Ministers and Civil Servants: regards ministerial relationships with the Civil Service. It stated that ministers "must uphold the political impartiality of the Civil Service, and not ask civil servants to act in any way which would conflict with the Civil Service Code."

Section 6 – Ministers' Constituency and Party Interests: directs ministers to refrain from using government property and resources in their role as an MP. For example, political leaflets must not be distributed at the expense of public funds. Ministers with a conflict of interest between their government role and their constituency, for example, a transport minister might have to balance the desire of her/his constituents not to have a new airport

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built near their town, with her/his government duties, were simply advised to act cautiously; "ministers are advised to take particular care."

Section 7 – Ministers' Private Interests: this section required ministers to provide a complete list of any financial interests they had. In March 2009, this list was released to the public for the first time. Guidelines were set out as to maintaining neutrality for ministers who were members of a trade union. No minister should accept gifts or hospitality from any person or organisation when a conflict of interest could arise. A list of gifts, and how they were dealt with on an individual basis, was published annually. The full Ministerial Code was attached for Members information at Appendix 1 to the report.

In terms of how the Authority reflects the principles contained in the Ministerial Code in its governance arrangements the Ministerial Code sets out, as mentioned above, the behaviours of that were expected of Ministers in Government in line with the 7 Principles of Public Life that were developed by the Committee on Standards in Public Life. The Authority's governance framework had also been developed with reference to the Principles of Public Life.

The Authority had a Code of Conduct for Members' which sets out obligations as to Member behaviour as well as how Members must deal with their interests/gifts and hospitality. In addition to the Code of Conduct the Authority has various Protocols e.g. the Protocol on Member/Officer Relations, the Protocol on Use of the Authority's Resources and Support for Members and the Protocol on Member Access to Information and Authority Documents) that advise Members further of proper conduct. The Protocols were published in the Authority's Constitution alongside the Code of Conduct for Members.

Whilst the Protocols were published in the Constitution and provided guidance to Members on their behaviours, they did not bind Members in relation to their behaviours. The Authority, if it considered it appropriate, could determine to annex the Protocols to the Code of Conduct for Members' giving them the same status as the Code of Conduct.

The Head of Law and Governance suggested that a review of the above arrangements could be included as an identified action in the Standards Committee's Work Programme 2018-19, if requested.

In response to a query about Members' requirements for the submission of Dispensation applications, the Head of Law and Governance agreed to send out a reminder to all Members of the Council following the local elections in May 2018.

Resolved that the report be noted.