

# Standards Committee



## Annual Report 2019/20



# 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 2019/20.

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.

To achieve this, the Committee has worked closely with the Council'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.

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. As a result of the COVID-19 pandemic and the subsequent lockdown the report's submission to the final Standard Committee meeting of the 2019/20 municipal year did not happen.

This report comprises the Annual Review covering the period April 2019 to March 2020 together with background information regarding the standards regime established within North Tyneside Council. All references to 2019/20 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 2019/20**

In 2019/20 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 2019/20**

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

The Work Programme/Action Plan for 2019/20 is attached at Appendix 1 to this report and is commented upon further in paragraph 10 below.

The Standards Committee met on 2 occasions in 2019/20. The following meetings took place:

- 11 July 2019
- 14 November 2019

A further meeting was scheduled to take place on the 9 April 2020 but this meeting was unable to go ahead due to Coronavirus restrictions.

The Sub-Committee met on the 19 December 2019 to consider applications for dispensations under the Code of Conduct.

The Sub-committee also met on 5 March 2020 to consider an investigation report into a complaint where no breach of the code was found.

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

During 2019/20, 17 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
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 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 2019/20 there were no complaints referred for investigation.

The Sub-committee considered one investigation report that related to a complaint referred for investigation in 2018/19. In that case the committee accepted the finding of the Investigation Officer that no breach of the Code of Conduct for Members and Co-opted Members had occurred.

## **10. Review of Standards Committee Work Programme and Action Plan for 2019/20**

The Standards Committee's Work Programme/Action Plan for 2019/20 is attached at Annex 1. Matters of particular note are summarised below.

The Standards Committee met on 2 occasions during the year. At each meeting the Committee monitored its Action Plan. The matters undertaken include:

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

The Standards Committee has been advised that a review of the constitution is underway and this will include reviewing the code of conduct for Members. The review will incorporate consideration of the recommendations arising from the review of the Committee for Standards in Public Life's report on Government Ethical Standards. It will identify where the Authority is already meeting best practice, and highlight any areas where arrangements could be improved. Any suggested changes will be reported to the Standards Committee before being reported to the Constitution Task Group and Full Council for agreement. Unfortunately this has not progressed because of the coronavirus restrictions but remains a live matter to be completed.

It was also noted that the Monitoring Officer is considering the Authority's Local Arrangements for dealing with Complaints under the Code of Conduct, with a view to identifying ways to filter out frivolous complaints earlier in the process to reduce the burden on officer time. This could involve strengthening the powers of the Monitoring Officer as part of the initial assessment process. Any changes would be developed in consultation with the Standards Committee.

A Pocket Guide to the Code of Conduct for Members' and the requirements in relation to interests was developed and approved by the Standards Committee for circulation to all Members' to assist in how the Code applied to them.

## **B. Dialogue with Members and Officers**

The Standards Committee has responsibility for the Authority's statutory duty for promoting and maintaining high standards of conduct by elected Members and co-opted Members of the Council. During 2019/20 invited guests included the Chair of Planning Committee, Councillor F Lott , who was due to give his perspective on ethical governance and standards in relation to regulatory committees following recent changes to training for members of the Planning Committee at the April meeting. Cllr Lott will be invited to give his perspective at a future meeting of the Committee.

## **C. Member Development – Monitoring and Recording Mandatory Training**

The Committee has received information on the monitoring and recording of mandatory training. It was noted that around two thirds of members had completed general mandatory training, and most members had completed the training required to sit on regulatory committees where this applies to them. It was noted that a structured programme of member training for Audit Committee members is in development following a review of the committee's arrangements.

Members highlighted some improvements that could be implemented, including the provision of one-to-one support to members, as required, to access e-learning modules. It was also agreed that group leaders should be provided with information on members with outstanding mandatory training requirements, and be asked to encourage all members to complete all training by the end of February 2020.

It was noted that a Code of Conduct training session had been held for members in October 2019. This had been modified to include an element on social media, given that an increasing number of complaints received are 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.

## **D. Regional Training Event**

A regional training event/seminar was arranged by North Tyneside Council and held at Quadrant on 17 February 2020. The theme of the session was 'Developments in Governance'. The seminar was aimed at Chairs/Deputy Chairs of Standards Committees, Independent Persons, Monitoring Officers and their Deputies, and Governance Solicitors.

The seminar was led by Olwen Brown of Anthony Collins Solicitors LLP, who also presented an update on developments in Governance and Standards issues. The event was well attended and received positive feedback.

## **11. Conclusion**

The Committee continues to be busy and, as this report demonstrates, has dealt with a variety of matters in the past 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.