

North Tyneside Council

Report to Standards Committee

Date: 7 April 2022

ITEM

Title: Code of Conduct
Working Group: Review of
the Local Arrangements

Report from Service Area: Law and Governance

Report Author: John Barton, Principal Lawyer and Deputy Monitoring Officer (Tel: 643 5354)

Wards affected: All

1.1 Purpose:

To provide a report on the review by the Code of Conduct Working Group of the Authority's Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority.

1.2 Recommendation(s):

1. Consideration be given by the Committee to revising the Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority as set out in Appendix 2 of the report; and
2. Any revisions to the Local Arrangements agreed by the Committee be referred to the Constitutional Task Group with a recommendation that the revisions be accepted by the Constitutional Task Group and referred to full Council for approval.

1.3 Information

- 1.3.1 Under section 28 of the Localism Act 2011, the Authority must have in place "arrangements" under which allegations that an elected or co-opted Member of the Authority has failed to comply with the Authority's Code of Conduct can be considered and decisions taken on such allegations.
- 1.3.2 In December 2020 the Local Government Association (LGA) developed and published a Model Councillor Code of Conduct following consultation and which was subsequently updated in January and May 2021. The LGA's Model Code of Conduct was published in response to a recommendation from the Committee of Standards in Public Life. Guidance to the Model Code of Conduct has also been published by the LGA, along with guidance on complaints handling in relation to the Code.

- 1.3.3 The LGA guidance on dealing with complaints under the revised code of conduct can be found at the following link: [Guidance](#).
- 1.3.4 It was agreed by the Committee on 8 April 2021 that a Member Working Group should be established to consider the LGA's Model Code of Conduct against the Authority's current Code of Conduct and to make recommendations as to whether or not any amendments should be made to the Authority's Code of Conduct.
- 1.3.5 At the last meeting of the Committee on 3 November 2021 a revised Code of Conduct, as recommended by the Code of Conduct Working Group, was approved by the Committee for referral to the Constitution Task Group for consideration.
- 1.3.6 At the meeting on 3 November 2021 it was also agreed that the remit of the Code of Conduct Working should be expanded to include a review of the Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority.
- 1.3.7 The Code of Conduct Working Group met on 27 January 2022 to review the current Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority against the LGA guidance. A copy of the current Local Arrangements document is attached as Appendix 1.
- 1.3.8 The Working Group concluded that amendments should be made to the Local Arrangements as set out in the revised document attached at Appendix 2. The revised document includes a more detailed two-stage process that the Monitoring Officer in consultation with an Independent Person should undertake in considering whether a complaint should be referred for investigation.
- 1.3.9 Members are recommended to approve the revised Local Arrangements and agree that the document be submitted to the Constitution Task Group, along with the revised Code of Conduct.

1.4 Appendices:

Appendix 1 The Current Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority

Appendix 2 The Proposed Local Arrangements for Dealing with Allegations of Breaches of the Code of Conduct for Members and Co-opted Members of the Authority

1.5 Contact officers:

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1.6 Background information:

- The Localism Act 2011.
- The Local Government Association's Guidance on Complaints Handling.