

Standards Committee



Annual Report 2020-21

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 2020/21.

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.

Due to the Covid-19 pandemic, there has been a reduction in the work of the Committee over the last municipal year, with no meetings held from March 2020 over the summer period. The Committee began to meet on a virtual basis from November 2020 and have continued to work closely with the Authority's Monitoring Officer to ensure that the principles of good governance and ethical standards remain central to the business of the Authority and instil public confidence in those elected to public office.

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 M Rankin
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 2020 to March 2021, together with background information regarding the standards regime established within North Tyneside Council. All references to 2020/21 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 2020/21

In 2020/21 the Standards Committee comprised the following Members: Councillors Sean Brockbank; Brian Burdis; Sandra Graham, Janet Hunter; Carl Johnson; Karen Lee (Deputy Chair); Frank Lott; Bruce Pickard; and Martin Rankin (Chair).

5. The Authority's Independent Persons

The Authority has three Independent Persons who were appointed in July 2019 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 2020/21

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 did not agree a Work Programme/Action Plan for 2020/21, but continued with the work programme from the previous year where possible. An update on the Work Programme/Action Plans attached at Appendix 1 to this report and is commented upon further in paragraph 10 below.

The Standards Committee met on 2 occasions in 2020/21. The following meetings took place virtually via Teams and were live streamed:

- 12 November 2020
- 8 April 2021

A meeting had been scheduled to take place on the 11 June 2020 but this meeting was unable to go ahead due to Coronavirus restrictions as arrangements for virtual meetings were not fully in place at this time within the authority.

The Standards Sub-Committee met on the 16 February 2021 to consider some applications for dispensations under the Code of Conduct.

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

During 2020/21, 4 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
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 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 2020/21 there were no complaints referred for investigation.

10. Review of Standards Committee Work Programme and Action Plan for 2020/21

The Standards Committee's Work Programme/Action Plan for 2020/21 is attached at Annex 1. Matters of particular note are summarised below.

The Standards Committee met on 2 occasions during the year. The matters undertaken include:

A. Annual Report 2019-20

Due to the Covid-19 pandemic, a number of meetings from March 2020 did not go ahead, including the Annual Council meeting scheduled for May 2020. Subsequently the Standards Annual Report 2019-20 could not be finalised and agreed by Council as would usually be the case. The Annual Report 2019-20 was agreed by the Standards Committee at their first meeting of 2020-21 on 12 November 2020 and will be submitted to the Annual Council meeting in May 2021, along with the Annual Report 2020-21.

B. Review of Code of Conduct and Local Arrangements

The Monitoring Officer, in consultation with the Chair of the Standards Committee submitted a response to the Committee for Standards in Public Life on how the Council is meeting the best practice recommendations set out in their report on Government Ethical Standards.

The Local Government Association recently published Model Code of Conduct for Members which it is recommending to all authorities as best practice. The Committee considered at its meeting on 8 April 2020 began the process of comparing the model code against the Authority's current Code. The Committee will consider whether any additions or amendments are necessary to the current Code. If such additions or amendments are required these will be referred to Council for consideration and adoption where appropriate.

C. Dialogue with Members and Officers

The Standards Committee has responsibility for the Authority's statutory duty for promoting and maintaining high standards of conduct by elected Members and co-opted Members of the Council. During 2020/21 the Committee has been unable to continue with the programme of invited guests, but consideration will be given to re-establishing this programme during 2021-22.

D. Member Development – Monitoring and Recording Mandatory Training

Code of Conduct training sessions have been modified to include an element on social media, given that an increasing number of complaints in recent years have been related to members use of social media. Feedback from members had been positive, and there is an intention to continue to include information on social media in future training sessions.

11. Conclusion

The Committee has met on a smaller number of occasions this year due to the Covid-19 pandemic. There have been a small number of complaints against councillors submitted during the year.

The Committee's aim is to continue to develop and maintain the Authority's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.