

Standards Committee



Annual Report 2018-19

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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 2018/19.

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.

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 M Rankin
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 2018 to March 2019 together with background information regarding the standards regime established within North Tyneside Council. All references to 2018-19 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 their 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.

In September 2018 the duties of the Monitoring Officer transferred on an interim basis from the former Head of Law and Governance to the Senior Manager-Legal Services. Following the appointment of Mr Bryn Roberts as the new Head of Law and Governance, the duties of the Monitoring Officer transferred to Mr Roberts in February 2019.

Independent Persons

The Authority has appointed three 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 2018-19

In 2018/19 the Standards Committee comprised the following Members: Councillors Brian Burdis; Eddie Darke; Janet Hunter; Carl Johnson; Karen Lee (Deputy Chair); Frank Lott; Paul Mason; Bruce Pickard; and Martin Rankin (Chair).

5. The Authority's Independent Persons

In July 2018, the terms of appointment of the Authority's two Independent Persons, Mr George Clark and Ms Stella Gardner, came to an end.

A full recruitment exercise to the roles of Independent Person was commenced in early May/June 2018. Eleven applications were received as a result of the formal recruitment process. Following a shortlisting process, four candidates, including the current holders of the roles of Independent Person, were interviewed as a part of the selection process. The interviews were conducted by the Elected Mayor, the Chair of the Standards Committee and Councillor Paul Mason, supported by the Head of Law and Governance. The selection panel identified three suitable candidates.

In July 2018 Council agreed proposals to increase the number of Independent Persons to three; to implement a maximum ten year term of office for an Independent Person; and to appoint Mr Clark, Ms Gardner and Dr Stuart Green to the roles of Independent Person for a period of four years until 31 July 2022.

6. Committee and Sub-Committee Meetings in 2018-19

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 2018-19 is attached at Appendix 1 to this report and is commented upon further in paragraph 10 below.

The Standards Committee met on 3 occasions in 2018 -19. The following meetings took place:

- 19 July 2018
- 29 November 2018
- 20 March 2019

The Sub-Committee met on the 19 December 2018 and 17 January 2019 to consider applications for dispensations under the Code of Conduct.

The Sub-committee also met on 7 September 2018 for a complaints hearing, and on 28 February 2019 to consider an investigation report into a complaint where no breach of the code was found.

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

During 2018-19, 14 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.

Table1

Local Assessment Decisions	No action	Informal resolution	Referred for Investigation	Total
2018/2019	9	3	2	14
2017/2018	6	2	1	9
2016/2017	4	1	0	5
2015/2016	15	0	0	15
2014/2015	13	1	10	24
2013/2014	0	0	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 2018-19 there were 4 requests for a review of the initial assessment decision. Following the review, the original decision was upheld in each case.

In 2017-18 there were no requests for the review of the initial assessment decision.

In 2016-17 there was 1 request made for the review of the initial assessment decision. Following the review, the original decision was upheld.

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

During 2018/19, 2 complaints were referred for investigation, one of which is complete and one is currently being progressed.

There has been one hearing of a complaint during 2018-19 which related to a complaint referred for investigation in 2017-18.

The Sub-committee also considered one investigation report, which related to a complaint referred for investigation in 2017-18, that concluded that there was inadequate evidence to support a finding that there had been a failure to comply with the code of conduct.

10. Review of Standards Committee Work Programme and Action Plan for 2018/19

The Standards Committee's Work Programme/Action Plan for 2018-19 is attached at Annex 1. Matters of particular note are summarised below.

The Standards Committee met on 3 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 2018/19 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. It was agreed that a sub-group be established to undertake this work and following the recent publication in January 2019 of the Committee of Standards in Public Life's Review: Ethical Standards in

Local Government (see below), it is proposed that the review of the Code of Conduct and Local Arrangements be considered in the new municipal year.

A Pocket Guide to the Code of Conduct for Members' and the requirements in relation to interests was developed and approved by the Standards Committee for circulation to all Members' to assist in how the Code applied to them.

B. Dialogue with Members and Officers

The Standards Committee has responsibility for the Authority's statutory duty for promoting and maintaining high standards of conduct by elected Members and co-opted Members of the Council. During 2018/19 invited guests included the Chair of the Council, Councillor Mulvenna and the newly appointed Head of Law and Governance, Mr Bryn Roberts, who gave their perspective on the promotion of high ethical governance and standards. The invitation has also been extended to regional Chairs of Standards Committees, responses are awaited.

C. Committee of Standards in Public Life Review: Ethical Standards in Local Government

The Committee considered a report by the Committee of Standards in Public Life's recent review of Ethical Standards in Local Government. The Committee published its report in January 2019. This review was intended to provide assurance that the current framework, particularly since the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public.

A number of risks (impacting across local government) have been identified in the report including:

- The current rules around conflict of interest, gifts and hospitality are said to be inadequate; and
- The increased complexity of local government decision making is said to be putting governance under strain.

The report calls for more robust safeguards to strengthen a locally determined system and calls upon local authorities to ensure they develop and maintain organisational cultures which are supportive of high ethical standards.

The introduction of a power of suspension and a refreshed model code of conduct are recommended together with strengthening the role of the Independent Person and providing a right of appeal to the LGO for suspended councillors. It is also said that greater transparency is required on how complaints are assessed and decided to avoid reliance on internal party discipline and provide reassurance to the public.

A full copy of the report is available at: [Ethical Standards Report](#)

The report was submitted to the Standards Committee for its consideration.

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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