

# **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.