



North Tyneside Council

Friday, 1 July 2022

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

Standards Committee

Agenda Item		Page
1.	<p>Apologies for Absence</p> <p>To receive apologies for absence.</p>	
2.	<p>Appointment of Substitute Members</p> <p>To be notified of the appointment of any Substitute Members.</p>	
3.	<p>Declarations of Interest and Dispensations</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>Minutes</p> <p>To confirm the minutes of the Standards Committee meeting held on 7 April 2022.</p>	5 - 6
5.	<p>Action Plan/Work Programme 2022/23</p> <p>To provide a report on the Action Plan/Work Programme of the Standards Committee for 2022/23.</p>	7 - 10

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Agenda Item		Page
6.	Appointment of Independent Persons To consider a report on the appointment of Independent Persons.	11 - 14

Circulation overleaf ...

Members of the Overview, Standards Committee

Councillor Frank Lott (Chair)

Councillor Lewis Bartoli

Councillor Debbie Cox

Councillor Janet Hunter

Councillor Willie Samuel

Councillor Tracy Hallway (Deputy Chair)

Councillor Brian Burdis

Councillor Eddie Darke

Councillor Wendy Lott

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Standards Committee

Thursday, 7 April 2022

Present: Councillor F Lott (Chair)
Councillors L Bartoli, B Burdis, D Cox and Janet Hunter

Apologies: Councillors W Lott and E Darke

SC13 /21 Appointment of Substitute Members

There were no substitute members.

SC14 /21 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

SC15 /21 Minutes

Resolved:

That the minutes of the previous Standards Committee meeting held on 3 November 2021 be confirmed and signed by the Chair.

That the minutes of the Standards Sub-committee held on 17 September 2021, 27 October 2021 and 17 February 2022 be noted.

SC16 /21 Code of Conduct Working Group: Review of Local Arrangements

The Committee considered the report which set out proposals to amend the Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority, following a review of the current Local Arrangements and recently published guidance from the LGA on handling complaints.

It was noted that the proposed changes to the arrangements include the introduction of a two-stage process for assessing whether complaints should be referred for investigation, and some changes to the sanctions that can be applied in relation to a breach of the Code of Conduct.

In addition to the changes set out in the report, the Committee was asked to consider adding an additional action as a new point vii to the sanctions set out on page 74 and page 91 of the report as follow:

‘(vii) Recommend to the Mayor that the subject member be removed from all outside appointments to which they have been appointed by the Mayor’.

Resolved:

i. That the following additional action be added to the sanctions set out on page 74 and page 91 of the revised Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority as set in the Appendix 2 of the report:

‘(vii) Recommend to the Mayor that the subject member be removed from all outside appointments to which they have been appointed by the Mayor’.

ii. That the revised Local Arrangements 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.

SC17 /21 Standards Annual Report 2021-22

The Committee considered the draft Standards Annual Report 2021-22.

Resolved: That the Committee:

- I. Agree the draft Annual Report 2021-22 as attached at Appendix 1 to the report;
- II. Authorise the Monitoring Officer, in consultation with the Chair of the Standards Committee, to finalise the report prior to its submission to the Annual Council meeting to be held on 19 May 2022.

North Tyneside Council Report to Standards Committee Date: 7 July 2022

ITEM

Title: Action Plan/Work
Programme 2022/23

Report from Service Area: Law and Governance

Report Author: John Barton, Principal Lawyer (Tel: 643 643 5354)

Wards affected: All

1.1 Purpose:

To provide a report on the Action Plan/Work Programme of the Standards Committee for 2022/23.

1.2 Recommendation(s):

The schedule of meetings for 2022/23 be noted and the work programme for the Standards Committee set out below be adopted.

1.3 Information

1.3.1 The Standards Committee's - Action Plan/Work Programme up to 31 March 2023

The Standards Committee is responsible for the Authority's statutory duty to promote and maintain high standards of conduct by the Elected Mayor, Councillors, Co-opted Members.

1.3.2 The terms of reference of the Standards Committee are set out in Part 3.5 of the Authority's Constitution and are: -

1. To promote and maintain high standards of conduct by the Elected Mayor, Councillors, Co-opted Members and church and parent governor representatives.
2. To ensure the Elected Mayor, Councillors and Co-opted Members and church and parent governor representatives observe the Members' Code of Conduct.
3. To advise the Authority on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train the Elected Mayor, Councillors and Co-opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct and Disclosable Pecuniary Interests.

6. To grant dispensations to the Elected Mayor, Councillors and Co-opted Members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
7. To monitor complaints received by the Authority in respect of Member conduct.
8. To review the Whistle-blowing policy for Members.
9. To conduct hearings following investigation and determine complaints made against Councillors (including following requests for review).
10. Where a Member is found to have failed to comply with the Code of Conduct to take such action as may be necessary to promote and maintain high standards of conduct, in accordance with the powers available to the Committee.
11. To amend the assessment criteria for complaints against Members (included in the Authority's adopted arrangements) as it considers appropriate from time to time.
12. To undertake such further functions as may be the responsibility of the Committee under the Authority's adopted arrangements in relation to the handling of complaints against Members.
13. To approve the contents of an annual report summarising the work of the Committee over the previous year for submission to the Annual Council meeting.

1.3.3 The draft Action Plan/Work Programme set out below details proposed tasks and matters to be considered by the Standards Committee in this municipal year, including items carried forward from 2021/22. Members are requested to consider the proposed items and determine the action plan/work programme for 2022/23.

1.3.4 The Action Plan/Work Programme will be monitored by the Committee at each meeting and the progress of the identified actions will be reported in the Committee's Annual Report in May 2023.

Action	Why	By When
To consider the recruitment process and appointment of Independent Persons as the term of office for the current Independent Persons comes to an end, and to make recommendations to Council.	To ensure that at least one (and up to three) Independent Persons are in place, in line with the requirements of the Localism Act 2011.	31 July 2022
To extend a meeting invitation to guests and to seek topics of conversation from those guests in relation to ethical governance and standards. This could include the Elected Mayor, the Chief Executive, Senior Leadership Team,	To develop a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards.	Ongoing

Group Leaders, the Chair and Deputy Chair of Council and the Chairs of the Overview and Scrutiny Committee and the Planning Committee and other Regulatory Committees.		
To invite Chairs of Standards Committees from other Authorities in the region to attend Committee meetings and to seek opportunities to attend Standards Committee meetings in neighbouring authorities.	To provide an opportunity to understand ethical governance and standards issues in other Authorities.	Ongoing
To provide training for the Committee on relevant ethical standards issues.	Training on local assessment, the Code of Conduct and other relevant matters/legislation.	Ongoing.
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
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.

1.3.2 The schedule of Meetings 2021/22

- 7 July 2022
- 10 November 2022
- 6 April 2023

1.4 Appendices:

None.

1.5 Contact officers:

John Barton, Principal Lawyer (0191) 643 5354

Joanne Holmes, Democratic Services (0191) 643 5315

1.6 Background information:

- Code of Conduct for Members and Co-opted Members.
- The Localism Act 2011.
- Standards Committee Annual Report 2021/22.

Title: Proposed
Appointment of
Independent Persons

North Tyneside Council Report to Standards Committee Date: 7 July 2022

Report from Service

Area:

Law and Governance

Responsible Officer:

Jacqueline Laughton, Monitoring
Officer

Tel: 0191 643 5724

Wards affected:

All

PART 1

1.1 Executive Summary:

The Localism Act 2011 ("the Act") places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members. The Act requires the Authority to have local arrangements to handle any misconduct complaints including the appointment of Independent Persons. This report requests the Committee to recommend to Full Council that the individuals set out in section 1.2 below be appointed to the post of Independent Person for a 4-year term.

1.2 Recommendation(s):

It is recommended that the Committee:

- a) note the proposal to be made to full Council on 21 July 2022 to appoint Dr Stuart Green, Mrs Kerry Roffe and Mr Daniel John Entwisle as the Authority's Independent Persons pursuant to the requirements of the Localism Act 2011 for a period of four years to 31 July 2026; and
- b) record thanks to Mr George Clark and Mrs Stella Gardner for their service in the role of Independent Person.

1.3 Information:

1.3.1 Background

1.3.2 The functions of the Independent Person(s) are that he or she:

- must be consulted and their views taken into account before the Authority takes a decision on any allegation made against an elected member which has been investigated;
- may be consulted about any other aspect of a councillor's alleged breach of the Authority's Code of Conduct for Members; or
- may be consulted by a councillor against whom such an allegation has been made.

- 1.3.3 In addition, under the Local Authorities (Standing Orders) (England) Regulations 2001, as amended, the Authority is also required to appoint its Independent Persons to its Dismissal Advisory Committee to assist the Authority to carry out its duties under the 2001 Regulations in relation to the Authority's procedures for the discipline and (where necessary) the dismissal of Statutory Officers.
- 1.3.4 Candidates are expected to have high standards of personal conduct, tact and discretion and ideally some knowledge of local government at principal authority level. Training is given and a modest allowance paid. Initial appointments are for a four year period with a possible minimum extension of a further four years.
- 1.3.5 The law prevents a close friend or relative of any member, co-opted member or officer of the Authority concerned from applying.
- 1.3.6 In 2018, full Council agreed that the number of Independent Persons should be increased from two to three to allow greater flexibility and minimise any potential for any conflict of interest where:
- a) an Independent Person has, for example, been involved in an initial assessment decision and the complainant seeks a review of that decision; or
 - b) a member who is the subject of a complaint has contacted an Independent Person for support and that matter proceeds to a final hearing at which the Independent Persons are requested to give advice and support to the Standards Sub-Committee.
- 1.3.7 In addition, full Council agreed that the term of office of an Independent Person be no more than a maximum of ten years.
- 1.3.8 The terms of appointment of the Authority's three current Independent Persons, Mr George Clark, Ms Stella Gardner and Dr Stuart Green end on 31 July 2022. Mr Clark and Ms Gardner have now completed 10 years in total in the role as Independent Person, which is the maximum period of time agreed by full Council. They are therefore ineligible to continue for a further term. Dr Stuart Green was initially appointed to the role in 2018 for a period of 4 years.

The Recruitment Process.

- 1.3.9 A full recruitment exercise for the roles of Independent Person was commenced in early June 2022. Three applications were received as a result of the formal recruitment process. Following a shortlisting process, the three candidates including the current holder of the role of Independent Person, Dr Stuart Green, Mrs Kerry Roffe and Mr Daniel John Entwistle, were interviewed as a part of the selection process. The interviews were conducted by the Deputy Mayor, Councillor Carl Johnson, the Chair of the Standards Committee, Councillor Frank Lott and Councillor George Westwater the Conservative Group Leader, supported by the Monitoring Officer. The selection panel identified Dr Green, Mrs Roffe and Mr Entwistle to be suitable candidates for the position of Independent Person.
- 1.3.10 Committee is therefore asked to note that a recommendation will be made to full Council by the Monitoring Officer for full Council to appoint Dr Stuart Green, Mrs Kerry Roffe and Mr Daniel John Entwistle to the role of Independent Person for a period of four years until 31 July 2026.

1.4 Contact officers:

Jacqueline Laughton, Assistant Chief Executive and Monitoring Officer tel. (0191 643 5724
John Barton – Principal Lawyer, Deputy Monitoring officer tel. (0191) 643 5354
Joanne Holmes – Democratic Services. Tel (0191) 643 5315

1.5 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

The Localism Act 2011

The Local Authorities (Standing Orders) (England) Regulations 2001

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The allowance to be paid to the Independent Persons has been determined by Council. The allowance will be contained within the budget which covers the allowances payable to the Independent Persons and currently stands at £1,061 per annum per Independent Person.

2.2 Legal

The Localism Act 2011 places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members and to appoint Independent Persons. Section 28(7) of the 2011 Act also requires the Authority to appoint at least one Independent Person to provide advice and support to the Authority in relation to the operation of the Code of Conduct for Members and ethical governance.

The appointment of an Independent Person under the Localism Act 2011 is a matter for full Council.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Consultation has been undertaken with the Chair of the Standards Committee, the Deputy Mayor and the Conservative Group Leader.

2.3.2 External Consultation/Engagement

An advert was placed on the Authority's website, the Northeast Jobs website and publicised via Social Media.

2.4 Human rights

There are no direct human rights issues arising from this report.

2.5 Equalities and diversity

The recruitment exercise was undertaken in accordance with the Authority's recruitment arrangements in relation to equality and diversity.

2.6 Risk management

It is a statutory requirement to appoint at least one Independent Person as part of the Code of Conduct arrangements that the Authority must adopt. If the appointments are not made then the Authority will not be in compliance with its statutory obligations.

2.7 Crime and disorder

There are no direct crime and disorder issues arising from this report.

2.8 Environment and sustainability

There are no direct environment and sustainability issues arising from this report.