



**North Tyneside Council**

Friday, 31 March 2023

# Standards Committee

**Thursday, 6 April 2023** 0.01 Chamber - Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY **commencing at 6.00 pm.**

Agenda Item		Page
1.	<b>Apologies for Absence</b>  To receive apologies for absence.	
2.	<b>Declarations of Interest and Dispensations</b>  You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.  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.  Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
3.	<b>Minutes</b>  To confirm the minutes of the Standards Committee meetings held on: <ul style="list-style-type: none"><li>• 7 July 2022</li><li>• 7 December 2022</li><li>• 8 March 2023</li></ul> To note the following minutes of the Standards Sub-committee: <ul style="list-style-type: none"><li>• 7 February 2023</li></ul>	<b>5 - 20</b>

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Agenda Item		Page
	<ul style="list-style-type: none"> <li>8 March 2023</li> </ul>	
4.	<b>Standards Committee Draft Annual Report 2022-23</b>  To consider the Standards Committee draft Annual Report 2022-23.	<b>21 - 34</b>

**Circulation overleaf ...**

### **Members of the 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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# Public Document Pack Agenda Item 3

## Standards Committee

**Thursday, 7 July 2022**

Present: Councillor F Lott (Chair)  
Councillors T Hallway, L Bartoli, D Cox, W Lott and  
W Samuel

In attendance: Dr S Green, Mr G Clark

Apologies: Councillors B Burdis, E Darke and Janet Hunter

### **SC1 /22 Appointment of Substitute Members**

There were no substitute members.

### **SC2 /22 Declarations of Interest and Dispensations**

There were no declarations of interest or dispensations.

### **SC3 /22 Minutes**

**Resolved:** That the minutes of the meeting held on 7 April 2022 be agreed.

### **SC4 /22 Action Plan/Work Programme 2022/23**

The Committee considered the report which set out a draft action plan/work programme for the year ahead.

The Committee noted that an amended Code of Conduct for Members and local arrangements for dealing with Complaints was now in place, following approval at the Annual Council meeting. The new Code of Conduct aimed to be more user friendly. The committee suggested that training for Members on the Code of Conduct should include monitoring of how the new code of Conduct is received by new Members.

It was **agreed** that the action plan/ work programme for 2022-23 be adopted.

### **SC5 /22 Appointment of Independent Persons**

The Committee considered a report which set out proposals to be made to full Council on 21 July 2022 to appoint three Independent Persons for a 4-year term of office.

It was noted that the term of office of the Authority's three current Independent Persons were due to end on 31 July 2022. Two of the Independent Persons, Mr G Clark and Ms S Gardner, have now completed 10 years in total as Independent Persons. This is the maximum period of time agreed by full Council and they are ineligible to continue for a further term.

A full recruitment exercise for the roles was commenced in early June 2022. The selection Panel identified 3 suitable candidates for the position, including Dr S Green, who is a current Independent Person.

A recommendation will be made to full Council on 21 July 2022 by the monitoring officer to appoint the three individuals as set out in the report.

It was **agreed** that:

1. The proposal to full Council on the appointment of 3 members as Independent Persons be noted;
2. The Committee record its thanks and gratitude to Mr George Clark and Ms Stella Gardner for their service in the role of Independent Person over a 10-year period.

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## Standards Committee

**Wednesday, 7 December 2022**

Present: Councillor F Lott (Chair)  
Councillors T Hallway, L Bartoli, B Burdis, E Darke,  
Janet Hunter and W Lott

In attendance: Mr D Entwisle – Independent Person

Apologies: Councillors D Cox and W Samuel, Dr S Green, Mrs K Roffe

### **SC6 /22 Appointment of Substitute Members**

There were no substitute members.

### **SC7 /22 Declarations of Interest and Dispensations**

There were no Declarations of Interest or Dispensations reported.

### **SC8 /22 Exclusion Resolution**

The Standards Committee was required to consider any representations from the Investigating Officer and/or the Member as to why the Committee should exclude the press and public under the following terms:

“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 items 5-9 of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1 and 5 of Part 1 of Schedule 12A to the Act.”

Cllr Bones requested that the press and public be excluded for these items as some of the information is not currently in the public domain and he also had concerns about any further media coverage that could impact on individuals who are named in the report but are not part of the local authority.

The Investigating Officer was asked for his view and he stated that he had no objections to the press and public being excluded for these items as the matter had not yet been determined and a public statement of the decision would be made available once the matter was decided.

The Chair noted that the items contained exempt information under paragraph 1 of part 1 of Schedule 12A to the Act and there was a requirement for the Committee to apply a public interest test and decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

On considering the Exclusion Resolution, the Committee voted by 6 votes in favour and 1

vote against to proceed with the hearing in public.

**Resolved:** that the Committee hearing proceed in public and the agenda papers be made available.

**SC9 /22            Code of Conduct for Members' and Co-opted Members - complaint  
NT07.2021-22**

The Standards Committee received a report which presented the Investigating Officer's completed investigation report in relation to an alleged breach of the Members' Code of Conduct in relation to Complaint NT07/2021-22.

The Authority's Local Arrangements for the consideration of complaints made against Members under the Code of Conduct for Members and Co-opted Members, required that a completed investigation report be received by the Standards Committee/Standards Sub-Committee to determine the action to be taken with respect to the Complaint.

The Committee considered:

**1. Summary of Allegations**

The complainant, Cllr M Wilson, alleges that:

- 1) The subject member, Councillor Liam Bones, posted what is described as a manipulated story on his campaigning website 'North Shields Life' that wilfully called into question the judgment and political neutrality of the Authority's then Monitoring Officer ("the MO"), Bryn Roberts, who was the Head of Law and Governance:
- 2) The published story caused "enormous damage" to the MO's professional reputation as evidenced by on-line comments made about the MO in that regard:
- 3) The story related to a request from the MO to the then Leader of the Conservative Group, to remove Union Flag bunting and pictures of Winston Churchill and Margaret Thatcher from the Conservative Group room in the Quadrant building.
- 4) Councillor Bones has editorial responsibility for 'North Shields Life' which targets the political opponents of Councillor Bones, usually local politicians but that this story has "crossed the line" by targeting an officer of the Authority:
- 5) Councillor Bones, in addition to publishing the story on the 'North Shields Life' website, used paid for advertising on Facebook to promote the article so that it was read by as many local residents as possible.

**2. Relevant Paragraph(s) of the Code of Conduct**

The relevant paragraphs of the Code are:

Part 1 Paragraph 1 of the Code – Treating others with Respect

You must treat others with respect, including Authority Officers and other elected members.



## Part 1 Paragraph 4 of the Code – Bringing Office or Authority into Disrepute

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.

### **3. Conduct of the Hearing**

The Investigating Officer had found in his report that breaches of the Code of Conduct had occurred in relation to the above Complaint.

The Committee examined the Investigating Officer's report.

The Committee asked questions of the Investigating Officer in relation to his report.

The Committee heard representations from the Member and asked questions of the Member.

In its deliberations in private, the Committee, having read the papers and heard from both the Investigating Officer and the Subject Member, carefully considered whether one or more breaches of the Code of Conduct had occurred. In reaching its decision the Sub-Committee took into account the views of the Independent Person.

### **5. Findings of Fact**

References in brackets below are to paragraph numbers referred to in the investigator's report considered by the Committee.

The Sub-Committee made the following findings of fact:

#### **Application of the Code**

By a majority the Committee found:

1. The Code of Conduct applies to the issue of the publication of the story on Councillor Bones' campaigning website on 15 June 2021 as he was acting in his capacity as an elected member when he re-published the story. (para 7.8)

#### **Publication of the Story in 'North Shields Life'**

2. Members must act and be seen to be acting with the high standards of conduct as holders of public office, and when acting in that capacity. Any judgment that as to whether an elected Member has failed to act accordingly and has breached the Code of Conduct is made on the balance of probabilities (para 8.1)
3. On 3 June 2021 the MO sent a WhatsApp message to former Conservative Group Leader stating that the MO would arrange for the removal of Union Flag bunting and pictures of Winston Churchill and Margaret Thatcher in the Conservative Group Room. (pars 8.6)
4. The MO believed that the display in the Conservative Group Room "risked being an

overtly political matter in an apolitical venue” and that when the MO sent the request to remove the materials, he reasonably believed that he was doing his job and maintaining political neutrality. (para 8.6)

5. The MO’s WhatsApp message sent to former Conservative Group Leader was shared by the former Group Leader with the Conservative Group members. (para 8.8)
6. A Photograph of the Group Room with the bunting in place was taken by former Councillor Brockbank and the photograph taken after the removal of the bunting and pictures was taken by Councillor Bones. Those photographs appeared in various media outlets including the ‘North Shields Life’ website. (para 8.8)
7. Neither Councillor Bones nor the former Group Leader accepted responsibility for the “leaking” of the original story to the media. (para 8.9)
8. The Committee cannot ascertain who “leaked” the story to the media, but it is reasonable to suggest that it was someone within the Conservative Group with whom the MO’s WhatsApp message was shared by the Group Leader.
9. It is not disputed that Councillor Bones re-published the story about the MO’s request to remove the Union Flag bunting and pictures of the former Prime Ministers on the ‘North Shields Life’ website on 15 June 2021, the day after the story first appeared in the national media. (see the Investigator’s note of interview with Councillor Bones)
10. Councillor Bones did not introduce the story into the public arena but in republishing the story “exacerbated the situation” and was likely to be contrary to the Member/Officer Relations Protocol. (para 8.11)
11. Councillor Bones “candidly accepted” that he did not agree with the stance taken by the MO in relation to the Union Flag and that the reason for his republication of the story in the ‘North Shields Life’ website was because it was “a local public interest story” and that there should be debate on the MO’s decision. (para 8.12)
12. It was more likely that Councillor Bones re-published the story on the ‘North Shields Life’ website for political gain and that in doing so he failed to show mutual respect and courtesy towards the MO or promote a positive relationship between Members and Officers and avoid personal criticism of the MO in accordance with the Authority’s Protocol on Member/Officer Relations (para 8.14)
13. The re-publication of the story in the ‘North Shields Life’ website was tantamount to criticism of the MO from “inside the Authority”. (para 8.16)
14. Any concerns that Councillor Bones had about the political neutrality of the MO because of the MO’s decision to remove the Union Flags and pictures from the Conservative Group Room should have been raised with the Chief Executive in accordance with paragraph 7.6 of the Member/Officer Relations Protocol rather than re-publishing the story appearing on the ‘North Shields Life’ website. (paras 1.23 – 1.24)
15. The fact that Councillor Bones was able to re-publish the story on the ‘North Shields Life’ website shows that he has control over what material appears on that website,

whether he operates the website alone or with the assistance of others.

## **6. Findings as to whether there had been a failure to follow the Code of Conduct**

The Investigating Officer's report found that there was evidence of a breach of paragraph 1 of the Code. The report also found that there was no breach of paragraph 4 of the Code.

The Committee unanimously found that Councillor Bones had not breached the following paragraph of the Code of Conduct for Elected Members:

Part 1 Paragraph 4 of the Code - 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.

In reaching this determination the Committee took into account that the behaviour of Councillor Bones was not considered to be dishonest or deceitful to such a degree that would represent a breach of the Code, and although there was a clear political motivation behind the publication of the story by Councillor Bones, that does not, in and of itself, bring the Council into disrepute.

The Committee, by a majority, found that Councillor Bones had breached the following paragraph of the Code of Conduct for Elected Members:

Part 1 Paragraph 1 of the Code – You must treat others with respect, including Authority Officers and other elected members.

In reaching this determination the Committee considered that, in republishing the article on the North Shields Life website, Councillor Bones failed to treat the Monitoring Officer with respect, failed to promote a positive relationship between Members and Officers, and failed to take heed of paragraph 7.6 of the Member/Officer relations which required the Councillor to refer any concerns around political neutrality to the Chief Executive, and also references the seriousness and potential damage that such an accusation can cause to any officer.

## **7. Sanctions**

The Sub-Committee considered what sanction, if any, to set in relation to the breach of the Code of Conduct identified above.

In reaching its decision the Sub-Committee considered all the relevant circumstances, together with the verbal comments made by the Investigating Officer and the Member at the meeting. The Sub-Committee also took account of the views of the Independent Person.

It was noted that Councillor Bones had previously offered to write a letter of apology to the former Monitoring Officer, although this apology had been qualified in that he did not accept that he was in breach of the code. Councillor Bones had also indicated that he would be willing to accept training on the Member/Officer protocol.

Following discussion it was considered that Councillor Bones should make a written apology to the former Monitoring Officer and that this should be facilitated via the Monitoring Officer. It was also considered that Councillor Bones should undergo training on the Member/Officer protocol arranged by the Monitoring Officer.

It was Resolved that:

- (1) Councillor Bones be requested to provide a letter of apology to the former Monitoring Officer and that the letter should be supplied to, and agreed with the Monitoring Officer, (or in her absence one of her team) before it is sent to the former Monitoring Officer; and
- (2) Councillor Bones be requested to undertake training on the Member/Officer Relations Protocol, and such training to be arranged by the Monitoring Officer.
- (3) the Monitoring Officer be instructed to publish the Formal Written Notice of the Committee's decision on the Authority's website.

This was a unanimous decision of the Committee.

If a review of the decision of the Committee is sought, the decision will be held in abeyance until that review is complete.

#### **SC10 /22      Exclusion Resolution**

The Committee considered the Exclusion Resolution.

**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 and 5 of Part 1 of Schedule 12A to the Act.

#### **SC11 /22      Information Report - Allegation of a Breach of the Members' code of conduct NT09.2021-22**

The Committee considered the report and information set out as items 10 – 13 of the Agenda in relation to allegation of a breach of the Members' Code of Conduct NT09.2021-22.

**Resolved:** that the Committee note the report.

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## Standards Committee

**Wednesday, 8 March 2023**

Present: Councillor F Lott (Chair)  
Councillors T Hallway, L Bartoli, E Darke and W Lott

In attendance: Dr Stuart Green, Independent Person

Apologies: Councillors Janet Hunter and W Samuel

### **SC19 /23      Declarations of Interest and Dispensations**

There were no declarations of interest.

### **SC20 /23      Exclusion Resolution**

**Resolved:** that the Committee proceed in public and the agenda papers be made available.

### **SC21 /23      Complaint NT07/2021-22**

The Committee considered the report which set out the review of the Independent Person from South Tyneside Council of the decision of the Standards Committee taken on 7 December 2022 regarding complaint NT07/2021-22. The report also set out options for the Committee to consider.

The Committee noted that the Independent Person, having reviewed all of the documents relevant to the case, concluded in his report that he agreed with the reasoning and conclusions of the Committee and agreed that the decisions reached should stand.

The Committee sought the views of the Independent Person, Dr Stuart Green, who was in attendance at the meeting. Dr Green stated that he agreed with the decision of the Committee and the findings of the review.

The original finding of the Committee had been that Councillor Liam Bones had breached Paragraph 1 Part 1 of the Code of Conduct – Treating others with Respect, and that Councillor Bones should:

1. Undertake training on the Member/Officer Relations Protocol, such training to be arranged by the Monitoring Officer; and
2. Write a letter of apology to the former Monitoring Officer and that the letter should be supplied to, and agreed with the Monitoring Officer, (or in her absence one of her team) before it is sent to the former Monitoring Officer.

It was noted that, since the meeting of the Standards Committee on 7 December, Councillor Bones had attended training on the Member/Officer Relations Protocol and a letter of apology had been submitted to the Monitoring Officer.

**Resolved:** that the Committee agree:

1. to receive the review report of the Independent Person from South Tyneside Council regarding complaint NT07/2021-22; and
2. to confirm the decision of the Standards Committee taken on 7 December 2022.

## **Standards Sub-committee**

**Tuesday, 7 February 2023**

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

In attendance: Mr Dan Entwisle, Independent Person

### **SS1/23 Apologies for Absence**

There were no apologies.

### **SS2/23 Appointment of Substitute Members**

There were no substitute members.

### **SS3/23 Declarations of Interest**

Cllr F Lott declared a registered personal interest in relation to application number 14 of the appendix to agenda item 4 – request from Cllr W Lott – and indicated he would leave the room while this application was considered.

### **SS4/23 Dispensations - Appointment 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.

The applications, with the exception of application number 14 listed in the appendix to the report, were considered and agreed by the Sub-Committee.

Cllr F Lott then left the room and the remaining two members of the Sub-committee considered and agreed application number 14 in his absence.

### **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 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 2022-23 municipal year.

### Outside Body Dispensations

The following dispensations were agreed by the Standards Sub-committee on 7 February 2023 in relation to the outside body appointments:

<b>COUNCILLOR</b>	<b>OUTSIDE BODY (2022-23)</b>	
<b>Councillor Karen Clark</b>	Northumbria Healthcare NHS Foundation Trust Co-opted Governors	Exec
	Family (formerly Tyne) Gateway Trust	Exec
<b>Councillor Julie Cruddas</b>	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
	Wallsend Charitable (Victor Mann) Trust	Non Exec
<b>Councillor Peter Earley</b>	Kettlewell Education Foundation	Non Exec
<b>Councillor Lisa Ferasin</b>	North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) Overview and Scrutiny Committee	Exec
<b>Councillor Michelle Fox</b>	Newcastle Airport Consultative Committee	Non-exec
<b>Councillor Sandra Graham</b>	North of Tyne Combined Authority Cabinet (Substitute)	Exec
	North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) - Tyne and Wear Sub-Committee (Substitute)	Exec
<b>Councillor Margaret Hall</b>	North of Tyne Combined Authority Overview and Scrutiny Committee (Substitute)	Exec
<b>Councillor John Harrison</b>	North of Tyne Combined Authority	Exec



	Overview and Scrutiny Committee	
	Northumbria Healthcare NHS Foundation Trust Co-opted Governor	Exec
	North East Migration Partnership Members Forum	Non-Exec
<b>Councillor John Hunter</b>	Wallsend Charitable (Victor Mann) Trust	Non Exec
<b>Councillor Val Jamieson</b>	Standing Advisory Council on Religious Education	Non-exec
<b>Councillor Carl Johnson</b>	North Shields Fish Quay Company Limited	Exec
<b>Councillor Hannah Johnson</b>	North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) Audit Committee (Substitute)	Exec
	Tyne and Wear Archives and Museums Strategic Board (Substitute)	Exec
<b>Councillor Joe Kirwin</b>	Northumbria Healthcare NHS Foundation Trust Co-opted Governors	Exec
	Tyne Port Health Authority	Exec
<b>Councillor W Lott</b>	Wallsend Charitable (Victor Mann) Trust	Non Exec
<b>Councillor Gary Madden</b>	Wallsend Charitable (Victor Mann) Trust	Non Exec
<b>Councillor Anthony McMullen</b>	Joint Street Lighting PFI Project Committee (Substitute)	Exec
<b>Councillor Jim Montague</b>	Wallsend Charitable (Victor Mann) Trust	Non-exec
<b>Councillor Josephine Mudzingwa</b>	Standing Advisory Council on Religious Education	Non-exec
<b>Councillor Thomas Mulvenna</b>	North of Tyne Combined Authority Audit and Standards Committee	Exec
	Tyne Port Health Authority (Substitute)	Exec
	Association of North East Councils Resources Task and Finish Group (Substitute)	Non-Exec
	Bus Lane Adjudication Service Joint Committee (Substitute)	Exec
<b>Councillor John O'Shea</b>	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>Councillor Erin Parker-Leonard</b>	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>Councillor Steven Phillips</b>	North Tyneside Learning Trust	Exec
	Standing Advisory Council on Religious Education	Non-exec
<b>Councillor Willie Samuel</b>	North of Tyne Combined Authority and North East Combined Authority Joint Transport Committee (JTC) Overview and Scrutiny Committee	Exec
	British Destinations	Non-exec
<b>Councillor Jane Shaw</b>	North of Tyne Combined Authority Audit and Standards Committee	Exec
	North of Tyne Combined Authority Overview and Scrutiny Committee	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

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## Standards Sub-committee

**Wednesday, 8 March 2023**

Present: Councillor F Lott (Chair)  
Councillors L Bartoli and T Hallway

In attendance: Dr S Green, Independent Person

### **SS5/23          Declarations of Interest**

There were no declarations of interest.

### **SS6/23          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 1 of Schedule 12A of the Act the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act.

### **SS7/23          Complaint NT06/2022-23**

The Sub-committee considered the report of the Investigating Officer into Complaint NT06/2022-23 in order to determine the action to be taken with respect to the complaint in accordance with the Authority's Local Arrangements for dealing with Complaints made under the Code of Conduct for Members and Co-opted Members.

The Sub-committee took into account the views of the Independent Person who was in attendance at the meeting.

The Chair of the Sub-committee stated that he would like to request further clarification from the Investigating Officer on three points in the report. These were:

1. Page 82 of the papers – Paragraph 8.3.1 – to clarify why this is not a breach of the Code of Conduct.
2. Page 83 – Number 2 in the numbered paragraphs. To clarify the conclusions of the Investigating Officer on this point.
3. Further clarification of the conclusions reached in relation to a specific issue of the complaint.

He also stated that clarification on these points could feed into any future review of the Code of Conduct.

Following a vote, it was **agreed** that:

- the Investigating Officer be asked to provide the Sub-committee with clarification on the three points identified at the meeting, and for this information to be considered at a future meeting of the Sub-committee.

## North Tyneside Council Report to Standards Committee Date: 6 April 2023

### ITEM

Title: Standards  
Committee Draft Annual  
Report 2022-23

Report from Service  
Area:

Law and Governance

Report Author:

Stephen Ballantyne, Head of Law and  
Monitoring Officer

(Tel: 643 5354)

Wards affected:

All

### 1. Purpose

To introduce the Standards Committee Draft Annual Report for 2022-23 for consideration by the Committee prior to its finalisation and submission to the Annual Council meeting on 18 May 2023.

### 2. Recommendations

The Committee is requested to:

- (1) Consider and suggest any additions and amendments to the draft Annual Report 2022-23 attached at Appendix 1 as appropriate; and
- (2) Authorise the 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 18 May 2023.

### 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 2022-23 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 2023-24 at its first meeting of the new year in June 2023.

**4. Appendices**

Appendix 1 - Standards Committee Draft Annual Report 2022-23.

**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 2022-23**

## 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 2022-23.

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 been working to implement the revised Code of Conduct and the Local Arrangements for Dealing with Complaints under the Code of Conduct. The revised documents were approved by Council in 2022 and are intended to ensure clarity and provide more guidance in support of good governance and high ethical standards and to reflect best practice.

In addition, I would like to welcome our two new Independent Persons, Mr Dan Entwisle and Mrs Kerry Roffe, who were appointed in July 2022, together with the re-appointment of Dr Stuart Green for a further 4-year term. They have already played an important role in assisting and advising on individual complaints under the Code of Conduct and in assisting the Standards Committee in support of high standards.

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 as Chair of the Standards Committee.

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 2022 to March 2023, together with background information regarding the standards regime established within North Tyneside Council. All references to 2022-23 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 of Conduct was revised and adopted by Council in May 2022 to reflect best practice as set out in the new Model Code of Conduct recently published by the Local Government Association.

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 whether a complaint could 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(D) 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 2022-23**

In 2022-23 the Standards Committee comprised the following Members: Councillor Frank Lott (Chair), Councillor Tracy Hallway (Deputy Chair), Councillor Lewis Bartoli, Councillor Brian Burdis, Councillor Debbie Cox, Councillor Eddie Darke, Councillor Janet Hunter, Councillor Wendy Lott, and Councillor Willie Samuel.

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

The Authority has three Independent Persons who were appointed in July 2022 for a period of four years. The Independent Persons are Mr Dan Entwisle, Dr Stuart Green and Mrs Kerry Roffe.

### **6. Committee and Sub-Committee Meetings in 2022-23**

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 2022-23 at its meeting in June 2022. 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 4 occasions in 2022-23. The dates of these meetings were:

- 9 June 2022
- 7 December 2022 – Complaints Hearing
- 8 March 2022 – Complaints Review
- 6 April 2023

The Standards Sub-Committee met on the following occasions during 2022-23:

- 7 February 2023 - to consider applications for dispensations under the Code of Conduct.
- 8 March 2023 – to consider a complaints Investigation report.

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

During 2022-23, 23 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 2012-13.

**Table1**

Local Assessment Decisions	No action	Informal resolution	Referred for Investigation	Total
2022-23	18	0	5	23
2021-22	12	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

## **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 2022/23 there were 6 requests for a review of the initial assessment. Following the review, the original decision was upheld in each case. In addition, there was a request for a review following the outcome of a Complaints Hearing. In this circumstance the review is undertaken by an Independent Person from a neighbouring authority. Following the review the original decision was upheld.

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 2022-23 there were 5 complaints referred for investigation and an external investigator has been appointed to investigate these complaints in each case.

To date one investigation report has been received.

In addition, the final report from the Investigating Officer in relation to a complaint referred in 2021-22 was received. The report was considered by the Standards Committee at a hearing in December 2022 and the findings of the Investigating Officer that the Councillor had breached one aspect of the Code of Conduct was upheld. The Councillor subsequently asked for the findings of the Standards Committee to be reviewed by an Independent Person from a neighbouring authority. This review upheld the decision of the Standards

Committee. The outcome of the review was noted by the Standards Committee and the findings in relation to this complaint confirmed.

## **10. Review of Standards Committee Work Programme and Action Plan for 2022-23**

The Standards Committee's Work Programme/Action Plan for 2022-23 is attached at Annex 1. Matters of particular note are summarised below.

### **A. Implementation of the Amended Code of Conduct and Local Arrangements**

In May 2022, an amended Code of Conduct and amended Local Arrangements for Dealing with Complaints received under the Code of Conduct were agreed. This followed a review by a working group of the Standards Committee. During the year, the new Code of Conduct and Local Arrangements have been implemented and a new two-stage process of assessment criteria is in place for assessing whether complaints should be referred for investigation.

### **B. Recruitment of Independent Persons**

In July 2022 the four-year term of appointment of the Independent Persons, Mr George Clark, Ms Stella Gardner and Dr Stuart Green came to an end.

A full recruitment exercise to fill the three roles was commenced in early June 2022. Following the recruitment process Dr Stuart Green was reappointed for a further 4 year term, and Mrs Kerry Roffe and Mr Dan Entwisle were appointed as new Independent Persons, also for a four year term of office.

Mr George Clark and Ms Stella Gardner had completed a maximum period of 10 years in the role of Independent Person, and therefore were required to stand down from the role when their term of office ended. The Standards Committee would like to thank Mr Clark and Ms Gardner for their outstanding contribution to the promotion and maintenance of high standards of conduct by Members and Co-opted Members in North Tyneside.

### **C. Member Training**

Training has been provided for all Council Members on standards matters, including ethical governance, ethical standards issues including arrangements with respect to the Code of Conduct; granting of dispensations, the use of social media and declarations of interests. This has been particularly important this year given a relatively high number of new Members elected to the Council in May 2022.

## **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 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 and Co-opted Members. The Committee has worked to discharge this duty by undertaking the following actions:

Action	Why	By When	Progress
To implement the revised Code of Conduct and the revised Local Arrangements for Dealing with Complaints Against Councillors, including the two stage assessment criteria for Code of Conduct complaints, which were agreed in May 2022.	<p>A Working Group of Members of the Standards Committee undertook a review of the Code of Conduct and Local Arrangements for Dealing with Complaints during 2022 in line with best practice advice published by the LGA.</p> <p>A revised version of the documents were agreed by Council in May 2022 and have been in place since.</p>	May 2022	Completed
To undertake a recruitment process to appoint 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	<p>Completed</p> <p>3 Independent Persons recruited and in place from 31 July 2022.</p>

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, 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 develop a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards.	Ongoing	Ongoing.
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	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	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.



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
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.		Completed  Training has been provided to all new Independent Persons on commencement of the role.

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