

Standards Committee



Annual Report 2017-18

DRAFT



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 2017-18.

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 2017 to March 2018 together with background information regarding the standards regime established within North Tyneside Council. All references to 2017-18 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 2017-18

In 2017/18 the Standards Committee comprised the following Members:

Councillors Brian Burdis, Eddie Darke, Peter Earley, Janet Hunter, Carl Johnson (Chair), Frank Lott, Paul Mason, Bruce Pickard and Martin Rankin (Deputy Chair).

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 2017-18

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 9 below.

The Standards Committee met on 4 occasions in 2017 -18. The following meetings took place:

- 22 June 2017
- 31 August 2017
- 25 January 2018
- 8 March 2018

The Sub-Committee met on the 23 November 2017 and 25 January 2018 to consider applications for dispensations under the Code of Conduct.

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

During 2017-18, 7 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
2017/2018	5	1	1	7
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 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 2017/18, 1 complaint was referred for investigation which is currently being progressed. There have been no hearings or decisions on complaints during 2017/18.

10. Review of Standards Committee Work Programme and Action Plan for 2017/18

The Standards Committee's Work Programme/Action Plan for 2017-18 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 2017/18 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.

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. Whistleblowing Procedure for Members'

The Committee considered and approved a Refresh of the Authority's Whistle-blowing Procedure for Members'. The link to the refreshed Procedure is published on the Members' Intranet.

C. Member Development Programme

It was agreed by the Standards Committee to further improve the Learning Pool (the Authority's online Learning Management System), to assist elected Members to:

- Identify mandatory training required for their role;
- Be notified when training should be refreshed;
- View training completions; and
- View other training and learning is available.

The improvements progressed include a new personalised home page for all elected Members at login to the Learning Pool, with quick links to individual workbooks produced by the Local Government Association and other training available to elected members/employees. Certifications were designed with built-in automated email reminders for all mandatory and regulatory committee training courses. Guidance and support was also updated with new functions and feel in order to support members to navigate the system.

Demonstrations and one-to-one support is also available upon request by the Human Resources and Organisation Development Service.

A two day face-to-face training event held in October 2017 to assist those Members who used social media regularly was delivered by IODA and hosted by North Tyneside Council. The training invitation to all Members was extended to Chairs' and Independent Persons of Standards Committees' from regional authorities. On-line training was further promoted with all Members of the Authority to assist in the use of social media through e-learning.

A generic bullet point list on Chairing Skills was developed and considered by the Standards Committee, together with details of the recently updated "A councillors workbook on chairing skills" published by the Local Government Association (LGA). The workbook had been designed as a distance learning aid for Councillors. It was intended to provide councillors with insight and assistance with the key skills which would help them to be effective in their role. The Committee endorsed the generic bullet point list, subject to inclusion of an additional bullet point, and the LGA workbook for use in the development of chairing skills for Members across the Authority.

A full copy of the LGA workbook is available at:

https://www.local.gov.uk/sites/default/files/documents/11.61%20Chairing%20skills%20-%20a%20councillors%27%20workbook_1.pdf

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

At the regional development session for Chairs, Deputy Chairs and Independent Persons held in April 2017, discussions enabled the identification of key themes or more specific issues or concerns which could be used to form the basis of an action list available for use by the Monitoring Officers' Group, with the potential for regional activities in response. A Standards Bulletin emerged as one of the themes for action to be looked at on a regional basis. Examples of bulletins/newsletters from authorities across the region were circulated for consideration by the regional Monitoring Officers' Group. The Group was supportive of the creation of a Standards Bulletin and arrangements to deliver a bulletin were being examined.

Chairs and Deputy Chairs and Independent Persons of Standards Committees are to meet in a regional forum to facilitate a dialogue and discussion about ethical governance and the application of the Code of Conduct for Members'.

6-monthly meetings of Chairs and Deputy Chairs of regulatory committees are to be arranged in consultation with other regional authorities to provide an opportunity to share knowledge and best practice.

Training for Independent Persons on their role would be arranged and hosted by the Authority in July 2018, following discussion at a regional meeting of Monitoring Officers' and the appointment of Independent Persons for the future. This to include invitations to relevant training for elected Members.

E. 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 2017/18 invited guests included Mrs Norma Redfearn, Elected Mayor Councillor Frank Lott, Chair of Planning Committee, Councillor Peter Earley, Chair Regulation and Review Committee and Mr Patrick Melia, Chief Executive, 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.

F. Committee of Standards in Public Life Review: Intimidation of Parliamentary Candidates

The Committee considered a report by The Committee of Standards in Public Life's recent review of intimidation of Parliamentary candidates, "and broader implications of this for other holders of public office". The Committee published its report on 13 December 2017. The report included recommendations to address the threats and intimidation experienced by Parliamentary candidates and others. The Committee made a package of recommendations for action to government, social media companies, political parties, the police, broadcast and print media, and MPs and Parliamentary candidates themselves.

A full copy of the report is available at:

<https://www.gov.uk/government/publications/intimidation-in-public-life-a-review-by-the-committee-on-standards-in-public-life>

The report was submitted to the Standards Committee for information and noting at this stage however, the Head of Law and Governance would keep the Committee informed of any progress in relation to the review.

G. Ministerial Code

The Committee considered a report on the Ministerial Code which dealt with a number of ethical governance issues published by the Cabinet Office and which was relevant to the Authority.

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.