

Standards Committee



Annual Report 2021-22

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 2021-22.

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 worked closely with officers to complete a review the Code of Conduct and the Local Arrangements for Dealing with Complaints under the Code of Conduct. The revised documents have been recommended to Council on the basis that they will ensure that good governance and ethical standards continue to reflect best practice.

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 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 2021 to March 2022, together with background information regarding the standards regime established within North Tyneside Council. All references to 2021-22 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 2021/22

In 2021/22 the Standards Committee comprised the following Members: Councillor Frank Lott (Chair), Councillor Wendy Lott (Deputy Chair), Councillor Lewis Bartoli, Councillor Brian Burdis, Councillor Debbie Cox, Councillor Eddie Darke, Councillor Janet Hunter, Councillor Pat Oliver, and Councillor Matthew Thirlaway.

5. The Authority's Independent Persons

The Authority has three Independent Persons who were appointed in July 2018 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 2021/22

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 2021-22, at its meeting in June 2021. 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 3 occasions in 2021-22. The dates of these meetings were:

- 10 June 2021
- 3 November 2021
- 7 April 2022

The Standards Sub-Committee met on the following three occasions during 2021-22:

- 17 September 2021 – to undertake an initial assessment of three Code of Conduct complaints
- 27 October 2021 – to undertake a review of a Code of Conduct complaint
- 17 February 2022 – to consider applications for dispensations under the Code of Conduct.

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

During 2021-22, 14 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
2021/22	9	0	2	11*
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

*3 complaints are currently outstanding and awaiting assessment.

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 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 2021-22 there were 2 complaints referred for investigation and an external investigator has been appointed to investigate the complaints.

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

The Standards Committee's Work Programme/Action Plan for 2021-22 is attached at Annex 1. Matters of particular note are summarised below.

The Standards Committee met on 3 occasions during the year. The matters undertaken include:

A. Review of Code of Conduct and Local Arrangements

The main piece of work undertaken by the Standards Committee during 2021-22 was to establish a working group to review both the Code of Conduct and the Local Arrangements for Dealing with Complaints received under the Code of Conduct. These were both reviewed

in the light of guidance and a new model Code of Conduct published by the Local Government Association.

The Code of Conduct Working Group drafted an amended Code of Conduct based on the LGA model Code, and also suggested amendments to the Local Arrangements, including a clearer 2-stage process to be used in assessing whether complaints should be referred for investigation. The proposed changes were referred to the Standards Committee for agreement and will now be considered by the Constitution Task Group before being referred to the Annual Council meeting for adoption.

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.

Over recent years the Committee has had a programme of invited guests aimed at developing a dialogue between the Committee, and members and appropriate Officers relating to ethical governance and ethical standards. In June, Cllr Lott provided his views to the Committee on governance and standards relating to his time as Chair of Planning Committee.

C. Member Visits to Neighbouring Authorities

At the beginning of the municipal year, the Chair indicated an intention to attend Standards Committee meetings at neighbouring authorities. Due to Covid restrictions these visits have not yet taken place, but Members have had an opportunity to view an informal Standards Committee meeting held in a neighbouring authority that was held remotely and live-streamed.

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.