



**North Tyneside Council**

# Standards Committee

Friday, 1 April 2022

**Thursday, 7 April 2022** 0.02 Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 6.00 pm.**

<b>Agenda Item</b>		<b>Page</b>
1.	<p><b>Apologies for Absence</b></p> <p>To receive apologies for absence.</p>	
2.	<p><b>Appointment of Substitute Members</b></p> <p>To be notified of the appointment of any Substitute Members.</p>	
3.	<p><b>Declarations of Interest and Dispensations</b></p> <p>You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.</p> <p>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.</p> <p>Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.</p>	
4.	<p><b>Minutes</b></p> <p>To confirm the minutes of the Standards Committee meeting held on 3 November 2021.</p> <p>To note the following minutes of the Standards Sub-committee:</p> <ul style="list-style-type: none"> <li>• 17 September 2021</li> <li>• 27 October 2021</li> <li>• 17 February 2022</li> </ul>	<b>5 - 20</b>

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<b>Agenda Item</b>		<b>Page</b>
5.	<p data-bbox="295 208 1292 246"><b>Code of Conduct Working Group: Review of Local Arrangements</b></p> <p data-bbox="295 280 1292 425">To consider the report on the review by the Code of Conduct Working Group of the Authority's Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority.</p>	<p data-bbox="1372 208 1436 280"><b>21 - 106</b></p>
6.	<p data-bbox="295 477 813 515"><b>Standards Annual Report 2021-22</b></p> <p data-bbox="295 548 1021 582">To consider the Standards Annual Report 2021-22.</p>	<p data-bbox="1372 477 1436 548"><b>107 - 120</b></p>

**Circulation overleaf ...**

## **Members of the Overview, Standards Committee**

Councillor Frank Lott (Chair)  
Councillor Lewis Bartoli  
Councillor Debbie Cox  
Councillor Janet Hunter  
Councillor Matthew Thirlaway

Councillor Wendy Lott (Deputy Chair)  
Councillor Brian Burdis  
Councillor Eddie Darke  
Councillor Pat Oliver

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# Public Document Pack Agenda Item 4

## Standards Committee

**Wednesday, 3 November 2021**

Present: Councillor F Lott (Chair)  
Councillors W Lott, L Bartoli, B Burdis, D Cox, E Darke,  
Janet Hunter and P Oliver

Apologies: Councillors M Thirlaway

### **SC8 /21 Appointment of Substitute Members**

There were no substitute members.

### **SC9 /21 Declarations of Interest and Dispensations**

There were no declarations of interest.

### **SC10 /21 Minutes**

**RESOLVED:** That the minutes of the previous Standards Committee meeting held on 10 June 2021 be confirmed and signed by the Chair.

### **SC11 /21 Review of the Code of Conduct for Members and Co-opted Members of the Authority**

The Committee considered the report which set out the work of the Code of Conduct Working Group in reviewing the Authority's Code of Conduct against the recently published Local Government Association (LGA) Model Councillor Code of Conduct.

The Committee considered the proposed revised Code which was set out as appendix 3 to the report.

Members raised an issue in relation to the register of interest and the publication of home address information in the light of recent security concerns. Members were advised that any interest in land in the Borough should be listed on the register of interests as a Disclosable Pecuniary Interest (DPI). However, in the current circumstances, the Monitoring Officer had agreed that this information should be redacted from the published document for all Councillors for an initial period of 6 months as a sensitive interest.

It was noted that there was an intention to provide training for all members on completion of the register of interests form and to make some changes to how updates to the register are submitted.

Members agreed to refer the revised Code of Conduct to the Constitution Task Group.

**Resolved:** That the revised Code of Conduct set out at Appendix 3 to the report be referred to the Constitution Task Group with a recommendation from this Committee that the revised code be accepted and referred to full Council for approval.

## **SC12 /21      Standards Committee Action Plan/Work Programme 2021/22**

The Committee considered the report which set out the action plan/work programme of the Committee for the year up to 31 March 2022.

It was noted that Cllr Lott was looking to attend some Standards Committee meetings at other authorities in the region and that dates are being sought for these visits. It was suggested that these dates be circulated to members of the Committee as other members may also wish to attend these visits.

In relation to Item 5 on the agenda, it was noted that the LGA had recently published some additional guidance on Complaints Handling and it was suggested that the remit of the Code of Conduct Working Group should be expanded to review the Council's Local Arrangements for dealing with complaints against councillors in line with this guidance. It was agreed that this should be added to the work programme.

**Resolved:** That the remit of the Code of Conduct Working Group be expanded to include a review of the Local Arrangements, and this review be added to the work programme for 2021-22.

## **Standards Sub-committee**

**Friday, 17 September 2021**

Present: Councillor F Lott (Chair)  
Councillors L Bartoli and E Darke

In attendance:  
Mr George Clark, Independent Person

### **1 Apologies for Absence**

There were no apologies for absence.

### **2 Appointment of Substitute Members**

There were no substitute members.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Local Arrangements**

The arrangements for dealing with allegations of breaches of the Code of Conduct for Members and Co-opted Members were noted.

### **5 Exclusion Resolution**

It was **Resolved** that:

“under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 of Part 1 of Schedule 12A to the Act.”

### **6 Complaint Assessment - NTC07.2021-22**

The Sub-committee considered the covering report, complaint and supporting information in relation to complaint NTC07-2021-22, and sought the view of the Independent Person who was in attendance at the meeting.

Following a vote, it was agreed that the complaint should be referred for formal investigation.

**RESOLVED:** That complaint NTC07-2021-22 be referred for formal investigation.

**7 Complaint Assessment NTC09-2021-22**

The Sub-committee considered the covering report, complaint and supporting information in relation to complaint NTC09-2021-22, and sought the view of the Independent Person who was in attendance at the meeting.

Following a vote, it was agreed that the complaint should be referred for formal investigation.

**RESOLVED:** That complaint NTC09-2021-22 be referred for formal investigation.

**8 Complaint Assessment NTC05.2021-22**

The Sub-committee considered the covering report, complaint and supporting information in relation to complaint NTC05-2021-22, and sought the view of the Independent Person who was in attendance at the meeting.

Members were of the view that the complaint fell outside of the remit of the Code of Conduct and therefore that no further action should be taken.

**RESOLVED:** That no further action be taken in relation to complaint NTC05-2021-22.



## **Standards Sub-committee**

**Wednesday, 27 October 2021**

Present: Councillor F Lott (Chair)  
Councillors L Bartoli and Janet Hunter

In attendance:  
Dr Stuart Green, Independent Person

### **1 Apologies for Absence**

There were no apologies for absence.

### **2 Appointment of Substitute Members**

There were no substitute members.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Local Arrangements**

The arrangements for dealing with allegations of breaches of the Code of Conduct for Members and Co-opted Members were noted.

### **5 Exclusion Resolution**

It was **Resolved** that:

“under Section 100A(4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 2 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 of Part 1 of Schedule 12A to the Act.”

### **6 Complaint Assessment - NTC05.2021-22**

The Sub-committee considered the covering report, complaint and supporting information in relation to complaint NTC05-2021-22.

The report set out the request from the complainant for a review of the previous decision of the Standards Sub-committee to not refer the complaint for investigation or further action.

The Sub-committee noted the additional information submitted by the complainant and the subject member and sought the view of the Independent Person who was in attendance at the meeting.

Members were of the view that the complaint fell outside of the remit of the Code of Conduct and therefore that no further action should be taken.

**RESOLVED:** That no further action be taken in relation to complaint NTC05-2021-22.

## **Standards Sub-Committee**

**17 February 2022**

**Present:** Councillor F Lott (Chair)  
Councillor W Lott (Deputy Chair)  
Councillor L Bartoli

### **SSC15/22 Apologies for Absence**

There were no apologies.

### **SSC16/22 Declarations of Interest**

There were no declarations of interest.

### **SSC17/22 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.

Copies of the application letters from Members seeking dispensation were submitted with the report and were considered by the Sub-Committee.

#### **Resolved:**

- i. That the dispensations requested by members, as set out in the table below, be granted. Each dispensation is 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;
- ii. That delegated authority be granted to the Director of Law and Governance and Monitoring Officer to agree any further written requests from Members for a dispensation that relates to a registerable interest by virtue of their appointment by the Authority to an outside body during the 2021-22 municipal year.

## Outside Body Dispensations

Dispensations were agreed by the Standards Sub-committee on 17 February 2022 in relation to the outside body appointments set out below:

Item	Councillor	Outside Body	Executive/ Non Executive
1	<b>Councillor Gary Bell</b>	Standing Advisory Council on Religious Education	Non-exec
2	<b>Councillor Linda Bell</b>	Tyne & Wear Trading Standards Joint Committee (substitute)	Exec
		Standing Advisory Council on Religious Education	Non-exec
3	<b>Councillor Trish Brady</b>	Bus Lane Adjudication Service Joint Committee (Substitute)	Exec
		Tyne Port Health Authority (Substitute)	Exec
		Joint Overview and Scrutiny Committee for the North east & North Cumbria Integrated Care System and North and Central Integrated Care Partnerships	Non-exec
4	<b>Councillor Brian Burdis</b>	North of Tyne Combined Authority Audit and Standards Committee (Substitute)	Exec
		North Shields Fish Quay Company Limited	Exec
		Northumberland In-Shore Fisheries and Conservation Authority	Exec
		Tyne Port Health Authority	Exec
5	<b>Councillor Carole Burdis</b>	North of Tyne Combined Authority Cabinet (Substitute)	Exec
		Northumbria Regional Flood and Coastal Committee	Exec
		Safer North Tyneside Partnership Board	Exec
		Northumbria Police and Crime Panel	Exec
		Tyne & Wear Fire and Rescue Authority	Exec
		Local Government Association Assembly	Non-exec

## Standards Sub-Committee

<b>Item</b>	<b>Councillor</b>	<b>Outside Body</b>	<b>Executive/ Non Executive</b>
		North East Regional Employers Organisation	Non-exec
		North Tyneside Citizens Advice Bureau	Non-exec
<b>6</b>	<b>Councillor Debbie Cox</b>	North of Tyne Combined Authority Audit and Standards Committee	Exec
		North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) Audit Committee (Substitute)	Exec
		Association of North East Councils Resources Task and Finish Group (Substitute)	Non-Exec
<b>7</b>	<b>Councillor Steven Cox</b>	North of Tyne Combined Authority Overview and Scrutiny Committee (Substitute)	Exec
		North East Migration Partnership Members Forum	Non-exec
<b>8</b>	<b>Councillor Naomi Craven</b>	Association of North East Councils Resources Task and Finish Group (Substitute)	Non-Exec
<b>9</b>	<b>Councillor Julie Cruddas</b>	Tyne Port Health Authority (substitute)	Exec
		Tyne and Wear Archives and Museums Strategic Board	Exec
<b>10</b>	<b>Councillor Sarah Day</b>	North of Tyne Combined Authority Overview and Scrutiny Committee (Substitute)	Exec
		North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) Overview and Scrutiny Committee (Substitute)	Exec
		North East Culture Partnership	Exec
		Tyne and Wear Archives and Museums Strategic Board (Rotating member)	Exec
		British Destinations	Non-exec

## Standards Sub-Committee

<b>Item</b>	<b>Councillor</b>	<b>Outside Body</b>	<b>Executive/ Non Executive</b>
		Kettlewell Education Foundation	Non-exec
<b>11</b>	<b>Councillor Peter Earley</b>	North of Tyne Combined Authority Cabinet (Substitute)	Exec
		North Tyneside Learning Trust	Exec
		Family (formerly Tyne) Gateway Trust	Exec
		Standing Advisory Council on Religious Education (Chair)	Non-exec
		Kettlewell Education Foundation	Non-exec
<b>12</b>	<b>Councillor Sandra Graham</b>	Bus Lane Adjudication Service Joint Committee	Exec
		Joint Street Lighting PFI Project Committee	Exec
		North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) Overview and Scrutiny Committee	Exec
		North Tyneside Trading Company	Exec
		Aurora Properties (Rental) Limited	Exec
		Aurora Properties (Sale) Limited	Exec
		North Tyneside Trading Company (Consulting) Limited	Exec
		North Tyneside Trading Company (Development) Limited	Exec
		Northumbria Regional Flood and Coastal Committee (Substitute)	Exec
		PATROL (Parking and Traffic Regulations Outside London Joint Committee) Adjudication Joint Committee	Exec
		Station Developments Limited	Exec
		Tyne & Wear Trading Standards Joint Committee	Exec
		Cullercoats Education Trust	Non-exec

## Standards Sub-Committee

Item	Councillor	Outside Body	Executive/ Non Executive
13	<b>Councillor Muriel Green</b>	North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) Overview and Scrutiny Committee	Exec
		Northumbria Healthcare NHS Foundation Trust Co-opted Governors	Exec
		Newcastle Airport Consultative Committee	Non-exec
14	<b>Councillor Margaret Hall</b>	North of Tyne Combined Authority Overview and Scrutiny Committee	Exec
		Northumbria Healthcare NHS Foundation Trust Co-opted Governors	Exec
15	<b>Councillor Janet Hunter</b>	North of Tyne Combined Authority Audit and Standards Committee (Substitute)	Exec
		North of Tyne Combined Authority Overview and Scrutiny Committee	Exec
		Tyne Port Health Authority	Exec
		Tyne & Wear Fire and Rescue Authority	Exec
		Local Government Association Assembly	Non-exec
		Kettlewell Education Foundation	Non-exec
16	<b>Councillor John Hunter</b>	Tyne & Wear Trading Standards Joint Committee	Exec
17	<b>Councillor Carl Johnson</b>	Joint Street Lighting PFI Project Committee	Exec
		Newcastle Airport Local Authority Holding Company (Substitute)	Exec
		North of Tyne Combined Authority Cabinet	Exec
		North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee	Exec
		North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) - Tyne and Wear Sub-Committee	Exec

## Standards Sub-Committee

Item	Councillor	Outside Body	Executive/ Non Executive
		North East Regional Employers Organisation Executive Committee	Exec
		North Tyneside Trading Company	Exec
		Aurora Properties (Rental) Limited	Exec
		Aurora Properties ( Sale) Limited	Exec
		North Tyneside Trading Company (Consulting) Limited	Exec
		North Tyneside Trading Company (Development) Limited	Exec
		Tyne Port Health Authority	Exec
		Northumbria Police and Crime Panel	Exec
		Tyne & Wear Fire and Rescue Authority	Exec
		Local Government Association Assembly	Non-exec
		North East Regional Employers Organisation	Non-exec
<b>18</b>	<b>Councillor Joe Kirwin</b>	North of Tyne Combined Authority Overview and Scrutiny Committee	Exec
		Tyne Port Health Authority (Substitute)	Exec
		Joint Overview and Scrutiny Committee for the North east & North Cumbria Integrated Care System and North and Central Integrated Care Partnerships	Non-exec
<b>19</b>	<b>Councillor Anthony McMullen</b>	Association of North East Councils Collaborative Procurement Sub-Committee	Exec
		North of Tyne Combined Authority Audit and Standards Committee	Exec
		North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) Audit Committee	Exec
		Pensions Committee (Substitute)	Exec



## Standards Sub-Committee

<b>Item</b>	<b>Councillor</b>	<b>Outside Body</b>	<b>Executive/ Non Executive</b>
		Association of North East Councils Resources Task and Finish Group	Non-Exec
<b>20</b>	<b>Councillor Janice Mole</b>	Joint Street Lighting PFI Project Committee (Substitute)	Exec
		Joint Overview and Scrutiny Committee for the North east & North Cumbria Integrated Care System and North and Central Integrated Care Partnerships (Substitute)	Non-exec
<b>21</b>	<b>Councillor Thomas Mulvenna</b>	North Tyneside Fostering Panel	Exec
		Tyne & Wear Trading Standards Joint Committee	Exec
		Northumbria Police and Crime Panel (Substitute)	Exec
		Joint Overview and Scrutiny Committee for the North east & North Cumbria Integrated Care System and North and Central Integrated Care Partnerships	Non-exec
<b>22</b>	<b>Councillor Andy Newman</b>	North Tyneside Veterans Committee	Non-exec
<b>23</b>	<b>Councillor Pat Oliver</b>	Tyne & Wear Trading Standards Joint Committee (Substitute)	Exec
		Percy Hedley School Governors Board	Non-exec
		Kettlewell Education Foundation	Non-exec
<b>24</b>	<b>Councillor John O'Shea</b>	Tyne & Wear Trading Standards Joint Committee	Exec
<b>25</b>	<b>Councillor Steven Phillips</b>	Tyne and Wear Archives and Museums Strategic Board (Substitute)	Exec
		Tyne & Wear Trading Standards Joint Committee (Substitute)	Exec

<b>Item</b>	<b>Councillor</b>	<b>Outside Body</b>	<b>Executive/ Non Executive</b>
<b>26</b>	<b>Councillor Martin Rankin</b>	North of Tyne Combined Authority Audit and Standards Committee	Exec
<b>27</b>	<b>Norma Redfearn, Elected Mayor</b>	Association of North East Councils Leaders and Elected Mayors Group	Exec
		Newcastle Airport Local Authority Holding Company	Exec
		North of Tyne Combined Authority Cabinet	Exec
		North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (Substitute)	Exec
		North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) - Tyne and Wear Sub-Committee (Substitute)	Exec
		North East Local Enterprise Partnership	Exec
		North Tyneside Strategic Partnership Executive	Exec
		Local Government Association Assembly	Non-exec
<b>28</b>	<b>Councillor Paul Richardson</b>	Joint Street Lighting PFI Project Committee (Substitute)	Exec
		Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust Council of Governors	Exec
		Tyne & Wear Trading Standards Joint Committee (Substitute)	Exec
		Joint Overview and Scrutiny Committee for the North east & North Cumbria Integrated Care System and North and Central Integrated Care Partnerships (Substitute)	Non-exec
<b>29</b>	<b>Councillor Willie Samuel</b>	North of Tyne Combined Authority Audit and Standards Committee (Substitute)	Exec
		North of Tyne Combined Authority and North East Combined Authority Joint	Exec

## Standards Sub-Committee

<b>Item</b>	<b>Councillor</b>	<b>Outside Body</b>	<b>Executive/ Non Executive</b>
		Transport Committee (JTC) Overview and Scrutiny Committee (Substitute)	
		PATROL (Parking And Traffic Regulations Outside London Joint Committee) Adjudication Joint Committee (Substitute)	Exec
		Pensions Committee	Exec
		Association of North East Councils Resources Task and Finish Group	Non-exec
		Cullercoats Education Trust	Non-exec
<b>30</b>	<b>Councillor Matthew Thirlaway</b>	North of Tyne Combined Authority Overview and Scrutiny Committee (Substitute)	Exec
		North East Regional Employers Organisation	Non-exec
		Standing Advisory Council on Religious Education	Non-exec
<b>31</b>	<b>Councillor Matt Wilson</b>	North East Ambulance Service NHS Foundation Trust Council of Governors	Exec
		Station Developments Limited	Exec

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## North Tyneside Council Report to Standards Committee Date: 7 April 2022

### ITEM

Title: Code of Conduct  
Working Group: Review of  
the Local Arrangements

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**Report from Service Area:** Law and Governance

**Report Author:** John Barton, Principal Lawyer and Deputy Monitoring Officer (Tel: 643 5354)

**Wards affected:** All

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### 1.1 Purpose:

To provide a report on the review by the Code of Conduct Working Group of the Authority's Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority.

### 1.2 Recommendation(s):

1. Consideration be given by the Committee to revising the Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority as set out in Appendix 2 of the report; and
2. Any revisions to the Local Arrangements agreed by the Committee be referred to the Constitutional Task Group with a recommendation that the revisions be accepted by the Constitutional Task Group and referred to full Council for approval.

### 1.3 Information

- 1.3.1 Under section 28 of the Localism Act 2011, the Authority must have in place "arrangements" under which allegations that an elected or co-opted Member of the Authority has failed to comply with the Authority's Code of Conduct can be considered and decisions taken on such allegations.
- 1.3.2 In December 2020 the Local Government Association (LGA) developed and published a Model Councillor Code of Conduct following consultation and which was subsequently updated in January and May 2021. The LGA's Model Code of Conduct was published in response to a recommendation from the Committee of Standards in Public Life. Guidance to the Model Code of Conduct has also been published by the LGA, along with guidance on complaints handling in relation to the Code.

- 1.3.3 The LGA guidance on dealing with complaints under the revised code of conduct can be found at the following link: [Guidance](#).
- 1.3.4 It was agreed by the Committee on 8 April 2021 that a Member Working Group should be established to consider the LGA's Model Code of Conduct against the Authority's current Code of Conduct and to make recommendations as to whether or not any amendments should be made to the Authority's Code of Conduct.
- 1.3.5 At the last meeting of the Committee on 3 November 2021 a revised Code of Conduct, as recommended by the Code of Conduct Working Group, was approved by the Committee for referral to the Constitution Task Group for consideration.
- 1.3.6 At the meeting on 3 November 2021 it was also agreed that the remit of the Code of Conduct Working should be expanded to include a review of the Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority.
- 1.3.7 The Code of Conduct Working Group met on 27 January 2022 to review the current Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority against the LGA guidance. A copy of the current Local Arrangements document is attached as Appendix 1.
- 1.3.8 The Working Group concluded that amendments should be made to the Local Arrangements as set out in the revised document attached at Appendix 2. The revised document includes a more detailed two-stage process that the Monitoring Officer in consultation with an Independent Person should undertake in considering whether a complaint should be referred for investigation.
- 1.3.9 Members are recommended to approve the revised Local Arrangements and agree that the document be submitted to the Constitution Task Group, along with the revised Code of Conduct.

#### **1.4 Appendices:**

Appendix 1 The Current Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority

Appendix 2 The Proposed Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority

#### **1.5 Contact officers:**

John Barton, Principal Lawyer - Legal Services

(0191) 643 5354

#### **1.6 Background information:**

- The Localism Act 2011.
- The Local Government Association's Guidance on Complaints Handling.

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North Tyneside Council

Standards Committee

Code of Conduct for Member and Co-opted  
Members

Arrangements for Dealing with Allegations of  
Breaches of the Code of Conduct for  
Members and Co-opted Members

# Standards Committee

## Code of Conduct for Member and Co-opted Members

### Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members

#### 1. Context

These arrangements set out how the Authority will deal with a complaint that an elected or co-opted member of the Council, has failed to comply with the Authority's Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place "arrangements" under which allegations that a Member or Co-opted Member of the Council or a Committee or Sub-Committee of the Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations. Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or a Member or Co-opted Member against whom an allegation has been made. The Authority has appointed three Independent Persons.

#### 2. The Code of Conduct

The Authority has adopted a Code of Conduct for Members and Co-opted Members, which that is attached as Appendix 1 to these arrangements and which is available for inspection on the Authority's website. It is incorporated into the Authority's Constitution.

#### 3. Receipt of a complaint

A complaint against a Member or Co-opted Member will be sent by the Complainant in writing or by email to –

The Monitoring Officer  
Law and Governance  
Quadrant,  
Silverlink North,  
Cobalt Business Park,  
North Tyneside,  
NE27 0BY

Or – [standards@northtyneside.gov.uk](mailto:standards@northtyneside.gov.uk)

The Monitoring Officer is the senior officer of the Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that the Authority has all the information which it needs to be able to process a complaint, the complaint form at Appendix 2 must be completed and submitted. The complaint form is available from the Authority's website.

The Monitoring Officer will acknowledge receipt of the complaint to the Complainant and provide the subject member of the complaint, with a copy of the complaint within 5 working days of receiving it, and will keep all parties informed of the progress of the complaint. The Monitoring Officer will also seek comments from the subject member of the complaint to assist in the initial assessment of the complaint.

#### 4. Request for confidentiality

If a Complainant wants to keep their name and address confidential, they are required to indicate this in the space provided on the complaint form. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

To ensure openness and transparency confidentiality will only be granted in exceptional circumstances and in many instances it would not be practical or possible to investigate a complaint without the identity of the complainant being revealed. If however confidentiality is granted and the complaint proceeds the Monitoring Officer will determine whether or when the subject member will be advised of the complaint and the identity of the complainant. The procedure set out below will be adjusted as appropriate to accommodate the decision of the Monitoring Officer.

Where a request for confidentiality is refused by the Monitoring Officer, the Complainant will be advised of that refusal and will be given the option to withdraw the complaint within 7 working days. If the complaint is withdrawn the matter will be then closed and the subject member will not be informed of the complaint. If the Complainant refuses to withdraw the complaint or does not respond within the specified timescale, then the subject member will be sent a copy of the complaint and the complaint will proceed as set out in paragraph 5 below.

#### 5. Will the complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Persons and consideration of the initial comments of the subject member decide 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 (attached at Appendix 3). This decision will normally be taken within 28 days of receipt of the complaint. The parties will be advised of the Monitoring Officer's

decision together with the reasons for that decision– subject to any decision on confidentiality arising as referred to above.

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may go back to the Complainant for such information, and may request information from the subject member of the complaint.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer may refer the complaint to the Police or other regulatory agencies irrespective of a request for confidentiality by the Complainant.

A copy of the Subject Member's initial comments will normally be provided to the Complainant with the assessment decision unless there are particular reasons, in the view of the Monitoring Officer, not to.

## 6. Informal Resolution

The Monitoring Officer may consider that a complaint can be reasonably resolved informally. In such a case, the Monitoring Officer will consult with one of the Independent Persons, the subject member and the Complainant to seek to agree a fair resolution of the complaint which also helps to ensure high standards of conduct for the future. If the subject member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action.

## 7. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. The Investigating Officer may be another officer of the Council, an officer of another Council or an external investigator.

The Investigating Officer will write to the subject member and will ask them to provide their explanation of events, and to identify what documents or other materials they believe the Investigating Officer needs to see and interview.

The Investigating Officer will decide whether he/she needs to meet or speak to Complainant to understand the nature of the complaint and so that the Complainant can explain their understanding of events and suggest what documents or other materials the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the subject member and to the Complainant, to give both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration. A copy of the draft report will also be sent to the Monitoring Officer.

Having received and taken account of any comments which the Complainant or subject member may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

## 8. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Standards Committee will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient and they agree that there is no evidence of a failure to comply with the Code of Conduct, they will instruct the Monitoring Officer to write to the subject member and to the Complainant, notifying both that they are satisfied that no further action is required, and give both a copy of the Investigating Officer's final report.

If the Standards Committee do not agree with the conclusion that there is no evidence of a failure to comply with the Code of Conduct they will refer the matter for a hearing before the Committee or its Sub-Committee.

In considering the report, the Standards Committee/Sub-Committee will consult with the Authority's Independent Persons.

If the Standards Committee is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider his/her report. Upon the receipt of the report back from the Investigating Officer the Committee will consider whether to accept the report or refer it to a hearing.

## 8. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

### a. Local Resolution

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, there may still be an opportunity for local resolution, avoiding the necessity of a hearing. An investigation report may cause a member to recognise that his/her conduct was at least capable of giving offence, and /or identify other appropriate remedial action, and the Complainant may be satisfied for instance, by recognition of fault or an apology. It would only be appropriate for the Monitoring Officer to agree a local resolution at this stage after consultation with one of the Authority's Independent Persons and the Chair of the Standards Committee. In addition this would be conditional on the Complainant being satisfied with the outcome. A summary report on any local resolution of a complaint would be reported to the Standards Committee for information.

### b. Referral for Hearing

If local resolution was not possible, the Monitoring Officer will then refer the matter for a hearing before the Committee/Sub-Committee.

## 9. The Hearing

Where the Standards Committee/Sub-Committee has referred a matter for a hearing the procedure at Appendix 4 will apply.

10. What action can the Standards Committee/Sub-Committee take where a Member has failed to comply with the Code of Conduct?

The Council has delegated to the Standards Committee/Sub-Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct.

Accordingly the Standards Committee may –

- (i) Issue a formal censure;
- (ii) Refer the determination findings to full Council for information;
- (iii) Make publication of the determination findings by such means as thought fit;
- (iv) Request Council to remove the member from being the Chair or Deputy Chair of any Committee or Sub-Committee
- (v) Request the subject member's political group to remove them from any or all Committees or Sub-Committees for a specified period;
- (vi) Request the Elected Mayor to remove the member from the Cabinet, if a Cabinet Member, or from particular Portfolio responsibilities;
- (vii) Request the Council to remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the Council;
- (viii) Request the Elected Mayor to remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the executive.
- (ix) Offer training to the member; or
- (x) Exclude the member from the Council's offices or other premises or facilities, for a specified period and to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as an elected member.

The Standards Committee has no power to suspend or disqualify the subject member or to withdraw or suspend allowances or restrict access to or use of Council facilities so that the subject member is unable to perform your essential role as a councillor.

11. What happens at the end of the Hearing?

At the end of the hearing, the Chair will state the decision of the Standards Committee as to whether you have failed to comply with the Code of Conduct and as to any actions which the Standards Committee resolves to take.

As soon as reasonably practicable after that, the Monitoring Officer in consultation with the Chair of the Committee, will prepare a formal decision notice, and send a copy to you and the Complainant, make that decision notice available for public inspection on the Council's website and, if so directed by the Standards Committee, report the decision to the next convenient meeting of the Council.

## 12. Review of decisions

Procedures for the review of decisions are set out in Appendix 5.

## 13. What is the Standards Committee?

The Standards Committee is a politically balanced Committee of Council. It consists of nine Members of the Council who are drawn from each political party. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Persons are invited to attend meetings of the Committee and their views are sought and taken into consideration before the Committee takes any decision on whether a Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Independent Persons do not, however, have voting rights on the Committee. Their role is an advisory one.

## 14. Who are the Independent Persons?

The Independent Persons are persons who have applied for the post following advertisement of a vacancy for the role, and are appointed by the Council.

A person does not qualify as "independent", if they are (or at any time in the last 5 years have been) a Member, Co-opted Member or officer of the Council, or if they are a relative or close friend of such a Member, Co-opted Member or officer. "Co-opted" member is defined so as to include current independent members of Standards Committee.

For this purpose, "relative" comprises –

- (a) a spouse or civil partner;
- (b) any person with whom the candidate is living as if they are a spouse or civil partner;
- (c) a grandparent;
- (d) any person who is a lineal descendent of a grandparent;
- (e) a parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) any spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

The Council has three Independent Persons to ensure the availability of an Independent Person for consultation at all appropriate times and to avoid any conflicts of interest arising, as an Independent Person must also be available to be consulted by a Member who is the subject of a misconduct complaint.

## 15. Revision of these arrangements

The Standards Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter. The arrangements will also be subject to periodic review by the Council.



## North Tyneside Council

### Code of Conduct for Elected Members and Co-opted Members

North Tyneside Council (“the Authority”) has adopted the following code which has effect from 4 July 2012 and which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

This means the code applies whenever you (a) conduct the business of the Authority (including the business of your office as an elected councillor or co-opted member) or (b) act, claim to act or give the impression you 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. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

#### Part 1 - General Conduct

1. You must treat others with respect, including Authority officers and other elected members.
2. You must not bully any person (including specifically any Authority employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the Authority which seeks to regulate the conduct of its elected members or co-opted members and which the Authority has specifically declared should fall within the

provisions of this code of conduct and which is listed in Annex 4 to this Code.

7. When using or authorising the use by others of the resources of the Authority, you must act in accordance with the Authority's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
  - (a) You have the consent of a person authorised to give it; or
  - (b) You are required by law to do so; or
  - (c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - (d) The disclosure is reasonable and in the public interest and made in good faith.
10. Where you have been involved in making any decision by the Authority which is subsequently subject to scrutiny by an Overview, Scrutiny and Policy Development committee of the Authority, you must not take part in that scrutiny process except to the extent you may be invited by the committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Authority in order to reach a view as to its merits or effectiveness.
11. You must not do anything that would cause you to breach any equality laws. For example, you must not make sexist and/or racist remarks.
12. You must report any suspicion you have or any intelligence/information you have received on any safeguarding issue regarding children or vulnerable adults, including potential or actual sexual exploitation, to the Authority and where appropriate the Police.

## **Part 2 - Registration of interests**

13. You must register in the Authority's Register of Members Interests information about your registerable personal interests. In this code of conduct 'your registerable personal interests' means:
  - (a) any Disclosable Pecuniary Interest as set out in Annex 2;
  - or
  - (b) any other interest held by you as set out in Annex 3.

You must register information about your registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the Authority; and
- any change taking place in your registerable personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code.)

14. Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld.

### **Part 3 – Non-registerable interests**

15. You will have a non-registerable personal interest when you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described in paragraph 16 to a greater extent than most inhabitants of the area affected by the decision.

16. The persons referred to in paragraph 15 are:

- (a) a member of your family;
- (b) any person with whom you have a close association;
- (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

(Note:

- (a) “A member of your family” means: your partner (i.e. your spouse, civil partner or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.
- (b) You have a “close association” with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).

17. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that you have a non-

registerable interest in an item of business (as defined in paragraph 15) you must disclose that interest to the meeting before consideration of that item begins or (if later) when you become aware of the interest.

#### **Part 4 - Non-Participation in Authority Business**

18. When you attend a meeting of the Council or Cabinet, or one of their committees or sub-committees, and you are aware that the criteria set out in paragraph 19 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must :
  - (a) Declare that fact to the meeting;
  - (b) Not participate (or further participate) in any discussion of the matter at the meeting;
  - (c) Not participate in any vote (or further vote) taken on the matter at the meeting; and
  - (d) Leave the room whilst the matter is being discussed.
19. The criteria for the purposes of paragraph 18 are that:
  - (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; and either
  - (b) The matter will affect the financial position of yourself or one of the persons or bodies referred to in paragraph 16 or in any of your register entries; or
  - (c) The matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to in paragraph 16 or in any of your register entries.
20. If an Authority function can be discharged by you as a member acting alone and you are aware you have a registerable or non-registerable personal interest in any matter to be dealt with by you in that way which meets the criteria set out in paragraph 19, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

(Note: Failure, without reasonable excuse, to comply with paragraphs 18 to 20 in relation to a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code.)
21. Paragraphs 18 to 20 do not apply if (i) you have a relevant dispensation under section 33 of the Localism Act 2011 or (ii) the matter in question relates to any of the following functions of the Authority:
  - (a) housing, where you are a Council tenant provided the matter does not relate particularly to your tenancy or lease;
  - (b) school meals or school transport, where you are a parent or guardian of a child in full-time education or a parent governor of a school, unless the matter relates particularly to the school your child attends;

- (c) statutory sick pay where you are in receipt of, or entitled to receipt of, such pay;
- (d) an allowance, payment or indemnity given to members;
- (e) any ceremonial honour given to members; and
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

## **Annex 1 to Code of Conduct**

### **Nolan's Seven Principles of Public Life**

#### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

#### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

## Annex 2 to Code of Conduct

### Disclosable Pecuniary Interests

*(as defined by Regulations made by the Secretary of State under section 30 Localism Act 2011)*

Please Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) yourself, or (b) your spouse or civil partner, or (c) a person with whom you are living as husband and wife, or (d) a person with whom you are living as if you were civil partners (all of whom are referred to as “relevant persons”):-

**Employment, office, trade, profession or vocation** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**Sponsorship** - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

**Contracts** - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Authority:

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

**Land** - Any beneficial interest in land which is within the area of the Authority.

**Licences** - Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

**Corporate tenancies** - Any tenancy where (to your knowledge):

- (a) the landlord is the Authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

**Securities** - Any beneficial interest in securities of a body where:

- (a) that body (to your knowledge) has a place of business or land in the area of the Authority; and
- (b) either:
  - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: In the above descriptions, the following words have the following meanings –

*“body in which the relevant person has a beneficial interest”* means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

*“director”* includes a member of the committee of management of an industrial and provident society;

*“land”* excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

*“securities”* means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



## **Annex 3 to Code of Conduct**

### **Other Registerable Personal Interests**

The other interests which you must register under paragraph 11(b) of the code are:

1. Any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Authority;
2. Any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management);
3. Any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Authority.

Note: These mean only your interests and not those of your spouse or civil partner

## **Annex 4 to Code of Conduct**

### **Associated Protocols**

The Authority has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Authority has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code:

[None]



North Tyneside Council

Appendix 2

## Code of Conduct for Members and Co-opted Members of North Tyneside Borough Council

# COMPLAINT FORM

**This form can be either completed by hand and posted to the Monitoring Officer, or completed on a computer. If it is completed on a computer it can either be e-mailed to the Monitoring Officer, or printed and then posted. Address details are found at the end of the form.**

### What this form is for

This form is for registering a complaint that an Elected Member or Co-opted Member of North Tyneside Council has breached the Code of Conduct as adopted by the Authority with effect from 1 July 2012. This form can be found on the Standards Committee page of the North Tyneside Council website ([www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)) [Complain against a councillor](#).

The points listed below will help you decide whether this is the correct form to use when making your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the Council, or after they have resigned or otherwise ceased to be a member, cannot be considered.
- The Code of Conduct came into effect on 1 July 2012. If your complaint concerns matters that occurred before this date you should contact the office of the Monitoring Officer before making your complaint.
- Your complaint must be about one or more named members of North Tyneside Council.
- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct.
- Complaints about dissatisfaction with a decision or action of the Authority or one of its committees, a service provided by the Authority or the Authority's procedures do not fall within the jurisdiction of the Standards Committee.

Complaints about the actions of people employed by the Authority also do not fall within the jurisdiction of the Standards Committee.

If your complaint does not meet these criteria you should make use of the Council's Corporate Complaints Procedure by contacting:

Customer and Member Liaison Office  
Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY  
Tel: 0191 643 2280  
[CMLO@northtyneside.gov.uk](mailto:CMLO@northtyneside.gov.uk)

### **Explanation of the Complaints Process**

Complaints against Members of the Council are the responsibility of the Authority's Standards Committee. Complaints must be made in writing to the Monitoring Officer.

The first stage of the process is that normally within 28 days of receipt the Authority's Monitoring Officer will consider your complaint. It is not the task of the Monitoring Officer to consider whether or not the Member concerned has broken the Code of Conduct. Rather, he/she will decide whether the matter warrants referral for investigation or other action. Only if the matter is referred for investigation will the substance of the complaint be considered and a decision made about whether or not the Code has been breached.

The Monitoring Officer will decide:

1. whether the allegation, if proven, would constitute a failure to observe the Code of Conduct;
2. if it would constitute such a failure, whether the allegation is to be investigated. This decision will be guided by the Council's Assessment Criteria. The Assessment Criteria are available from the Monitoring Officer;
3. where the decision is not to investigate the allegation, whether to direct the Monitoring Officer to pursue an alternative course of action such as training for the Member concerned or conciliation between the complainant and the Member.

The Monitoring Officer will produce a summary of his decision, and to send it to the complainant and to the Member concerned unless to do so would in his/her opinion prejudice a subsequent investigation.

If an allegation is considered to require investigation, the matter will be referred by the Monitoring Officer for the investigation of the allegation.

Following the completion of an investigation into an allegation, unless the complaint can be resolved informally, the Council's Standards Committee will meet to consider the allegation and the findings of the investigation.

If the allegation is upheld and a breach of the code of conduct is found the Standards Committee have a range of sanctions available to them.

Any queries regarding the Complaints process should be directed to the Monitoring Officer at the address at the end of this form.

## **Making Your Complaint**

1. Please provide us with your name and contact details

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Member(s) you are complaining about
- the Council's Independent Person(s) with whom the Monitoring Officer must consult before deciding whether the matter warrants referral for investigation or other action.
- the Standards Committee

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Member of an authority
- Member of Parliament
- Monitoring Officer
- Other council officer or authority employee
- Other (        )

3. Please provide us with the name(s) of the Member(s) of North Tyneside Council whom you believe has breached the Code of Conduct:

Title	First name	Last name

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is very important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

**Only complete Section 5 if you are requesting that your identity be kept confidential.**

5. In the interests of fairness and natural justice, we believe Members who are complained about should be informed of who has made the complaint and be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint other than in exceptional circumstances.

The Monitoring Officer will consider the request for confidentiality as a preliminary matter before the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

**Additional Help**

6. Complaints must be submitted in writing. Electronic submissions are permissible. However, in line with the requirements of equalities

legislation, we can make reasonable adjustments to assist you if you have an impairment that prevents you from making your complaint in writing.

We can provide information in other languages and in different formats, such as large print. An interpreter/translator service is also available if English is not your first language. If you have any problems in reading or writing, or need any support in completing this form, let us know. We can also help you find independent advice if needed.

If this applies to you please contact the office of the Monitoring Officer at the address given below.

**The completed form should be sent to:**

The Monitoring Officer  
North Tyneside Council  
Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY

Email: [standards@northtyneside.gov.uk](mailto:standards@northtyneside.gov.uk)

## Code of Conduct for Members - Assessment Criteria

The following criteria will be taken into account in deciding what action, if any, to take in relation to a complaint that a member has failed to comply with the requirements of the Code of Conduct for Members:

1. Has the complainant submitted enough information to satisfy the Monitoring Officer (or the Standards Committee if appropriate) that the complaint should be referred for investigation or other action?

If not:

the information provided is insufficient to make a decision. So unless, or until, further information is received, no further action will be taken on the complaint.

2. Is the complaint about someone who is no longer a member of the Council, but is a member of another authority? If so, should the complaint be referred to the Monitoring Officer of that other authority?

If yes:

The complaint will be referred to the Monitoring Officer of that other authority to consider.

3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?

If yes:

There may be nothing more to be gained by further action being taken.

4. Is the complaint about something which happened so long ago that there would be little benefit in taking action now?

If yes:

Further action may not be warranted.



5. Does the complaint appear not sufficiently serious to justify the cost or inconvenience of further action?

If yes:

Further action will not be warranted.

6. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

If yes:

Further action will not normally be warranted.

7. Is the complaint anonymous?

If yes:

No action will normally be taken unless there are compelling reasons to suggest otherwise, e.g. if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

# Procedure for Standards Hearings

## 1. Introduction

This Appendix details the procedure to be adopted for the hearing of complaints by the Standards Committee or Standards Sub-Committee ('the Standards Committee') of North Tyneside Council where an investigation has been completed.

The person(s) making the complaint will be referred to in this procedure as the Complainant and the person against whom the complaint is made will be referred to as the Member.

The Investigating Officer means the Monitoring Officer or other person appointed by the Monitoring Officer to conduct a local investigation in relation to a matter referred to the Monitoring Officer for local investigation.

References to Monitoring Officer include any other person appointed by the Monitoring Officer to carry out the functions of the Monitoring Officer.

The Chair of the Standards Committee's primary responsibility is to ensure that a hearing is conducted in a fair yet timely manner and to minimise delay in reaching a decision on a complaint. The Chair of the Standards Committee may decide that a hearing of a complaint will proceed in the absence of a relevant party where the Chair is of the view that it is proper to proceed and to prevent unreasonable delay.

## 2. Legal Advice to the Standards Committee

Where the Monitoring Officer also takes the role of the Investigating Officer, he/she must arrange for a separate legal adviser for the Standards Committee in respect of the allegation.

## 3. Notifying the Member and Complainant

The Monitoring Officer shall send a copy of the Investigating Officer's final report to the Member, the Complainant and the Independent Persons.

The Monitoring Officer will ask for a written response from the Member within 14 days, stating whether or not s/he:

- disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
- wants to be represented, at his/her own expense, at the hearing by a solicitor, barrister or any other person;
- wants to give evidence to the Standards Committee, either verbally or in writing;
- wants to call relevant witnesses to give evidence to the Standards Committee;
- wants any part of the hearing to be held in private;

- wants any part of the report or other relevant documents to be withheld from the public

See Forms A to E at Appendix 6.

The Monitoring Officer will also inform the Member that if, at the meeting of the Standards Committee, s/he seeks to dispute any matter contained in the report, without having previously notified his/her intention to do so, the Standards Committee may either adjourn the meeting to enable the Investigating Officer to provide a response, or refuse to allow the disputed matter to be raised.

The Monitoring Officer will also seek the views of the Independent Persons on the report and on any action the Independent Persons feel should be taken in respect of it.

Upon receipt of the responses, the Monitoring Officer will discuss the responses of with the Chair of the Standards Committee and will complete the Pre-hearing Process Summary at Appendix 7.

The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chair of the Standards Committee, following advice from the legal adviser, may limit the number of witnesses, if he/she believes the number requested is unreasonable or that some witnesses will simply be repeating the evidence of earlier witnesses, or else will not provide evidence that will assist the Committee to reach its decision.

Nothing in this procedure shall limit the Chair of the Standards Committee from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Standards Committee to reach its decision.

The Chair of the Standards Committee, in consultation with the legal adviser will then:

- confirm a date, time and place for the hearing, which must be within three months from the date that the report was completed;
- confirm the main facts of the case that are agreed;
- confirm the main facts that are not agreed;
- confirm which witnesses will give evidence;
- outline the proposed procedure for the hearing, specifying which parts, if any, will be considered in private; and
- request the Monitoring Officer to provide this information, with the Agenda, to everyone in the hearing at least two weeks before the proposed date of the hearing.

#### **4. The Standards Committee**

The Standards Committee shall decide, on the balance of probability, whether the grounds of the complaint are upheld. It shall do so by considering the report and, where appropriate, written or oral representations made by the Member, and any additional relevant information from the Investigating Officer or witnesses.

Each Standards Committee member shall have one vote, and all matters/issues shall be decided by a simple majority of votes cast.

The meeting of the Standards Committee will be open to the public and press unless confidential information or exempt information under Schedule 12A of the Local Government Act 1972 is likely to be disclosed.

#### **5. Procedure at the Hearing**

The initial order of business at the meeting shall be as follows:

- declarations of interest;
- consideration as to whether to adjourn or to proceed in the absence of the Member, if the Member is not present;
- introductions;
- any representation from the Investigating Officer and/or the Member as to reasons why the Standards Committee should exclude the press and public and determination as to whether to exclude the press and public. Where the Standards Committee decides that it will not exclude press and public, the Monitoring Officer shall at this point provide copies of the agenda and reports to any members of the press and public who are present.

The purpose of the hearing is to test the robustness of the report, by examining the reasoning contained within the report and the quality of the evidence relied upon. This calls for an inquisitorial approach by the Standards Committee based on seeking information in order to identify potential flaws in the report and to clarify issues. The Standards Committee will control the procedure and evidence presented at the hearing, including the questioning of witnesses.

The Standards Committee may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the Investigating Officer and the Member.

The procedure at the hearing will be as follows, subject to the Chair of the Committee being able to make changes as he or she thinks fit in order to ensure a fair and efficient meeting.

##### Examination of report and written representations

The Panel will consider the report together with any written response from the Member to the report. The Committee may require the Investigating Officer to answer questions put to him/her by members regarding the contents of the report.

The Committee must also take account of the views expressed by the Independent Persons in their response to the Monitoring Officer.

### Oral evidence

If there is any disagreement as to the facts of the case, the Investigating Officer will be invited to make any necessary representations to support the relevant findings of fact in the report, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee at any point. The Member, will not be permitted to directly question the Investigating Officer or the witnesses he/she calls.

If the Member wishes to challenge any oral evidence being presented, then these questions shall be directed through the Chair.

The Member will then be invited to make any necessary representations to support their version of the facts, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee at any point. The Investigating Officer will not be permitted to directly question the Member or the witnesses he/she calls. If they wish to challenge any oral evidence being presented, then these questions must be directed through the Chair.

Where the Member seeks to dispute any matter in the report which he/she had not given notice of intention to dispute in his/her written statement in response, the Investigating Officer shall draw this to the attention of the Standards Committee. The Standards Committee may then decide:

- not to admit such dispute but to proceed to a decision;
- to admit the dispute, but to invite the Investigating Officer to respond
- to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute

Where appropriate the Investigating Officer will make representations on behalf of the Complainant to the Standards Committee.

The Standards Committee may adjourn the hearing to require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Committee.

### Decision by the Standards Committee

The Standards Committee will consider in private session which of the following findings to adopt:

- that there is no evidence of any failure to comply with the Code of Conduct;
- that the Member has failed to comply with the Code of Conduct, but that no action needs to be taken;
- that the Member has failed to comply with the Code of Conduct and that a sanction should be imposed.

The available sanctions are:-

- (i) Issue a formal censure;
- (ii) Refer the determination findings to full Council for information;
- (iii) Make publication of the determination findings by such means as thought fit;
- (iv) Request Council to remove the member from being the Chair or Deputy Chair of any Committee or Sub-Committee
- (v) Request the subject member's political group to remove them from any or all Committees or Sub-Committees for a specified period;
- (vi) Request the Elected Mayor to remove the member from the Cabinet, if a Cabinet Member, or from particular Portfolio responsibilities;
- (vii) Request the Council to remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the Council;
- (viii) Request the Elected Mayor to remove the member for a specified time from all or specified outside appointments to which s/he has been appointed or nominated by the executive.
- (ix) Offer training to the member; or
- (x) Exclude the member from the Council's offices or other premises or facilities, for a specified period and to the extent desirable and so as not to interfere with the democratic process, in particular the member's ability to carry out his or her role as an elected member.

In deciding what penalty (if any) to set, the Standards Committee will consider all relevant circumstances including any views expressed by the Independent Persons.

The Standards Committee will then resume the public session and the Chair will announce the decision and the reasons for that decision.

If the matter is a complicated one, where the complaint has a number of aspects, the Standards Committee can decide to consider the evidence and reach a finding on each aspect separately.

The Standards Committee will then consider in open session whether there are any recommendations which it wishes to make arising from consideration of the allegation.

#### Notice of findings

The Monitoring Officer will make a short written decision available on the day of the hearing and a full written decision in draft will be prepared as soon as possible.

Within two weeks of the end of the hearing, the Monitoring Officer will circulate a full written decision, to the Member and the Complainant.

At the same time the Monitoring Officer shall arrange for a summary of the findings to be published as may be directed by the Standards Committee.

Where the Standards Committee determines that there has not been a breach of the Code of Conduct, the notice shall:

- state that the Standards Committee found that the Member had not failed to comply with the Code of Conduct and shall give its reasons for reaching that finding; and not be published if the Member so requests;

Where the Standards Committee determines that there has been a failure to comply with the Code of Conduct but no action is required, the notice shall:

- state that the Standards Committee found that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure specify the details of the failure; and give reasons for the decision reached;

Where the Standards Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice shall:

- state that the Standards Committee found that the Member had failed to comply with the Code of Conduct;
- specify the details of the failure;
- give reasons for the decision reached; and
- specify the sanction imposed

Copies of the agenda, reports and minutes of a hearing, as well as any background papers, apart from sections of documents relating to parts of the hearing that were held in private, will be available for public inspection for six years after the hearing.

#### Confidentiality and disclosure of information

Where the Chair of the Standards Committee considers that the report and/or any of the written statements in response are likely to disclose any exempt information and in consequence that it is likely that the Standards Committee will, during consideration of these matters, not be open to the public, he/she shall instruct the legal adviser to not provide copies of these papers to the press or public or permit their inspection by the press or public in advance of the meeting.

The Hearing will be held in public except for those parts of its proceedings which involve exempt information and during the deliberations of the Standards Committee.

# Review of Decisions

## Initial Assessment Decisions

If a complainant is aggrieved by a decision by the Monitoring Officer to not investigate a complaint then the Complainant may request the Monitoring Officer to reconsider their decision.

The Monitoring Officer will consult the Independent Person not previously consulted on the Initial Assessment of the complaint and the Chair of the Standards Committee, and take their views into account, before deciding whether to uphold or vary their original decision.

## Findings of Standards Committee following a hearing

If a member is aggrieved by a finding of Standards Committee that they have failed to comply with the Code, or with the sanction imposed, they may request a review by an Independent Person from another local authority in accordance with the following procedure:

The member must request a review, with their detailed reasons for seeking a review, within 5 working days of the publication of the decision notice otherwise the decision of the Standards Committee will become final.

The request for a review must be in writing and must be submitted to the Monitoring Officer.

If a request for a review is received, the decision of the Standards Committee will be held in abeyance pending completion of the review process.

If a request for a review is received the decision of the Standards Committee (including all the papers considered by the Governance Committee) will be referred to an Independent Person of a neighbouring local authority. The Independent Person will review the case on the information provided and will provide a report to the Standards Committee. The report to the Standards Committee will provide any comments the Independent Person considers are appropriate and relevant taking into account the basis of the request for review from the Member.

Upon the receipt of the Independent Person's report, the Standards Committee will consider the Independent Person's comments, the reasons submitted for the review by the Member and will determine whether to confirm the decision of the Standards Committee, amend the decision or substitute it with an alternative decision – this could include concluding that no breach of the Code occurred.

No further right of appeal or review of the Standards Committee's decision within the Authority is available. However, if the Member or the Complainant considers that the Authority has failed to deal with the complaint properly, they may make a complaint to the Local Government Ombudsman.





North Tyneside Council

**FORM A**

**Subject Member's response to the evidence set out in the Investigation Report**

Please enter the number of any paragraph where you disagree with the findings of fact in the Investigation Report, and give your reasons and your suggested alternative.

Paragraph number from the Investigation Report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read
1		
2		
3		
4		
5		

Please attach separate sheets if necessary

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_



North Tyneside Council

## FORM B

### Other evidence relevant to the allegation

Please set out below, using the numbered paragraphs, any evidence you feel is relevant to the complaint made about you.

Paragraph number	Details of the evidence
1	
2	
3	
4	
5	
6	

Please attach separate sheets if necessary

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_



North Tyneside Council

# FORM C

## Representations to be taken into account if a Member is found to have failed to follow the Council's Code of Conduct

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that a Member has failed to follow the Council's Code of Conduct. Please note that no such finding has yet been made.

Paragraph number	Factors for the Standards Committee to take into account when deciding whether to sanction any censure, restriction of resources or allowances, suspension or partial suspension
1	
2	
3	
4	

Please attach separate sheets if necessary

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



North Tyneside Council

## FORM D

### Arrangements for the Standards Committee Hearing

Please tick the relevant boxes.

<p>1 Are you planning to attend the Standards Committee hearing on the proposed date in the accompanying letter?</p> <p>If, 'No', please explain why.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Reason:</p> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>2 Are you going to present your own case?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	
<p>3 If you are not presenting your own case, will a representative present it for you?</p> <p>If 'Yes', please state the name of your representative.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Name:</p> <hr/> <hr/> <hr/> <hr/>
<p>4 Is your representative a practising solicitor or barrister?</p> <p>If 'Yes', please give their legal qualifications. Then go to Question 6.</p> <p>If 'No', please go to Question 5.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Qualifications:</p> <hr/> <hr/> <hr/> <hr/>

<p>5 Does your representative have any connection with the case?</p> <p>If 'Yes' please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>6 Are you going to call any witnesses?</p> <p>If 'Yes' please give details on Form E attached.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	
<p>7 Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)?</p> <p>If 'Yes', please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>8 Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)?</p> <p>If 'Yes', please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>9 Do you want any part of the hearing to be held in private?</p> <p>If 'Yes', please give reasons.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Reasons:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

10	<p>Do you want any part of the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Reasons:</p> <hr/> <hr/> <hr/> <hr/> <hr/>
----	--	--	---

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



North Tyneside Council

### FORM E

#### Details of proposed witnesses to be called

<p>Name of witness or witnesses</p> <p>1 _____</p> <p>2 _____</p> <p>3 _____</p>		
<p style="text-align: center;"><b>WITNESS 1</b></p> <p>a Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> <p>b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> <p>Please attach separate sheets if necessary</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Outline of evidence:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Outline of evidence:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>





<b>WITNESS 3</b>		
<p>a Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Outline of evidence:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> <p>Please attach separate sheets if necessary</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Outline of evidence:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



North Tyneside Council

## Checklist for the pre-hearing process summary

After the Standards Committee has received responses from the Subject Member and the Investigating Officer, it will prepare a summary in advance of the hearing of the main aspects of the case that will be heard.

The pre-hearing process summary should include:

The name of the Authority
The name of the Subject Member
The name of the complainant (unless there are good reasons to keep his/her identity confidential)
The Case reference number
The name of the Standards Committee Member who will chair the hearing
The name of the Investigating Officer
The name of the clerk of the hearing or other administrative officer
The date the pre-hearing summary was produced
The date, time and place of the hearing
A summary of the complaint
The relevant section or sections of the Council's Code of Conduct
The findings of fact in the investigation report which are agreed and the findings of fact in the investigation report which are not agreed
Whether the Subject Member or the Investigating Officer will attend or be represented
The names of any witnesses who will be asked to give evidence
An outline of the proposed procedure for the hearing

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North Tyneside Council

Standards Committee

Code of Conduct for Member and Co-opted  
Members

Arrangements for Dealing with Allegations of  
Breaches of the Code of Conduct for  
Members and Co-opted Members

# Standards Committee

## Code of Conduct for Member and Co-opted Members

### Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members

#### 1. Context

These arrangements set out how the Authority will deal with a complaint that an elected or co-opted member of the Council has failed to comply with the Authority's Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place "arrangements" under which allegations that a Member or Co-opted Member of the Council or a Committee or Sub-Committee of the Authority, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations. Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or a Member or Co-opted Member against whom an allegation has been made. The Authority has appointed three Independent Persons.

#### 2. The Code of Conduct

The Authority has adopted a Code of Conduct for Members and Co-opted Members, which is attached as Appendix 1 to these arrangements, and which is available for inspection on the Authority's website. It is incorporated into the Authority's Constitution.

#### 3. Receipt of a complaint

A complaint against a Member or Co-opted Member will be sent by the Complainant in writing or by email to –

The Monitoring Officer  
Law and Governance  
Quadrant,  
Silverlink North,  
Cobalt Business Park,  
North Tyneside,  
NE27 0BY

Or – [standards@northtyneside.gov.uk](mailto:standards@northtyneside.gov.uk)

The Monitoring Officer is the senior officer of the Authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that the Authority has all the information which it needs to be able to process a complaint, it is encouraged that the complaint form at Appendix 2 is completed and submitted. The complaint form is available from the Authority's website.

Although the Localism Act 2011 requires complaints to be submitted in writing, that requirement must be read in conjunction with the Equality Act 2010 and the Authority's duty to make reasonable adjustments under that Act.

The Monitoring Officer will acknowledge receipt of the complaint to the complainant and ordinarily provide the subject member of the complaint, with a copy of the complaint within 5 working days of receiving it and will keep all parties informed of the progress of the complaint. The Monitoring Officer will also seek comments from the subject member of the complaint to assist in the initial assessment of the complaint.

#### 4. Request for confidentiality

If a complainant wants to keep their name and address confidential, they are required to indicate this in the space provided on the complaint form, or in their written complaint if the complaint form is not used, and this will be considered by the Monitoring Officer. Only in exceptional circumstances would a complainant be granted confidentiality. As a matter of fairness, the complainant's identity would normally be disclosed to the subject member, and in many instances it would not be practical or possible to investigate a complaint without the identity of the complainant being revealed.

If confidentiality is granted, and the complaint proceeds, the Monitoring Officer will determine whether or when the subject member will be advised of the complaint and the identity of the complainant. The procedure set out below will be adjusted as appropriate to accommodate the decision of the Monitoring Officer.

Where a request for confidentiality is refused by the Monitoring Officer, the complainant will be advised of that refusal and will be given the option to withdraw the complaint within 7 working days. If the complaint is withdrawn the matter will be then closed and the subject member will not be informed of the complaint. If the complainant refuses to withdraw the complaint or does not respond within the specified timescale, then the subject member will be sent a copy of the complaint and the complaint will proceed as set out in paragraph 6 below.

## 5. Anonymous Complaints

It should be noted that anonymity and confidentiality are different concepts. Anonymity means that the identity of the complainant is unknown to the Authority, whereas confidentiality means that the Authority knows the identity of the complainant which is withheld for a specific reason

The Authority will not normally investigate anonymous complaints on the basis that to do so would be against the principles of transparency and fairness and make matters more difficult to investigate. However, if there are exceptional and compelling reasons an anonymous complaint may be accepted. This may be for example where the allegation can be evidenced without reference to the complainant and where it is considered that the public interest in investigating the allegation outweighs the issue of anonymity.

## 6. Will the complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with one of the Independent Persons and consideration of the initial comments of the subject member decide 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 as well as having regard to the Authority's adopted assessment criteria (attached at Appendix 3). This decision will normally be taken within 28 days of receipt of the complaint. The parties will be advised of the Monitoring Officer's decision together with the reasons for that decision – subject to any decision on confidentiality arising as referred to above.

Where the Monitoring Officer requires additional information in order to come to a decision, he/she may go back to the complainant for such information and may request information from the subject member of the complaint.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer may refer the complaint to the Police or other regulatory agencies irrespective of a request for confidentiality by the complainant.

A copy of the subject member's initial comments will normally be provided to the complainant with the assessment decision unless there are particular reasons, in the view of the Monitoring Officer, not to.

## 7. Informal Resolution

The Monitoring Officer may consider that a complaint can be reasonably resolved informally. In such a case, the Monitoring Officer will consult with one of the Independent Persons, the subject member, and the complainant to seek agreement to a fair resolution of the complaint which also helps to ensure high standards of conduct for the future. If the subject member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action.



## 8. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer. The Investigating Officer may be another officer of the Authority, an officer of another Authority or an external investigator.

The Investigating Officer will write to the subject member and will ask them to provide their explanation of events, and to identify what documents or other materials they believe the Investigating Officer needs to see and consider.

The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint and so that the complainant can explain their understanding of events and suggest what documents or other materials the Investigating Officer needs to see, and who the Investigating Officer needs to consider.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the subject member and to the complainant, to give both an opportunity to identify any matter in that draft report which they disagree with or which they consider requires more consideration. A copy of the draft report will also be sent to the Monitoring Officer.

Having received and taken account of any comments which the complainant or subject member may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

## 9. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Standards Committee or Sub-Committee will review the Investigating Officer's report and, if it is satisfied that the Investigating Officer's report is sufficient and it agrees that there is no evidence of a failure to comply with the Code of Conduct, it will instruct the Monitoring Officer to write to the subject member and to the complainant, notifying both that they are satisfied that no further action is required, and give both a copy of the Investigating Officer's final report.

If the Standards Committee do not agree with the conclusion that there is no evidence of a failure to comply with the Code of Conduct, it will refer the matter for a hearing before the Committee or its Sub-Committee.

In considering the report, the Standards Committee/Sub-Committee will consult with one of the Authority's Independent Persons.

If the Standards Committee/Sub-Committee is not satisfied that the investigation has been conducted properly, it may ask the Investigating Officer to reconsider his/her report. Upon the receipt of the report back from the Investigating Officer the Committee will consider whether to accept the report or refer it to a hearing.

10. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

a. Local Resolution

Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct, there may still be an opportunity for local resolution, avoiding the necessity of a hearing. An investigation report may cause a member to recognise that his/her conduct was at least capable of giving offence, and /or identify other appropriate remedial action, and the complainant may be satisfied for instance, by recognition of fault or an apology. It would only be appropriate for the Monitoring Officer to agree a local resolution at this stage after consultation with one of the Authority's Independent Persons and the Chair of the Standards Committee. In addition, this would be conditional on the complainant being satisfied with the outcome. A summary report on any local resolution of a complaint would be reported to the Standards Committee for information.

b. Referral for Hearing

If local resolution is not possible, the Monitoring Officer will then refer the matter for a hearing before the Committee/Sub-Committee.

11. The Hearing

Where the Standards Committee/Sub-Committee has referred a matter for a hearing the procedure at Appendix 4 will apply.

12. What action can the Standards Committee/Sub-Committee take where a Member has failed to comply with the Code of Conduct?

Full Council has delegated to the Standards Committee/Sub-Committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct.

Accordingly, the Standards Committee/Sub-Committee may –

- (i) Issue a formal censure;
- (ii) Report its findings in respect of the subject member's conduct to full Council;
- (iii) Recommend to the subject member's group leader (or in the case of un-grouped councillors, recommend to full Council) that they be removed from any or all Committees or Sub-Committees of the Authority;
- (iv) Recommend to the Elected Mayor that the subject member be removed from positions of responsibility for a specified period;
- (v) Instruct the Monitoring Officer to arrange training for the subject member;
- (vi) Recommend to full Council that the subject member be removed from all outside appointments to which they have been appointed or nominated by the Authority;

- (vii) Recommend to full Council that it withdraws facilities provided to the subject member by the Authority for a specified period, such as a computer, website and/or email and internet access;
- (viii) Recommend to full Council that it excludes the subject member from the Authority's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending full Council, a Committee or Sub-Committee meeting and/or restricts contact with officers to named officers only;
- (ix) If relevant recommend to the secretary or appropriate official of a political group that the member be removed as group leader or other position of responsibility.

The Standards Committee/Sub-Committee has no power to suspend or disqualify the subject member or to withdraw or suspend allowances.

### 13. What happens at the end of the Hearing?

At the end of the hearing, the Chair will state the decision of the Standards Committee/Sub-Committee as to whether a member has failed to comply with the Code of Conduct and as to any actions which the Standards Committee/Sub-Committee resolves to take.

As soon as reasonably practicable after that, the Monitoring Officer in consultation with the Chair of the Committee/Sub-Committee, will prepare a formal decision notice, and send a copy to the subject member and the complainant, make that decision notice available for public inspection on the Authority's website and, if so directed by the Standards Committee/Sub-Committee, report the decision to the next convenient meeting of full Council.

### 12. Review of decisions

Procedures for the review of decisions are set out in Appendix 5.

### 13. What is the Standards Committee?

The Standards Committee is a politically balanced Committee of Council. It consists of nine Members of the Authority who are drawn from each political party. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Persons are invited to attend meetings of the Committee/Sub-Committee and their views are sought and taken into consideration before the Committee/Sub-Committee takes any decision on whether a member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

The Independent Persons do not, however, have voting rights on the Committee/Sub-Committee. Their role is an advisory one.

#### 14. Who are the Independent Persons?

The Independent Persons are persons who have applied for the post following advertisement of a vacancy for the role and are appointed by the Authority.

A person does not qualify as “independent”, if they are (or at any time in the last 5 years have been) a Member, Co-opted Member or officer of the Authority, or if they are a relative or close friend of such a Member, Co-opted Member or officer. “Co-opted” member is defined so as to include current independent members of Standards Committee.

For this purpose, “relative” comprises –

- (a) a spouse or civil partner;
- (b) any person with whom the candidate is living as if they are a spouse or civil partner;
- (c) a grandparent;
- (d) any person who is a lineal descendent of a grandparent;
- (e) a parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) any spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

The Authority has three Independent Persons to ensure the availability of an Independent Person for consultation at all appropriate times and to avoid any conflicts of interest arising, as an Independent Person must also be available to be consulted by a member who is the subject of a misconduct complaint.

#### 15. Revision of these arrangements

The Standards Committee/Sub-Committee, on the advice of the Monitoring Officer, may depart from these arrangements where it is necessary to do so in order to secure the effective and fair consideration of any matter. The arrangements will also be subject to periodic review by the Authority.

**North Tyneside Council  
Code of Conduct for Elected Members and Co-opted  
Members**

**Revised Code of Conduct to be inserted here**



North Tyneside Council

Appendix 2

## Code of Conduct for Members and Co-opted Members of North Tyneside Borough Council

# COMPLAINT FORM

**This form can be either completed by hand and posted to the Monitoring Officer, or completed on a computer. If it is completed on a computer it can either be e-mailed to the Monitoring Officer, or printed and then posted. Address details are found at the end of the form.**

### What this form is for

This form is for registering a complaint that an Elected Member or Co-opted Member of North Tyneside Council has breached the Code of Conduct as adopted by the Authority with affect from 1 July 2012. This form can be found on the Standards Committee page of the North Tyneside Council website ([www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)) [Complain against a councillor](#).

The points listed below will help you decide whether this is the correct form to use when making your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the Council, or after they have resigned or otherwise ceased to be a member, cannot be considered.
- The Code of Conduct came into effect on [date to be inserted]. If your complaint concerns matters that occurred before this date you should contact the office of the Monitoring Officer before making your complaint.
- Your complaint must be about one or more named members of North Tyneside Council.
- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct.
- Complaints about dissatisfaction with a decision or action of the Authority or one of its committees, a service provided by the Authority or the Authority's procedures do not fall within the jurisdiction of the Standards Committee.

Complaints about the actions of people employed by the Authority also do not fall within the jurisdiction of the Standards Committee.

If your complaint does not meet these criteria you should make use of the Council's Corporate Complaints Procedure by contacting:

Customer and Member Liaison Office  
Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY  
Tel: 0191 643 2280  
[CMLO@northtyneside.gov.uk](mailto:CMLO@northtyneside.gov.uk)

### **Explanation of the Complaints Process**

Complaints against Members of the Council are the responsibility of the Authority's Standards Committee. Complaints must be made in writing to the Monitoring Officer.

The first stage of the process is that normally within 28 days of receipt the Authority's Monitoring Officer will consider your complaint. It is not the task of the Monitoring Officer to consider whether or not the Member concerned has broken the Code of Conduct. Rather, he/she will decide whether the matter warrants referral for investigation or other action. Only if the matter is referred for investigation will the substance of the complaint be considered and a decision made about whether or not the Code has been breached.

The Monitoring Officer will decide:

1. whether the allegation, if proven, would constitute a failure to observe the Code of Conduct;
2. if it would constitute such a failure, whether the allegation is to be investigated. This decision will be guided by the Council's Assessment Criteria. The Assessment Criteria are available from the Monitoring Officer;
3. where the decision is not to investigate the allegation, whether to direct the Monitoring Officer to pursue an alternative course of action such as training for the Member concerned or conciliation between the complainant and the Member.

The Monitoring Officer will produce a summary of his decision, and to send it to the complainant and to the Member concerned unless to do so would in his/her opinion prejudice a subsequent investigation.

If an allegation is considered to require investigation, the matter will be referred by the Monitoring Officer for the investigation of the allegation.

Following the completion of an investigation into an allegation, unless the complaint can be resolved informally, the Authority's Standards Committee will meet to consider the allegation and the findings of the investigation.

If the allegation is upheld and a breach of the code of conduct is found the Standards Committee have a range of sanctions available to them.

Any queries regarding the Complaints process should be directed to the Monitoring Officer at the address at the end of this form.

## Making Your Complaint

1. Please provide us with your name and contact details

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Member(s) you are complaining about
- the Council's Independent Person(s) with whom the Monitoring Officer must consult before deciding whether the matter warrants referral for investigation or other action.
- the Standards Committee

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Member of an authority
- Member of Parliament



- Monitoring Officer
- Other council officer or authority employee
- Other (       )

3. Please provide us with the name(s) of the Member(s) of North Tyneside Council whom you believe has breached the Code of Conduct:

Title	First name	Last name

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is very important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

**Only complete Section 5 if you are requesting that your identity be kept confidential.**

5. In the interests of fairness and natural justice, we believe Members who are complained about should be informed of who has made the complaint and be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint other than in exceptional circumstances.

The Monitoring Officer will consider the request for confidentiality as a preliminary matter before the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

**Additional Help**

6. Complaints must be submitted in writing. Electronic submissions are permissible. However, in line with the requirements of equalities legislation, we can make reasonable adjustments to assist you if you have an impairment that prevents you from making your complaint in writing.

We can provide information in other languages and in different formats, such as large print. An interpreter/translator service is also available if English is not your first language. If you have any problems in reading or writing, or need any support in completing this form, let us know. We can also help you find independent advice if needed.

If this applies to you, please contact the office of the Monitoring Officer at the address given below.

**The completed form should be sent to:**

The Monitoring Officer  
North Tyneside Council  
Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY

Email: [standards@northtyneside.gov.uk](mailto:standards@northtyneside.gov.uk)

# Code of Conduct for Members - Assessment Criteria

The following two stage assessment criteria will be taken into account in deciding what action, if any, to take in relation to a complaint that a member has failed to comply with the requirements of the Code of Conduct for Members:

## **Jurisdictional Test (Can the Authority deal with this complaint?)**

The first stage assesses whether the Authority can deal with the complaint and assesses whether: -

1. The complaint is made against a member of the Authority.
2. The subject member was in office at the time of the alleged conduct made in the complaint.
3. The complaint relates to matters where the member was acting in that capacity or as a representative of the Authority and not private matters.
4. The complaint, if proven, would be a breach of the Code of Conduct for Members under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code of Conduct and the complainant will be informed that no further action will be taken in respect of the complaint.

If there is any doubt about any of the tests, then the complaint will proceed to the next stage of the assessment criteria.

## **Second-Stage Criteria**

Once the stage one jurisdictional tests have been met, the Authority will then assess the complaint against the following criteria: -

1. Does the complaint contain sufficient information to demonstrate a potential breach of the Code of Conduct?

If not, and the information provided is insufficient to make a decision then unless, or until, further information is received, no further action will be taken on the complaint.

2. Are there alternative, more appropriate remedies that should be explored first?

If yes, the Monitoring Officer, in consultation with one of the Independent Persons, the subject member and the complainant will seek to agree a fair resolution of the complaint, which also helps to ensure high standards of conduct in the future. If the subject member agrees and complies with the suggested resolution, the Monitoring Officer will take no further action in relation to the complaint.

3. Is the complaint made by one member against another?

If yes, a greater allowance for robust political debate (but not personal abuse) may be given, bearing in mind the right to freedom of expression.

4. Is the complaint in the view of the Authority malicious, politically motivated, or 'tit for tat'?

If yes, further action will not normally be warranted.

5. Would an investigation of the complaint be in the public interest, or the complaint, even if proven, be serious enough to warrant any sanction?

If no, further action will not be warranted.

6. Has a substantially similar complaint been previously considered by the Authority or by any regulatory body, and no new material evidence submitted within the current administration?

If yes, there may be nothing gained by further action being taken.

7. Is the complaint about something which happened a long time ago?

If yes, consideration will be given to any reason why there has been a delay in making the complaint.

8. Has the behaviour that is the subject of the complaint already been dealt with, for example, through an apology at the relevant meeting?

If yes, further action is unlikely to be warranted.

9. Does the complaint actually relate to dissatisfaction with a decision taken by the Authority rather than the specific conduct of an individual?

If yes, further action will not be warranted.

10. Does the complaint relate to someone who is no longer a member or who is seriously ill?

If yes, further action will not normally be warranted.

# Procedure for Standards Hearings

## 1. Introduction

This Appendix details the procedure to be adopted for the hearing of complaints by the Standards Committee or Standards Sub-Committee ('the Standards Committee') of North Tyneside Council where an investigation has been completed.

The person(s) making the complaint will be referred to in this procedure as the Complainant and the person against whom the complaint is made will be referred to as the Member.

The Investigating Officer means the Monitoring Officer or other person appointed by the Monitoring Officer to conduct a local investigation in relation to a matter referred to the Monitoring Officer for local investigation.

References to Monitoring Officer include any other person appointed by the Monitoring Officer to carry out the functions of the Monitoring Officer.

The Chair of the Standards Committee's primary responsibility is to ensure that a hearing is conducted in a fair yet timely manner and to minimise delay in reaching a decision on a complaint. The Chair of the Standards Committee may decide that a hearing of a complaint will proceed in the absence of a relevant party where the Chair is of the view that it is proper to proceed and to prevent unreasonable delay.

The Complainant and the Member are recommended to read this procedure alongside the Guidance published by the Local Government Association "Guidance on Local Government Association Model Councillor Code of Conduct"

<https://local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct> and the Association's Guidance "Guidance on Member Model Code of Conduct Complaints Handling"

<https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

## 2. Legal Advice to the Standards Committee

Where the Monitoring Officer also takes the role of the Investigating Officer, he/she must arrange for a separate legal adviser for the Standards Committee in respect of the allegation.

## 3. Notifying the Member and Complainant

The Monitoring Officer shall send a copy of the Investigating Officer's final report to the Member, the Complainant and the Independent Persons.

The Monitoring Officer will ask for a written response from the Member within 14 days, stating whether or not s/he:

- disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
- wants to be represented, at his/her own expense, at the hearing by a solicitor, barrister or any other person;
- wants to give evidence to the Standards Committee, either verbally or in writing;
- wants to call relevant witnesses to give evidence to the Standards Committee;
- wants any part of the hearing to be held in private;
- wants any part of the report or other relevant documents to be withheld from the public

See Forms A to E at Appendix 6.

The Monitoring Officer will also inform the Member that if, at the meeting of the Standards Committee, s/he seeks to dispute any matter contained in the report, without having previously notified his/her intention to do so, the Standards Committee may either adjourn the meeting to enable the Investigating Officer to provide a response, or refuse to allow the disputed matter to be raised.

The Monitoring Officer will also seek the views of the Independent Persons on the report and on any action the Independent Persons feel should be taken in respect of it.

Upon receipt of the responses, the Monitoring Officer will discuss the responses of with the Chair of the Standards Committee and will complete the Pre-hearing Process Summary at Appendix 7.

The Member and the Investigating Officer are entitled to request that any witnesses they want should be called. However, the Chair of the Standards Committee, following advice from the legal adviser, may limit the number of witnesses, if he/she believes the number requested is unreasonable or that some witnesses will simply be repeating the evidence of earlier witnesses, or else will not provide evidence that will assist the Committee to reach its decision.

Nothing in this procedure shall limit the Chair of the Standards Committee from requesting the attendance of any additional witnesses whose evidence he/she considers would assist the Standards Committee to reach its decision.

The Chair of the Standards Committee, in consultation with the legal adviser will then:

- confirm a date, time and place for the hearing, which must be within three months from the date that the report was completed;



- confirm the main facts of the case that are agreed;
- confirm the main facts that are not agreed;
- confirm which witnesses will give evidence;
- outline the proposed procedure for the hearing, specifying which parts, if any, will be considered in private; and
- request the Monitoring Officer to provide this information, with the Agenda, to everyone in the hearing at least two weeks before the proposed date of the hearing.

#### **4. The Standards Committee**

The Standards Committee shall decide on the balance of probability, whether the grounds of the complaint are upheld. It shall do so by considering the report and, where appropriate, written or oral representations made by the Member, and any additional relevant information from the Investigating Officer or witnesses.

Each Standards Committee member shall have one vote, and all matters/issues shall be decided by a simple majority of votes cast. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.

The meeting of the Standards Committee will be open to the public and press unless confidential information or exempt information under Schedule 12A of the Local Government Act 1972 is likely to be disclosed.

#### **5. Procedure at the Hearing**

The initial order of business at the meeting shall be as follows:

- declarations of interest;
- consideration as to whether to adjourn or to proceed in the absence of the Member, if the Member is not present;
- introductions;
- any representation from the Investigating Officer and/or the Member as to reasons why the Standards Committee should exclude the press and public and determination as to whether to exclude the press and public. Where the Standards Committee decides that it will not exclude press and public, the Monitoring Officer shall at this point provide copies of the agenda and reports to any members of the press and public who are present.

The purpose of the hearing is to test the robustness of the report, by examining the reasoning contained within the report and the quality of the evidence relied upon. This calls for an inquisitorial approach by the Standards Committee based on seeking information in order to identify potential flaws in the report and to clarify

issues. The Standards Committee will control the procedure and evidence presented at the hearing, including the questioning of witnesses.

The Standards Committee may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the Investigating Officer and the Member.

The procedure at the hearing will be as follows, subject to the Chair of the Committee being able to make changes as he or she thinks fit in order to ensure a fair and efficient meeting.

#### Examination of report and written representations

The Panel will consider the report together with any written response from the Member to the report. The Committee may require the Investigating Officer to answer questions put to him/her by members regarding the contents of the report.

The Committee must also take account of the views expressed by the Independent Persons in their response to the Monitoring Officer.

#### Oral evidence

If there is any disagreement as to the facts of the case, the Investigating Officer will be invited to make any necessary representations to support the relevant findings of fact in the report, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee at any point. The Member will not be permitted to directly question the Investigating Officer or the witnesses he/she calls.

If the Member wishes to challenge any oral evidence being presented, then these questions shall be directed through the Chair.

The Member will then be invited to make any necessary representations to support their version of the facts, calling supporting witnesses as agreed by the Chair.

Questions may be asked by the Committee/Sub-Committee at any point. The Investigating Officer will not be permitted to directly question the Member or the witnesses he/she calls. If they wish to challenge any oral evidence being presented, then these questions must be directed through the Chair.

Where the Member seeks to dispute any matter in the report which he/she had not given notice of intention to dispute in his/her written statement in response, the Investigating Officer shall draw this to the attention of the Standards Committee/Sub-Committee. The Standards Committee may then decide:

- not to admit such dispute but to proceed to a decision;
- to admit the dispute, but to invite the Investigating Officer to respond
- to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute

Where appropriate the Investigating Officer will make representations on behalf of the Complainant to the Standards Committee/Sub-Committee.

The Standards Committee/Sub-Committee may adjourn the hearing to require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Committee/Sub-Committee.

Decision by the Standards Committee

The Standards Committee will consider in private session which of the following findings to adopt:

- that there is no evidence of any failure to comply with the Code of Conduct;
- that the Member has failed to comply with the Code of Conduct, but that no action needs to be taken;
- that the Member has failed to comply with the Code of Conduct and that a sanction should be imposed.

The available sanctions are: -

- (i) Issue a formal censure;
- (ii) Report its findings in respect of the subject member's conduct to full Council
- (iii) Recommend to the subject member's group leader (or in the case of un-grouped members, recommend to full Council) that they be removed from any or all Committees or Sub-Committees of the Authority;
- (iv) Recommend to the Elected Mayor that the subject member be removed from positions of responsibility for a specified period;
- (v) Instruct the Monitoring Officer to arrange training for the subject member;
- (vi) Recommend to full Council that the subject member be removed from all outside appointments to which they have been appointed or nominated by the Authority;
- (vii) Recommend to full Council that it withdraws facilities provided to the subject member by the Authority for a specified period, such as a computer, website and/or email and internet access;
- (viii) Recommend to full Council that it excludes the subject member from the Authority's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending full Council, a Committee or Sub-Committee meeting and/or restricts contact with officers to named officers only;
- (ix) If relevant recommend to the secretary or appropriate official of a political group that the member be removed as group leader or other position of responsibility.

In deciding what sanction (if any) to take, the Standards Committee/Sub-Committee will consider all relevant circumstances including any views expressed by the Independent Persons.

The Standards Committee/Sub-Committee will then resume the public session and the Chair will announce the decision and the reasons for that decision.

If the matter is a complicated one, where the complaint has a number of aspects, the Standards Committee/Sub-Committee can decide to consider the evidence and reach a finding on each aspect separately.

The Standards Committee/Sub-Committee will then consider in open session whether there are any recommendations which it wishes to make arising from consideration of the allegation.

#### Notice of findings

The Monitoring Officer will make a short written decision available on the day of the hearing and a full written decision in draft will be prepared as soon as possible.

Within two weeks of the end of the hearing, the Monitoring Officer will circulate a full written decision, to the Member and the Complainant.

At the same time the Monitoring Officer shall arrange for a summary of the findings to be published as may be directed by the Standards Committee/Sub-Committee.

Where the Standards Committee/Sub-Committee determines that there has not been a breach of the Code of Conduct, the notice shall:

- state that the Standards Committee/Sub-Committee found that the Member had not failed to comply with the Code of Conduct and shall give its reasons for reaching that finding; and not be published if the Member so requests;

Where the Standards Committee/Sub-Committee determines that there has been a failure to comply with the Code of Conduct, but no action is required, the notice shall:

- state that the Standards Committee found that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure specify the details of the failure; and give reasons for the decision reached;

Where the Standards Committee/Sub-Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice shall:

- state that the Standards Committee/Sub-Committee found that the Member had failed to comply with the Code of Conduct;
- specify the details of the failure;
- give reasons for the decision reached; and
- specify the sanction imposed

Copies of the agenda, reports and minutes of a hearing, as well as any background papers, apart from sections of documents relating to parts of the hearing that were held in private, will be available for public inspection for six years after the hearing.

### Confidentiality and disclosure of information

Where the Chair of the Standards Committee/Sub-Committee considers that the report and/or any of the written statements in response are likely to disclose any exempt information and in consequence that it is likely that the Standards Committee/Sub-Committee will, during consideration of these matters, not be open to the public, he/she shall instruct the legal adviser to not provide copies of these papers to the press or public or permit their inspection by the press or public in advance of the meeting.

The Hearing will be held in public except for those parts of its proceedings which involve exempt information and during the deliberations of the Standards Committee/Sub-Committee.

# Review of Decisions

## Initial Assessment Decisions

If a complainant is aggrieved by a decision by the Monitoring Officer to not investigate a complaint, then the Complainant may request the Monitoring Officer to reconsider their decision.

The Monitoring Officer will consult the Independent Person not previously consulted on the Initial Assessment of the complaint and the Chair of the Standards Committee, and take their views into account, before deciding whether to uphold or vary their original decision.

## Findings of Standards Committee/Sub-Committee following a hearing

If a member is aggrieved by a finding of Standards Committee/Sub-Committee that they have failed to comply with the Code, or with the sanction imposed, they may request a review by an Independent Person from another local authority in accordance with the following procedure:

The member must request a review, with their detailed reasons for seeking a review, within 5 working days of the publication of the decision notice otherwise the decision of the Standards Committee/Sub-Committee will become final.

The request for a review must be in writing and must be submitted to the Monitoring Officer.

If a request for a review is received, the decision of the Standards Committee will be held in abeyance pending completion of the review process.

If a request for a review is received the decision of the Standards Committee (including all the papers considered by the Governance Committee) will be referred to an Independent Person of a neighbouring local authority. The Independent Person will review the case on the information provided and will provide a report to the Standards Committee. The report to the Standards Committee will provide any comments the Independent Person considers are appropriate and relevant taking into account the basis of the request for review from the Member.

Upon the receipt of the Independent Person's report, the Standards Committee/Sub-Committee will consider the Independent Person's comments, the reasons submitted for the review by the Member and will determine whether to confirm the decision of the Standards Committee/Sub-Committee, amend the decision or substitute it with an alternative decision – this could include concluding that no breach of the Code occurred.

No further right of appeal or review of the Standards Committee's/Sub-Committee's decision within the Authority is available. However, if the Member or the

Complainant considers that the Authority has failed to deal with the complaint properly, they may make a complaint to the Local Government Ombudsman.



North Tyneside Council

**FORM A**

**Subject Member's response to the evidence set out in the Investigation Report**

Please enter the number of any paragraph where you disagree with the findings of fact in the Investigation Report, and give your reasons and your suggested alternative.

Paragraph number from the Investigation Report	Reasons for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read
1		
2		
3		
4		
5		

Please attach separate sheets if necessary

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_





North Tyneside Council

## FORM B

### Other evidence relevant to the allegation

Please set out below, using the numbered paragraphs, any evidence you feel is relevant to the complaint made about you.

Paragraph number	Details of the evidence
1	
2	
3	
4	
5	
6	

Please attach separate sheets if necessary

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

## FORM C



North Tyneside Council

### Representations to be taken into account if a Member is found to have failed to follow the Council's Code of Conduct

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that a Member has failed to follow the Council's Code of Conduct. Please note that no such finding has yet been made and these representations will only be taken into account if there is a finding by the Committee that there has been a breach of the Code of Conduct.

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Paragraph number	Factors for the Standards Committee to take into account when deciding whether to sanction any censure, restriction of resources or allowances, etc.
1	
2	
3	
4	

Please attach separate sheets if necessary

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



North Tyneside Council

## FORM D

### Arrangements for the Standards Committee Hearing

Please tick the relevant boxes.

<p>1 Are you planning to attend the Standards Committee hearing on the proposed date in the accompanying letter?</p> <p>If, 'No', please explain why.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Reason:</p> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>2 Are you going to present your own case?</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	
<p>3 If you are not presenting your own case, will a representative present it for you?</p> <p>If 'Yes', please state the name of your representative.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Name:</p> <hr/> <hr/> <hr/> <hr/>
<p>4 Is your representative a practising solicitor or barrister?</p> <p>If 'No', please go to Question 5.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<hr/>

<p>5 Does your representative have any connection with the case? If 'Yes' please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>6 Are you going to call any witnesses?  If 'Yes' please give details on Form E attached.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	
<p>7 Do you, your representative or your witnesses have any access difficulties (for example, is wheelchair access needed)?  If 'Yes', please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>8 Do you, your representative or witnesses have any special needs (for example, is an interpreter needed)?  If 'Yes', please give details.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Details:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>9 Do you want any part of the hearing to be held in private?  If 'Yes', please give reasons.</p>	<p>YES <input type="checkbox"/></p>	<p>Reasons:</p> <hr/> <hr/> <hr/> <hr/>

	NO <input type="checkbox"/>	_____
10 Do you want any part of the relevant documents to be withheld from public inspection?  If 'Yes', please give reasons.	YES <input type="checkbox"/>  NO <input type="checkbox"/>	Reasons: _____ _____ _____ _____ _____

Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



North Tyneside Council

**FORM E**

Details of proposed witnesses to be called

Name of witness or witnesses

- 1 \_\_\_\_\_
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_

**WITNESS 1**

a Will the witness give evidence about the allegation?

If 'Yes', please provide an outline of the evidence the witness will give.

YES

NO

Outline of evidence:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?

If 'Yes', please provide an outline of the evidence the witness will give.

YES

NO

Outline of evidence:  
\_\_\_\_\_  
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\_\_\_\_\_

Please attach separate sheets if necessary

**WITNESS 2**

a Will the witness give evidence about the allegation?

YES

If 'Yes', please provide an outline of the evidence the witness will give.

NO

Outline of evidence:

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b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?

YES

If 'Yes', please provide an outline of the evidence the witness will give.

NO

Outline of evidence:

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Please attach separate sheets if necessary

<b>WITNESS 3</b>		
<p>a Will the witness give evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Outline of evidence:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p>	<p>Outline of evidence:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Please attach separate sheets if necessary</p>		

Name \_\_\_\_\_

Signature \_\_\_\_\_



Date \_\_\_\_\_



North Tyneside Council

## Checklist for the pre-hearing process summary

After the Standards Committee has received responses from the Subject Member and the Investigating Officer, it will prepare a summary in advance of the hearing of the main aspects of the case that will be heard.

The pre-hearing process summary should include:

The name of the Authority
The name of the Subject Member
The name of the complainant (unless there are good reasons to keep his/her identity confidential)
The Case reference number
The name of the Standards Committee Member who will chair the hearing
The name of the Investigating Officer
The name of the clerk of the hearing or other administrative officer
The date the pre-hearing summary was produced
The date, time and place of the hearing
A summary of the complaint
The relevant section or sections of the Council's Code of Conduct
The findings of fact in the investigation report which are agreed and the findings of fact in the investigation report which are not agreed
Whether the Subject Member or the Investigating Officer will attend or be represented
The names of any witnesses who will be asked to give evidence
An outline of the proposed procedure for the hearing

## North Tyneside Council Report to Standards Committee Date: 7 April 2022

### ITEM

Title: Standards  
Committee Draft Annual  
Report 2021-22

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**Report from Service Area:** Law and Governance

**Report Authors:** John Barton, Principal Lawyer and Deputy Monitoring Officer (Tel: 643 5354)

**Wards affected:** All

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### 1. Purpose

To introduce the Standards Committee Draft Annual Report for 2021-22 for consideration by the Committee prior to its finalisation and submission to the Annual Council meeting on 19 May 2022.

### 2. Recommendations

The Committee is requested to:

- (1) Consider and suggest any additions and amendments to the draft Annual Report 2021-22 attached at Appendix 1 as appropriate; and
- (2) Authorise the Deputy Monitoring Officer 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 19 May 2022.

### 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 2021-22 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 Committee will consider its work programme for the new municipal year 2022-23 at its first meeting of the new year in 2022.

**4. Appendices**

Appendix 1 - Standards Committee Draft Annual Report 2021-22.

**5. Contact officers:**

John Barton, Principal Lawyer and Deputy Monitoring Officer (0191) 643 5354

Joanne Holmes, Democratic Services Officer (0191) 643 5315

**6. Background information:**

None.

# Standards Committee



## Annual Report 2021-22

## 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 2021-22.

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.

Over the last year, the Standards Committee has worked closely with officers to complete a review the Code of Conduct and the Local Arrangements for Dealing with Complaints under the Code of Conduct. The revised documents have been recommended to Council on the basis that they will ensure that good governance and ethical standards continue to reflect best practice.

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 and look forward to productive year ahead.

Councillor F Lott  
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 2021 to March 2022, together with background information regarding the standards regime established within North Tyneside Council. All references to 2021-22 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.

### 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 2021/22**

In 2021/22 the Standards Committee comprised the following Members: Councillor Frank Lott (Chair), Councillor Wendy Lott (Deputy Chair), Councillor Lewis Bartoli, Councillor Brian Burdis, Councillor Debbie Cox, Councillor Eddie Darke, Councillor Janet Hunter, Councillor Pat Oliver, and Councillor Matthew Thirlaway.

### **5. The Authority's Independent Persons**

The Authority has three Independent Persons who were appointed in July 2018 for a period of four years. The Independent Persons are Mr George Clark, Ms Stella Gardner and Dr Stuart Green.

### **6. Committee and Sub-Committee Meetings in 2021/22**

At the start of each year the Standards Committee usually agree its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year.

The Sub-committee agreed a Work Programme/Action Plan for 2021-22, at its meeting in June 2021. An update on the Work Programme/Action Plans 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 2021-22. The dates of these meetings were:

- 10 June 2021
- 3 November 2021
- 7 April 2022

The Standards Sub-Committee met on the following three occasions during 2021-22:

- 17 September 2021 – to undertake an initial assessment of three Code of Conduct complaints
- 27 October 2021 – to undertake a review of a Code of Conduct complaint
- 17 February 2022 – to consider applications for dispensations under the Code of Conduct.

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

During 2021-22, 15 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
2021/22	9	0	2	14 *
2020/21	3	1	0	4
2019/2020	13	4	0	17
2018/2019	10	3	2	15
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

\*3 complaints are currently outstanding and awaiting assessment.

## **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 2021/22 there were 3 requests for a review of the initial assessment. Following the review, the original decision was upheld in each case.

In 2020/21/ there were 0 requests for a review of the initial assessment decision.

In 2019/20 there were 0 requests for a review of the initial assessment decision.

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 2012/13 and 2013/14 there were no requests for the review of the initial assessment decision.

## **9. Decisions on complaints following investigation**

During 2021-22 there were 2 complaints referred for investigation and an external investigator has been appointed to investigate the complaints.

## **10. Review of Standards Committee Work Programme and Action Plan for 2020-21**

The Standards Committee's Work Programme/Action Plan for 2021-22 is attached at Annex 1. Matters of particular note are summarised below.

The Standards Committee met on 3 occasions during the year. The matters undertaken include:

### **A. Review of Code of Conduct and Local Arrangements**

The main piece of work undertaken by the Standards Committee during 2021-22 was to establish a working group to review both the Code of Conduct and the Local Arrangements for Dealing with Complaints received under the Code of Conduct. These were both reviewed

in the light of guidance and a new model Code of Conduct published by the Local Government Association.

The Code of Conduct Working Group drafted an amended Code of Conduct based on the LGA model Code, and also suggested amendments to the Local Arrangements, including a clearer 2-stage process to be used in assessing whether complaints should be referred for investigation. The proposed changes were referred to the Standards Committee for agreement and will now be considered by the Constitution Task Group before being referred to the Annual Council meeting for adoption.

## **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.

Over recent years the Committee has had a programme of invited guests aimed at developing a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards. In June, Cllr Lott provided his views to the Committee on governance and standards relating to his time as Chair of Planning Committee.

## **C. Member Visits to Neighbouring Authorities**

At the beginning of the municipal year, the Chair indicated an intention to attend Standards Committee meetings at neighbouring authorities. Due to Covid restrictions these visits have not yet taken place, but Members have had an opportunity to view an informal Standards Committee meeting held in a neighbouring authority that was held remotely and live-streamed.

## **11. Conclusion**

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 2022**

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	Progress
<ol style="list-style-type: none"> <li>1. Establish a working group (as agreed at the April 2021 meeting) to review the Code of Conduct against the LGA model Code of Conduct and guidance, and consider any changes to be made.</li> <li>2. The working group to report the outcome to Standards Committee by November 2021.</li> </ol>	<p>To ensure that the Code of Conduct is in line with best practice.</p>	<p>Ongoing</p>	<p>The Working Group considered the Code of Conduct against the LGA model Code of Conduct and guidance and recommended substantial changes to the Code in line with the model Code.</p> <p>The recommendations of the Working Group were reported to the Standards Committee on 3 November 2021. It was agreed that the revised Code should be referred to the Constitution Task Group, with a recommendation from the Committee that the revised code be accepted and referred to full Council for approval.</p>

<p>3. To expand the remit of the Code of Conduct Working Group to review the Council's Local Arrangements for Dealing with Complaints Against Councillors, in the light of recent guidance from the LGA.</p>	<p>To ensure that the Authority's Local Arrangements meet the requirements and expectations of the Members and the relevant legislation, and is in line with best practice.</p>	<p>Ongoing</p>	<p>The Working Group has undertaken a review of the Local Arrangements against the LGA guidance and has recommended some revisions to the Local Arrangements. The revised document was considered by the Standards Committee in April and referred to the Constitution Task Group.</p>
<p>4. To continue to develop an ongoing programme of meetings with invited guests, including the Elected Mayor, the 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.</p>	<p>To develop a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards.</p>	<p>Ongoing</p>	<p>The Chair provided his views to the Committee in June in relation to his time as Chair of Planning Committee.</p>
<p>5. Regional meetings of the Chairs and Deputy Chairs of Standards Committees and Independent Persons be arranged in consultation</p>	<p>To provide an opportunity to share knowledge and best practice.</p>	<p>Ongoing</p>	<p>Due to disruptions caused by the Coronavirus pandemic this has not been progressed during 2021-22.</p>

with other regional authorities			
6. The seek opportunities for members to attend Standards Committee meetings at neighbouring authorities.	To provide an opportunity to understand ethical governance and standards issues in other Authorities and aid best practice.	Ongoing	Neighbouring authorities contacted about future meeting dates.  Members had an opportunity to view on-line meetings of a neighbouring authority in January 2022.
7. To review 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	To ensure all members receive information on ethical governance, ethical standards to minimise risk of unwitting breaches of the Code of Conduct.	Ongoing	Recent training has included an additional element on social media. Following positive feedback there is an intention to continue to include information on social media in future training sessions.
8. To seek the further promotion with all Members of the Authority's e-learning training on the use social media.	To assist the Authority to fulfil its statutory duty to promote and maintain high standards of conduct.	Ongoing	As above
9. Continue production of Annual Standards Committee Report	Presentation of Annual Report of the work of the Committee during the previous 12 months.	By end of each municipal year.	Completed.

10. To provide training to the Independent Persons on their role, this to include invitations to relevant training for Members.	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.	Ongoing	Ongoing