



Tyne and Wear Integrated Transport Authority - Standards Committee

Meeting to be held following the conclusion of the meeting of the ITA Audit Committee on Friday 14 September 2012 in a Committee Room, Civic Centre, Newcastle upon Tyne, NE99 2BN

Membership:

Councillors: Curran, Lawson, Maughan, O'Shea and Smith

Independent Members: Mr Atkinson, Mr Clark, Ms Green and Mr Scrimshaw (Chair)

Contact Officer: Victoria Miller (0191) 211 5118 victoria.miller@newcastle.gov.uk

This agenda is available at www.twita.gov.uk

AGENDA

Page

1. Apologies for absence

2. Declarations of interest of members and officers in any matter to be discussed at the meeting

Please remember to declare any personal interest where appropriate both verbally and by recording it on the relevant form (to be handed to the Democratic Services Officer).

Please also remember to leave the meeting where any personal interest requires this.

3. Minutes of the previous meeting

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4. New Standards Regime - Update

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5. Work Programme

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For information/review

6. Date and time of next meeting

Friday, 22 February 2013, following the conclusion of the ITA Audit Committee.

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Tyne and Wear Integrated Transport Authority - Standards Committee

20 July 2012
(3.37 - 4.00 pm)

Present:

Independent Members: Mr Atkinson, Ms Green and Mr Scrimshaw

Councillors: Maughan, O'Shea and Smith

ALSO PRESENT (PART OF MEETING)

Independent Member: Mr G J Clark.

IN ATTENDANCE

Newcastle City Council:

S Ovens - Legal Advisor and Monitoring Officer to the ITA
I Poll - Head of Democratic Services
E Goodman - Senior Accountant (ITA)
H Wilson - Legal Advisor to the ITA
V Miller - Democratic Services Officer

1. ELECTION OF CHAIR (FROM INDEPENDENT MEMBERS ONLY)

RESOLVED – That Mr Scrimshaw be appointed as Chair for the Municipal Year 2012/13.

2. ELECTION OF VICE-CHAIR

RESOLVED – That Ms Green be appointed as Vice-Chair for the Municipal Year 2012/13.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Curran and Lawson and also from the Independent Member Mr Clark.

4. DECLARATIONS OF INTEREST OF MEMBERS AND OFFICERS IN ANY MATTER TO BE DISCUSSED AT THE MEETING

None received.

5. **MINUTES OF THE SPECIAL MEETING OF THE ITA STANDARDS AND AUDIT COMMITTEE HELD ON 20 APRIL 2012**

The minutes of the special meeting of the ITA Standards and Audit Committee held on 20 April 2012 were confirmed as a correct record and signed by the Chair.

6. **MINUTES OF THE PREVIOUS MEETING OF THE ITA STANDARDS AND AUDIT COMMITTEE HELD ON 24 FEBRUARY 2012**

The minutes of the previous meeting of the ITA Standards and Audit Committee held on 24 February 2012 were confirmed as a correct record and signed by the Chair.

7. **NEW STANDARDS REGIME - UPDATE**

Submitted: A report of the Clerk and Legal Advisor and Monitoring Officer (previously circulated and copy attached to Official Minutes).

S Ovens presented the report which sought members' endorsement of the proposed report to the 26 July 2012 meeting of the Authority, which invited members to finalise the new standards arrangements and adopt the new Code of Conduct.

After discussion on the Draft Code upon which various points were clarified, members suggested that specific wording should be added to the declaration of interest form to clarify that the legislation required only those interests of a member's spouse to be declared of which the member was aware. The Monitoring Officer agreed to ensure this change was made.

RESOLVED – That the proposed report to the Authority, as attached to the report, be endorsed.

8. **WELCOME TO THE INDEPENDENT PERSON**

The Chair, on behalf of the Committee, welcomed Mr George John Clark who was being recommended for appointment as Independent Person for the Authority.

9. **THANK YOU AND FAREWELL**

The Chair, on behalf of the Committee, thanked S Oven for his exemplary work over the years and wished him well for the future.

10. **WORK PROGRAMME**

Submitted: Committee's work programme 2012/13 (previously circulated and copy attached to Official Minutes).

It was noted that due to the cycle of the meetings of the Committee, members would be required to agree the Committee's Annual Report to the Authority in February 2013. After

February, if necessary and in consultation with members, further amendments could be made to the report before its submission to the Authority in May.

RESOLVED – That the work programme be approved.

11. **DATES AND TIME OF FUTURE MEETINGS**

Members agreed the following dates and times of future meetings:

Friday 14 September 2012, following the conclusion of the meeting of the ITA Audit Committee.

Friday 22 February 2013, following the conclusion of the meeting of the ITA Audit Committee.

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REPORT FOR DECISION

DATE: 14 September 2012
SUBJECT: New Standards Regime - Update
REPORT OF: Legal Advisor and Monitoring Officer

PURPOSE OF REPORT

To update members on the new standards regime which took effect from 1 July 2012 and to ask members to consider and approve the written arrangements for dealing with standards complaints.

RECOMMENDATIONS

The Committee is recommended to:

- a) note this report and
- b) consider and approve the written arrangements attached at Appendix C.

BACKGROUND DOCUMENTS

None

CONTACT OFFICERS

<i>name</i>	<i>email</i>	<i>phone</i>
<i>Helen Wilson</i>	<i>helen.p.wilson@newcastle.gov.uk</i>	<i>211 5110</i>

IMPACT ON OBJECTIVES

To support economic development and regeneration	Neutral
To address climate change	Neutral
To support safe and sustainable communities	Neutral



REPORT FOR DECISION

1	Executive Summary
	This report updates members on the new standards regime and asks members to approve the written arrangements for dealing with standards complaints.
2	Introduction and Background
2.1	<p>The Committee received a detailed report on the new standards regime at its meeting on 20 April 2012.</p> <p>At its meeting on 20 July, the Committee considered and endorsed a report to the Authority asking it to agree a new Code of Conduct and finalise other aspects of the new standards arrangements.</p>
2.2	<p>The Authority considered reports on the new standards regime at its meetings on 31 May and 26 July.</p> <p>At the first meeting, the Authority agreed some of the essential elements of the new regime. This included establishing a separate standards committee and agreeing the initial arrangements for dealing with standards complaints.</p> <p>Following publication of the Government's Regulations defining Disclosable Pecuniary Interests, a new Code was recommended to the Authority.</p> <p>At its July meeting, the Authority formally adopted a new Code of Conduct and appointed an Independent Person.</p>
3	New Code of Conduct
3.1	<p>The new Code of Conduct adopted on 26 July applies to elected members and co-opted members with voting rights. It took immediate effect.</p> <p>A copy is attached at Appendix A.</p>
4	Registration of Interests
4.1	<p>A new form has been prepared for members to register their Disclosable Pecuniary Interests and other registerable personal interests.</p> <p>A copy is attached at Appendix B, for information.</p> <p>Members have been supplied with a blank form for completion and return to the Head of Democratic Services at Newcastle City Council within 28 days. Members</p>



REPORT FOR DECISION

	have also been reminded that their entries will be on the Authority's website, as well as available in hard copy on the Register held by the Head of Democratic Services on behalf of the Monitoring Officer.
5	Independent Person
5.1	The Authority agreed the appointment of George John Clark as its Independent Person for a period of two years.
6	Written Arrangements
6.1	<p>The Authority agreed the initial arrangements for dealing with standards complaints at its meeting on 31 May.</p> <p>The Monitoring Officer has now prepared a written version of those arrangements, including procedures for investigations and hearings. These are based on the existing procedures. However, they have been modified to simplify the process whilst retaining essential elements of fairness and transparency.</p> <p>Standards Committee has been given delegated power to approve such documentation and amend it from time to time as it thinks fit.</p> <p>The Committee is therefore asked to consider and approve the written Arrangements attached at Appendix C.</p> <p>A new Complaint Form is attached at Appendix D.</p>
7	Next Steps
7.1	A copy of the written Arrangements, once approved by the Committee, will be placed on the Authority's website.
8	Potential impact on objectives
	Neutral
	<p>Appendices to Report:</p> <ol style="list-style-type: none">1. Appendix A - New Code of Conduct2. Appendix B - New Registration of Interests Form3. Appendix C - Proposed new Written Arrangements for dealing with complaints4. Appendix D - Proposed new Form of Complaint

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Tyne and Wear Integrated Transport Authority

Code of Conduct for Members

The Tyne and Wear Integrated Transport Authority (“the Authority”) has adopted the following code which has effect from July 2012 and which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

This means the code applies whenever you (a) conduct the business of the Authority (including the business of your office as an elected councillor or co-opted member) or (b) act, claim to act or give the impression you 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 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. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

Part 1 - General Conduct

1. You must treat others with respect, including Authority officers and other elected members.
2. You must not bully any person (including specifically any Authority employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Authority.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a member of the Authority, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the Authority which seeks to regulate the conduct of its elected members or co-opted members and which the Authority has specifically declared should fall within the provisions of this code of conduct and which is listed in Annex 4 to this Code.
7. When using or authorising the use by others of the resources of the Authority, you must act in accordance with the Authority’s reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.

9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
 - (a) You have the consent of a person authorised to give it; or
 - (b) You are required by law to do so; or
 - (c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - (d) The disclosure is reasonable and in the public interest and made in good faith.
10. Where you have been involved in making any decision by the Authority which is subsequently subject to scrutiny by an overview and scrutiny committee of the Authority, you must not take part in that scrutiny process except to the extent you may be invited by the committee to give evidence to, or otherwise assist it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Authority in order to reach a view as to its merits or effectiveness.

Part 2 - Registration of Interests

11. You must register in the Authority's Register of Members Interests information about your registerable personal interests. In this code of conduct 'your registerable personal interests' means:
 - (a) any 'Disclosable Pecuniary Interest' as set out in Annex 2;
or
 - (b) any other interest held by you as set out in Annex 3.

You must register information about your registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the Authority; and
- any change taking place in your registerable personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code)

12. Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld.

Part 3 – Non-registerable interests

13. You will have a non-registerable personal interest when you attend a meeting of the Authority, or one of its committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described in paragraph 14, to a greater extent than most inhabitants of the area affected by the decision.

14. The persons referred to in paragraph 13 are:
- (a) a member of your family;
 - (b) any person with whom you have a close association;
 - (c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

(Note:

- (a) "A member of your family" means: your partner (i.e. your spouse, civil partner or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.
- (b) You have a "close association" with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).

15. When you attend a meeting of the Authority, or one of its committees or sub-committees, and you are aware that you have a non-registerable interest in an item of business (as defined in paragraph 13) you must disclose that interest to the meeting before consideration of that item begins or (if later) when you become aware of the interest.

Part 4 - Non-Participation in Authority Business

16. When you attend a meeting of the Authority, or one of its committees or sub-committees, and you are aware that the criteria set out in paragraph 17 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must :
- (a) Declare that fact to the meeting;
 - (b) Not participate (or further participate) in any discussion of the matter at the meeting; and
 - (c) Not participate in any vote (or further vote) taken on the matter at the meeting;
 - (d) Leave the room whilst the matter is being discussed.

17. The criteria for the purposes of paragraph 16 are that:

- (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either**
- (b) The matter will affect the financial position of yourself or one of the persons or bodies referred to in paragraph 14 or in any of your register entries; **or**
- (c) The matter concerns a request for any permission, licence, consent or registration which relates to or affects any of the persons referred to in paragraph 14 or in any of your register entries.

(Note: Failure, without reasonable excuse, to comply with paragraphs 16 to 17 in relation to a Disclosable Pecuniary Interest could be a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code)

18. Paragraphs 16 to 17 do not apply if (i) you have a relevant dispensation under section 33 of the Localism Act 2011 or (ii) the matter in question relates to any of the following functions of the Authority:
- (a) statutory sick pay where you are in receipt of, or entitled to receipt of, such pay;
 - (b) an allowance, payment or indemnity given to members;
 - (c) any ceremonial honour given to members; and
 - (d) setting council tax or a precept under the Local Government Finance Act 1992.

Nolan's Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Annex 2 to Code of Conduct

Disclosable Pecuniary Interests

(as defined by Regulations made by the Secretary of State under section 30 Localism Act 2011)

Please Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) **yourself**, or (b) **your spouse or civil partner**, or (c) **a person with whom you are living as husband and wife**, or (d) **a person with whom you are living as if you were civil partners** (all of whom are referred to as “relevant persons”):-

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the previous 12 months in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Authority —

- (a) under which goods or services are to be provided or works are to be executed;
- and
- (b) which has not been fully discharged.

Land - Any beneficial interest in land which is within the area of the Authority.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the Authority for a month or longer.

Corporate tenancies - Any tenancy where (to your knowledge)—

- (a) the landlord is the Authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities of a body where—

- (a) that body (to your knowledge) has a place of business or land in the area of the Authority; and
- (b) either—

- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: In the above descriptions, the following words have the following meanings –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Annex 3 to Code of Conduct

Other Registerable Personal Interests

The other interests you must register under paragraph 11(b) of the code are:

1. Any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Authority;
2. Any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management);
3. Any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Authority.

Note: These mean only **your** interests and not those of your spouse or civil partner

Annex 4 to Code of Conduct

Associated Protocols

The Authority has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Authority has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code:

None

Notification by a member of Disclosable Pecuniary Interests and “Other Registerable Personal Interests”

I, (full name)

a Member of (authority) (“relevant authority”)

have the following **DISCLOSABLE PECUNIARY INTERESTS** (as defined by the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012):

Please state “none” where appropriate

PLEASE READ THE GUIDANCE NOTES ON FINAL PAGE

Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) **yourself**, or (b) **your spouse or civil partner**, or (c) **a person with whom you are living as husband and wife**, or (d) **a person with whom you are living as if you were civil partners** (all of whom are referred to as “relevant persons”) and you are aware that that other person has the interest:-

(i) Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Member:

Spouse, civil partner or person with whom living as spouse/civil partner:

(ii) Sponsorship - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the previous 12 months in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Member:

Spouse, civil partner or person with whom living as spouse/civil partner:

(iii) Contracts - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority —

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged

Member:

Spouse, civil partner or person with whom living as spouse/civil partner:

(iv) Land - Any beneficial interest in land which is within the area of the relevant authority.

Member:

Spouse, civil partner or person with whom living as spouse/civil partner:

(v) Licences - Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Member:

Spouse, civil partner or person with whom living as spouse/civil partner:

(vi) Corporate tenancies - Any tenancy where (to your knowledge)—

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Member:

Spouse, civil partner or person with whom living as spouse/civil partner:

(vii) Securities - Any beneficial interest in securities of a body where—

(a) that body (to your knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Member:

Spouse, civil partner or person with whom living as spouse/civil partner:

I also have the following “**OTHER REGISTERABLE PERSONAL INTERESTS**” (as defined in the authority’s Code of Conduct for Members):

Please state “none” where appropriate

PLEASE READ THE GUIDANCE NOTES ON FINAL PAGE

Note: The following interests mean only **your interests** and not those of your spouse, civil partner or person with whom you are living as spouse/civil partner:-

- (a) I am a member or in a position of general control or management of the following body/ies to which I have been appointed or nominated by the authority.

- (b) I am a member or in a position of general control or management of the following body/ies exercising functions of a public nature.

- (c) I am a member or in a position of general control or management of the following body/ies with charitable purposes.

- (d) I am a member or in a position of general control or management of the following body/ies one of whose principal purposes includes the influence of public opinion or policy*.

*Including any political party or trade union

- (e) Name of any person from whom I have received within the previous three years a gift or hospitality with an estimated value of more than £50.

See separate sheet attached

Date

Signed

GUIDANCE NOTES

Disclosable Pecuniary Interests

In the above descriptions, the following words have the following meanings –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“relevant authority” means the authority of which you are a member;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Other Registerable Personal Interests

(a) If the authority has appointed or nominated you as its official representative on any outside body or bodies please set out in this section the name(s) of any such body/ies.

(b) If you are a member, or you hold a position of general control or management, of any other public authority or body (for example, the fire authority for the area) details should be included in this section.

(c) If you are a member, or you hold a position of general control or management, of any charity or similar organisation, details should be included in this section.

(d) If you are a member, or you hold a position of general control or management, of any organisation whose main purpose is to influence public opinion or policy (for example a lobbying or campaigning group, whether national or local), you should set out the name(s) here.

(e) If you have received a gift or hospitality with an estimated value of more than £50, within the previous 3 years, you should set out the name of the person from whom you received it here.

This relates to gifts or hospitality attributable to your position as a member of the authority.

You should also give brief details of the gift or hospitality.



Disclosure of Receipt of Gifts and Hospitality

Completed forms should be sent to the Head of Democratic Services, Newcastle City Council, within 28 days of receiving the gift or hospitality. Please give precise details of the gift or hospitality (eg including the precise number and estimated value where possible) - it is not sufficient to use generic terms such as "Concert Tickets".

NB Threshold for disclosure is over £50

Name: _____

Month(s) and Year which the return covers:- _____

Date of Gift or Hospitality	Details of Gift or Hospitality	Who gave the gift or hospitality?	Estimated value
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Note: This information will be open to public inspection and form part of your entry in the Statutory Register of Interests.

Signed: - _____ Date: - _____

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Tyne & Wear Integrated Transport Authority

Arrangements for dealing with standards allegations against members under the Localism Act 2011

1 Context

In this document, references to “the Authority” mean Tyne & Wear Integrated Transport Authority.

These Arrangements explain how you may make a complaint that an elected (or co-opted) member of the Authority has failed to comply with the Authority’s Code of Conduct, and how the Authority will deal with your complaint.

The Authority is required to have such arrangements in place by section 28 of the Localism Act 2011.

As part of the arrangements, the Authority must appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on a complaint which has been investigated, and whose views may also be sought by the Authority, or the member against whom the complaint has been made, at any stage in the process.

References in these arrangements to “the Subject Member” mean the member against whom the complaint has been made.

2 The Code of Conduct

The Authority has adopted a Code of Conduct for its members. It is available for inspection on the Authority’s website and on request from Newcastle City Council’s Head of Democratic Services or Chief Legal Officer.

3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
Civic Centre
Newcastle upon Tyne
NE99 2BN

Or -

john.softly@newcastle.gov.uk

The Monitoring Officer is a senior officer of the Authority who has statutory responsibility to maintain the register of members’ interests and to administer complaints of member misconduct.

(In these arrangements, references to “the Monitoring Officer” mean either the Monitoring Officer personally or any other person (including the Deputy Monitoring Officer) who s/he has authorised to act on his/her behalf in relation to any particular complaint)

To make sure we have all the information we need to process your complaint, please complete and send us the model Complaint Form. This can be downloaded from the Authority's website and is available on request from Newcastle City Council's Head of Democratic Services or Chief Legal Officer.

Please include your name and a contact address or email address, so that we can acknowledge receipt of your complaint.

If you want to keep your name or address confidential, please explain why in the space provided on the complaint form, in which case we will not disclose your name or address to the member against whom you make the complaint, without first consulting you. Anonymous complaints will not usually be investigated, unless there are compelling reasons to do so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days.

The Monitoring Officer will also, within 5 working days, normally give details of your complaint to the member against whom it is made and disclose your identity (unless you have requested confidentiality and the Monitoring Officer thinks it is appropriate to keep your identity confidential). In exceptional cases, where disclosure of the details might prejudice a future investigation, the Monitoring Officer may delay doing this.

The Monitoring Officer will also ask both you and the member who you have complained against not to make public the complaint until the Monitoring Officer has decided how it should be dealt with and any investigation into it is completed.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consulting the Independent Person where appropriate, decide whether it merits formal investigation. This decision will normally be taken within 10 working days of receiving your complaint. The Monitoring Officer will inform you of this decision and the reasons for it.

Before making this decision, the Monitoring Officer may ask you, or the member who you have complained against, for more information.

In appropriate cases, the Monitoring Officer may try to resolve your complaint informally, without a formal investigation. Informal resolution might involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Authority. Where the member, or the Authority, makes an offer of local resolution which you are not willing to accept, the Monitoring Officer will take this into account (in consultation with the Independent Person) before deciding whether the complaint merits formal investigation.

If your complaint alleges criminal conduct, the Monitoring Officer may call in the Police and other regulatory agencies.

The Monitoring Officer may ask the Standards Committee to decide whether a formal investigation should be carried out where s/he feels this decision might more appropriately be made by the Committee.

5 How is the investigation conducted?

The Authority has agreed a procedure to investigate misconduct complaints (set out in Appendix 1).

If the Monitoring Officer decides a formal investigation is needed, s/he will appoint an Investigating Officer, who may be a solicitor or barrister employed by Newcastle City Council or an officer of another authority or an external investigator.

The Investigating Officer will immediately contact you to let you know s/he has been appointed. S/he may also well want to speak to you to clarify details of your complaint, whether you have any supporting documents and what witnesses need to be interviewed.

The Investigating Officer will also normally write to the member against whom you have complained and ask for their explanation of events, and any relevant documents or witnesses s/he wishes to rely on. (In exceptional cases, where it is considered appropriate to keep your identity confidential, or where disclosure of details might prejudice the investigation, this information may be withheld from the member).

At the end of the investigation, the Investigating Officer will produce a draft report and send a copy of it (in confidence) to you and to the member concerned. You will each then have an opportunity to identify any matter which you disagree with and to give your reasons why.

Having received, and taken account of, any comments which you may make on the draft report, the Investigating Officer will finalise the report and send it to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's final report and send it to the Independent Person and the Chair of the Standards Committee for his/her views on it. If, after considering any views from the Independent Person and the Chair of the Standards Committee, the Monitoring Officer is satisfied with the conclusion that there has been no breach of the Code, s/he will write to you and to the member concerned notifying you that s/he is satisfied that no further action is required, and give you both a copy of the final report.

If the Monitoring Officer is not satisfied (again after consulting the Independent Person and the Chair of the Standards Committee) that the Investigating Officer's conclusion is necessarily correct or well-founded, the Monitoring Officer may either (a) ask the Investigating Officer to reconsider his/her report or (b) deal with the report under paragraph 7 below. The Monitoring Officer shall in any event have the right to deal with the report under paragraph 7 below if s/he considers a hearing by members is nevertheless appropriate in all the circumstances.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, after seeking the views of the Independent Person and the Chair of the Standards Committee, will then either send the matter to the Standards Committee for local hearing or seek a local resolution.

7.1 Local Resolution

The Monitoring Officer may consider the matter can still be amicably and reasonably resolved without the need for a hearing. In such a case, s/he will consult (a) the Independent Person (b) the Chair of the Standards Committee and (c) you as the complainant.

The Monitoring Officer will only seek a local resolution at this stage if you agree to this and after taking into account the views of the Independent Person and the Chair of Standards Committee.

A local resolution might involve the member accepting that his/her conduct was unacceptable and offering an apology, and/or other appropriate remedial action by the Authority.

If the member complies with the suggested resolution, and you as the complainant agree to it, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. If you do not agree the proposed resolution, the Monitoring Officer will refer the matter for a local hearing in any event.

7.2 Local Hearing

If the Monitoring Officer (after consulting the Independent Person and the Chair of the Standards Committee) considers that a local resolution is not appropriate, or you or the member do not agree the proposed local resolution, then the Monitoring Officer will refer the Investigating Officer's report to the full Standards Committee which will conduct a local hearing to decide whether the member has failed to comply with the Code of Conduct and, if so, what action to take.

The Authority's agreed procedure for local hearings is at Appendix 2.

In summary, the Monitoring Officer will conduct a "pre-hearing process", to try and identify what matters will be in dispute at the hearing to ensure it is properly organised. At the hearing itself, the Investigating Officer will present his/her report, and produce such evidence as s/he considers appropriate to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. The Investigating Officer may ask you as the complainant to attend and give evidence to the Standards Committee. The member will then have an opportunity to give his/her evidence and call witnesses and make representations to the Committee about the complaint.

The Standards Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint.

If the Standards Committee concludes that the member did fail to comply with the Code, the Chair will inform the member of this finding and the Committee will then consider what action, if any, it should take. Before deciding this, it will give the member an opportunity to make representations to the Committee and will also consult the Independent Person.

8 What action can the Standards Committee take where a member has failed to comply with the Code of Conduct?

The Authority has delegated to the Standards Committee such powers as it has to take action against any individual member as may be necessary to promote and maintain high standards of conduct. Accordingly the Standards Committee may –

- 8.1 Issue a formal censure;
- 8.2 Recommend to the Authority the issue of a formal censure by the Authority;
- 8.3 Publish its findings in respect of the member's conduct;

- 8.4 Report its findings to Authority, for information;
- 8.5 Recommend to the Authority that the member be removed from any or all Committees or Sub-Committees (subject to the approval of the member's Group if applicable);
- 8.6 Recommend to the Authority that the member be removed from being the chair or vice-chair of any Committees or Sub-Committees;
- 8.7 Instruct the Monitoring Officer to offer training for the member;
- 8.8 Recommend to the Authority that the member be removed from all outside appointments to which he/she has been appointed or nominated by the Authority;
- 8.9 Make such other recommendations as it may think appropriate.

The Standards Committee has no power to suspend or disqualify the member or to withdraw a member's allowances.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Standards Committee and any actions which the Committee has resolved to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice, and send a copy to you and the relevant member and make that decision notice available for public inspection.

10 What is the Standards Committee?

The Standards Committee is a Committee of the Authority. The Authority has decided it should comprise five elected members of the Authority appointed on a politically balanced basis. The Committee also includes four independent co-opted members (one of whom is the Chair of the Committee). All the co-opted members are non-voting members of the Committee.

The views of the Independent Person will be sought and taken into account before the Standards Committee takes any decision about a breach of the Code of Conduct or what sanctions to impose.

11 Who is the Independent Person?

The Authority has appointed one Independent Person. He is a person who applied for the post following public advertisement.

An Independent Person cannot be someone who is (or has been within the past 5 years) a member, co-opted member or officer of the Authority, or is a relative or close friend of such a person.

12 Revision of these arrangements

The Authority has given the Standards Committee delegated power to adopt and amend these arrangements from time to time if it thinks appropriate.

13 Appeals

There is no right of appeal (either for you, as complainant, or for the member whom you have complained about) against any decision made under these arrangements except as follows:

- If you are aggrieved by a decision by the Monitoring Officer to either:
 - (i) not investigate your complaint, or
 - (ii) not refer it to Standards Committee where it has been investigated with a finding of no failure to comply with the Code,

then you can request the Monitoring Officer to reconsider such decision.

The Monitoring Officer will then consult the Independent Person and the Chair of the Standards Committee before deciding whether to (a) uphold his/her original decision or (b) investigate the complaint or (as the case may be) refer the investigation finding to Standards Committee for it to decide if a hearing is nevertheless appropriate.

- If a member is aggrieved by a finding of Standards Committee that s/he has breached the Code of Conduct (or any sanction imposed as a result), s/he can request a review by an Independent Person of another local authority whose views, if critical of the original finding or sanction imposed, will result in the Standards Committee being required to reconsider its original decision.

The Monitoring Officer will arrange with one of the five constituent councils that one of its Independent Persons be made available for this purpose.

Appendix 1: Procedure for Investigations Appendix 2: Procedure for Hearings

Standards Arrangements

Appendix 1 - Procedure For Investigations

Introduction

If the Monitoring Officer decides that a complaint merits formal investigation, s/he will arrange for an Investigating Officer to investigate and prepare a report.

This Appendix explains the procedure which will normally be followed in such an investigation, although the Investigating Officer may vary it in any particular case if s/he considers this desirable in the interests of justice or fairness or the effective conduct of the investigation.

It also explains how the investigation, depending on its conclusions, may lead to a formal hearing by the Committee.

1. Investigation - General

1.1 Appointment of Investigating Officer

Within 3 working days of deciding that the complaint should be investigated, the Monitoring Officer will appoint an Investigating Officer to investigate and report on it. The Investigating Officer may be the Monitoring Officer or any other Newcastle City Council officer or appropriate external person nominated by him/her.

1.2 Notification to the Subject Member

As soon as reasonably possible after appointment, the Investigating Officer shall send a copy of the complaint to the Subject Member and invite his/her initial comments on it.

1.3 Request for Information from the Complainant

At the same time, the Investigating Officer shall notify the Complainant that s/he is investigating the complaint and tell him/her how it will be dealt with.

2. Conduct of the Investigation

2.1 Purpose of the Investigation

The purpose of the investigation is to enable the Investigating Officer to prepare a report for the Monitoring Officer or the Standards Committee (as appropriate) with sufficient information for the Monitoring Officer or the Committee to determine whether the Subject Member has acted in breach of the Code of Conduct and, where there has been a breach, whether any action should be taken, and if so, what action.

2.2 Investigation Process

The Investigating Officer will conduct the investigation in the manner s/he considers best able to ascertain all relevant facts and achieve the purpose of the investigation, having regard to the rules of natural justice and the need for fairness. The Investigating Officer will complete his/her investigation as expeditiously as possible.

2.3 Deferring an Investigation

The Monitoring Officer may defer an investigation if s/he considers it appropriate, for example because it might prejudice some other investigation or court proceedings into the matter.

3. The Draft Report

3.1 On completing his/her investigation, the Investigating Officer shall prepare a draft report, marked 'confidential'.

3.2 The draft report will state that it does not necessarily represent the Investigating Officer's final finding, and that s/he will prepare a final report once s/he has considered any comments received on the draft report.

3.3 The Investigating Officer shall send a copy of the draft report, in confidence, to the Subject Member and the Complainant, and request that they send any comments on it to him/her in writing within 10 working days.

4. The Final Report

4.1 After the expiry of the period referred to in paragraph 3.3 (or such extended period as the s/he may allow), the Investigating Officer shall reconsider and (if appropriate) amend his/her draft report in the light of any comments received, and expeditiously produce a final report, which will be given to the Monitoring Officer as soon as it is completed. This report will state that it represents the Investigating Officer's final findings.

5. A Finding of No Evidence of Failure to Comply with the Code - Procedure

5.1 If the Investigating Officer finds no evidence of a failure to comply with the Code and the Monitoring Officer (after consulting the Independent Person and the Chair of the Standards Committee and taking into account any views they may give on the report) is satisfied with the Investigating Officer's conclusion, the Monitoring Officer will normally:

(a) close the matter,

(b) provide a copy of the report and findings to the Complainant, the Subject Member and the Independent Person, and

(c) report the findings to the Standards Committee for information.

5.2 If the Monitoring Officer (after consulting the Independent Person and the Chair of the Standards Committee) is not satisfied that the Investigating Officer's conclusion is necessarily correct or well-founded, or for any other reason, the Monitoring Officer may either (a) ask the Investigating Officer to reconsider his/her report or (b) deal with the matter under paragraph 6 below as if there had been a finding of evidence of failure to comply with the Code.

6. A Finding of Evidence of a Failure to Comply with the Code- Procedure

If the Investigating Officer finds evidence of a failure to comply with the Code then, after reviewing the report:

- 6.1 The Monitoring Officer will:
- (a) provide a copy of the report and findings to the Complainant, the Subject Member, the Independent Person and the Chair of the Standards Committee ; and may
 - (b) in appropriate cases, and only following consultation with the Independent Person and the Chair of the Standards Committee, seek local resolution to the satisfaction of the Complainant and then provide a summary report to the Standards Committee for information.
- 6.2 Where such local resolution is not appropriate, or not possible, the Monitoring Officer will arrange for a hearing by following the procedure set out in Appendix 2.

Standards Arrangements

Appendix 2 - Procedure For Hearings

1. Introduction

This explains the procedure which will normally be followed for the hearing of a Code of Conduct complaint after a formal investigation. References to “the Subject Member” mean the member against whom the complaint has been made.

Pre-hearing process

2. Purpose of Pre-hearing process

2.1 The pre-hearing process deals with procedural issues only and should be completed within 20 working days of the Monitoring Officer deciding a hearing should be held.

2.2 Its purpose is to:

- clarify if the Subject Member disagrees with any of the findings of fact in the Investigation Report and, if so, (a) whether this is likely to be relevant to any matter the hearing needs to decide and (b) whether evidence about them will need to be heard at the hearing.
- decide if any part of the hearing is likely to be held in private and whether any parts of the Investigation Report (or other documents) should be withheld from the public prior to the hearing, on the grounds that they contain “exempt” material.

3. Notification to the Subject Member and Request for Information

3.1 Within 5 working days of deciding that a hearing is appropriate, the Monitoring Officer shall send a copy of the Investigation Report to the Subject Member and also notify the Subject Member of:

- (i) the procedure which will be followed;
- (ii) a proposed date for the hearing, being a date which appears convenient for both the Investigating Officer and the Subject Member to attend;
- (iii) the fact that if the Subject Member seeks to dispute at the hearing any matter in the Investigation Report without having previously raised this during the pre-hearing process, the Committee may either (a) adjourn the hearing to arrange for any necessary witnesses to attend or (b) refuse to allow the Subject Member to dispute that matter and reach their decision on the basis of the matter as set out in the Investigation Report.

3.2 At the same time, the Monitoring Officer will ask the Subject Member to indicate in writing within 5 working days whether s/he:

- (i) Disputes any of the findings of fact in the Investigation Report, including reasons for any such dispute;
- (ii) Wishes to be represented at the hearing by a solicitor, barrister or any other person. (If the Subject Member wants to have a non-legal representative, s/he must obtain the Committee’s consent);

- (iii) Intends to give evidence to the hearing, either verbally or in writing;
- (iv) Intends to call any witnesses to give evidence to the hearing and, if so, who;
- (v) Is able, and intends, to attend the hearing on the proposed date;
- (vi) Wants any part of the hearing to be held in private and, if so, why;
- (vii) Wants any part of the Investigation Report (or other relevant documents) to be withheld from the public and, if so, why;

4. Notification to the Investigating Officer and Request for Information

Within 2 working days of receiving the Subject Member's written response to the request in paragraph 3.2, the Monitoring Officer will send a copy of it to the Investigating Officer and invite him/her to comment on it within 5 working days and to also say whether s/he wants:

- (i) To call any witnesses to give evidence at the hearing and, if so, who
- (ii) Any part of the hearing to be held in private or any part of the Investigation Report (or other relevant documents) to be withheld from the public and, if so, which parts and why.

5. Hearing

5.1 General

5.1.1. The hearing will be held within 40 working days of the Monitoring Officer deciding that a hearing is appropriate.

5.1.2 The Committee will aim to complete the hearing in one sitting.

5.1.3 There will be a presumption it will be held in public where possible to ensure the process is open and fair. However, background papers relating to complaints will remain confidential where they contain exempt or confidential information as defined under Part 5A Local Government Act 1972 and the public may be excluded from the hearing where such information is discussed.

5.2 Hearing Procedure

The hearing procedure is set out in Schedule 1.

6. Notice of the Committee's findings

6.1 Within 10 working days after the hearing, the Committee will give a copy of its full written decision ("Decision Notice") to

- (a) the Subject Member
- (b) the Complainant and
- (c) the Independent Person.

6.2 Subject to 6.3, it is open to the Committee to publicise its decision, and the reasons for it, as it thinks fit but it will normally do so by posting the Decision Notice on the Authority's website.

- 6.3 If the Committee finds that the Subject Member did not breach the Authority's Code of Conduct, the Decision Notice must state that fact and give reasons for that finding. In this case, the Subject Member is entitled to require that no Decision Notice or any other summary of the decision be published.
- 6.4 If the Committee finds that the Subject Member failed to follow the Authority's Code of Conduct, but that no action is needed, the Decision Notice must state that fact, outline what happened and give reasons for the decision.
- 6.5 If the Committee finds that the Subject Member failed to follow the Authority's Code of Conduct and takes some action, the Decision Notice must state that, outline what happened, give reasons for the decision and state the action that has been taken.

Schedule 1 to Appendix 2

Hearing Procedure

Interpretation

In this Schedule and in Schedule 2 -

1. 'Member' means the Subject Member, including his/her nominated representative where the context reasonably allows this.
2. 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake the investigation or his or her nominated representative.
3. 'Committee' means the Standards Committee.
4. 'Authority' means Tyne & Wear Integrated Transport Authority.
5. 'Legal Advisor' means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, another legally qualified officer of Newcastle City Council or someone appointed for this purpose from outside Newcastle City Council.
6. 'Code of Conduct' means the Code of Conduct with which the complaint alleges the Member has failed to comply.
7. 'Independent Person' means the person appointed by the Authority under s28 Localism Act 2011.

Representation

8. The Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another person.

Legal advice

9. The Committee may take legal advice, in private if necessary, from its Legal Advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Member and the Investigating Officer if they are present.

Non attendance by the Member

10. If the Member does not attend the hearing, the Committee may consider the Investigating Officer's report in the Member's absence. If the Committee is satisfied with the Member's reason for not being able to attend the hearing, it may arrange for the hearing to be held on another date. Where the Committee proceeds in the Member's absence, this procedure shall be adapted as necessary, giving any representative of the Member who is present such rights as would have been given to the Subject Member.

Setting the scene

11. After everyone involved in the hearing has been formally introduced, the Chair should explain how the Committee will conduct the hearing.

Preliminary procedural issues

12. The Committee should then resolve any issues or disagreements about how the hearing should proceed, which have not been resolved during the pre-hearing process.

Making findings of fact

13. After dealing with any preliminary issues, the Committee should then move on to consider whether there are any significant disagreements about the facts contained in the Investigating Officer's report.
14. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
15. If there is a disagreement, the Investigating Officer should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the Investigating Officer may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer by the cross-examination of the witness either directly by the Member (or his/her representative) or through the Chair.
16. The Member should then have the opportunity to make representations to support his/her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
17. At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the Investigating Officer to challenge any evidence put forward by witnesses called by the Member.
18. If the Member disagrees with most of the facts, it may make sense for the Investigating Officer to start by making representations on all the relevant facts, instead of discussing each fact individually.
19. If the Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, s/he must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Committee will consider whether it would be in the public interest to continue in their absence.

After considering the Member's explanation for not raising the issue at an earlier stage and any comments of the Investigating Officer or Monitoring Officer, the Committee may then:

- (a) Continue with the hearing, relying on the information in the Investigating Officer's report;
 - (b) Allow the Member to make representations about the issue, and invite the Investigating Officer (or Monitoring Officer) to respond and call any witnesses, as necessary;
 - (c) Postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if they are not already.
20. The Committee will usually consider the representations and evidence in private.
 21. The Chair will then announce the Committee's findings of fact.

Did the Member fail to follow the Code of Conduct?

22. The Committee will then consider whether, based on the facts it has found, the Member has failed to follow the Code of Conduct.
23. The Member should be invited to give relevant reasons why the Committee should decide that s/he has not failed to follow the Code of Conduct.
24. The Committee should then consider any verbal or written representations from the Investigating Officer.
25. The Committee may, at any time, question anyone involved on any point they raise in their representations.
26. The views of the Independent Person, if present, will be sought and the Member and Investigating Officer will be given the opportunity to make representations on any such views which may be given.
27. The Member should be invited to make any concluding representations to the Committee.
28. The Committee will usually then consider their final decision in private.
29. The Chair will then announce to those present at the hearing the Committee's decision as to whether the Member has failed to comply with the Code of Conduct.

If the Member has not failed to follow the Code of Conduct

30. If the Committee decides that the Member is not in breach of the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the Authority.

If the Member has failed to follow the Code of Conduct

31. If the Committee decides that the Member has been in breach of the Code of Conduct, it will consider any verbal or written representations from the Investigating Officer and the Member as to:
 - (a) whether the Committee should take any action; and
 - (b) what form any action should take.
32. The Committee may question the Investigating Officer, Monitoring Officer and Member, and take legal advice, to ensure it has the information it needs to make an informed decision. It shall also invite, and take into account, the views of the Independent Person if present.
33. The Committee will then deliberate in private to consider whether to take any action, and, if so, what the action should be. The actions available to the Committee are set out in Schedule 2.
34. The Chair will announce the Committee's final decision on appropriate action to those present.

Recommendations to the Authority

35. After considering any verbal or written representations from the Monitoring Officer and/or the Investigating Officer, the Committee will consider whether it should make any recommendations to the Authority, with a view to better promoting high standards of conduct among their members in light of the facts of the case which has been heard.

The written decision

36. The Committee will announce its decision on the day. It will issue a full written decision as soon as reasonably possible after the end of the hearing.

Further information

37. At any stage prior to the conclusion of the hearing, the Committee may adjourn the hearing (on one occasion only) to require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Committee.

Schedule 2 to Appendix 2

Actions available to the Committee

1. Issuing a formal censure.
2. Recommending to the Authority the issue of a formal censure by the Authority.
3. Publishing its findings in respect of the Member's conduct.
4. Reporting its findings to the Authority, for information.
5. Recommending to the Authority that the Member be removed from any or all Committees or Sub-Committees (subject to the approval of the member's Group if applicable).
6. Recommending to the Authority that the Member be removed from being the chair or vice chair of any Committees or Sub-Committees
7. Instructing the Monitoring Officer to arrange training for the Member.
8. Recommending to the Authority that the Member be removed from one or more outside appointments to which he/she has been appointed or nominated by the Authority.
9. Making such other recommendations as it may think appropriate.

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Tyne & Wear Integrated Transport Authority

COMPLAINT FORM – Alleged Breach of Members’ Code of Conduct

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- any other person whom we consider it necessary to inform to properly investigate your complaint.

We will tell them your name and give them details of your complaint. If you have serious concerns about your name and details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority

- An independent member of the standards committee or the audit committee
- Member of Parliament
- Local authority monitoring officer
- Other Authority officer or authority employee

Making your complaint

Your complaint will be considered, usually within 10 working days, by the Authority’s Monitoring Officer. The Monitoring Officer will decide whether your complaint requires investigation. The Monitoring Officer will consult the Authority’s Independent Person where appropriate and may refer particular complaints to the Standards Committee. You will be advised of the Monitoring Officer’s decision.

In appropriate cases, the Monitoring Officer may seek to resolve your complaint informally, without the need for a formal investigation.

If your complaint is investigated and the investigation finds evidence of breach of the Code of Conduct, the result will usually be reported to a meeting of the Authority’s Standards Committee which will then decide if there has been a breach of the Members’ Code of Conduct and, if so, what action to take.

3. Please provide us with the name of the member of the Authority you believe has breached the Code of Conduct:

Title	First name	Last name

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4. Please explain in this section (or on separate sheets) what the member has done which you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done which you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he decides whether your complaint requires investigation. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should explain whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity or details of your complaint is kept confidential

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with details of the complaint.

We will not withhold your identity, or the details of your complaint, unless you have exceptional reasons why we should not do so. (Exceptional reasons might include, for example, reasonable grounds for believing you will be at risk of physical harm or fear of losing your job).

If you think you have such reasons and want us to consider withholding your identity and/or any details of your complaint, either altogether or for some period of time, you must cross out the statement in the box below giving your consent to such disclosure. You must also attach to this form a separate sheet which fully explains what information you want withheld and your reasons for your request to withhold it.

I understand and agree that my name and details of this complaint will be disclosed to the persons mentioned in paragraph 1 above.

If you do request confidentiality and this is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we may still proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Additional Help

6. Complaints must be submitted in writing. This includes fax submissions. However, in line with the requirements of the Disability Discrimination Act

2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible. You should initially contact the Authority's Monitoring Officer (whose contact details are given below) who will try to arrange appropriate assistance for you.

.....
Signed

.....
Dated

This form once completed should be sent, along with any supporting documents, to:

**Mr John Softly,
Monitoring Officer, Tyne and Wear Integrated Transport Authority,
Civic Centre,
Newcastle upon Tyne,
NE99 2BN,**

Fax No 0191 2777127.

**Telephone contact can be made on 0191 2777047 and by e mail
john.softly@newcastle.gov.uk**

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**Tyne and Wear Integrated Transport Authority
Standards Committee
Work Programme**

2012-2013					
	Terms of Reference item	Details	Meeting 1 July	Meeting 2 Sept	Meeting 3 Feb
1	1-8	Consider and determine allegations of members' misconduct (if any)		Scheduled	Scheduled
2	1-8	Consider any general conduct issues arising	v	Scheduled	Scheduled
3	1-8	Annual Review of the Terms of Reference			Scheduled
4	1-8	Agree Annual Report to the Authority			Scheduled

v = Done

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