

## STANDARDS COMMITTEE

<b>Date:</b> Monday 18th October, 2021
<b>Time:</b> 10.00 am
<b>Venue:</b> Council Chamber

### AGENDA

1. Welcome and Evacuation Procedure
2. Apologies for Absence
3. Declarations of Interest  
To receive any declarations of interest.
4. Minutes- Standards Committee -19 July 2021 3 - 4
5. Code of Conduct Complaints Update 5 - 8
6. Localism Act 2011 - General Dispensation 9 - 12
7. Any other urgent items which in the opinion of the Chair, may be considered

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Friday 8 October 2021

MEMBERSHIP

Councillors T Mawston (Chair), M Saunders (Vice-Chair), S Dean, S Hill, D Rooney, J Rostron, M Storey, S Walker and A Waters

**Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Susan Lightwing, 01642 729712, [susan\\_lightwing@middlesbrough.gov.uk](mailto:susan_lightwing@middlesbrough.gov.uk)**

**STANDARDS COMMITTEE**

A meeting of the Standards Committee was held on Monday 19 July 2021.

**PRESENT:** Councillors T Mawston (Chair), S Dean, D Rooney and A Waters

**ALSO IN ATTENDANCE:** M McClintock, Nunthorpe Parish Council

**OFFICERS:** C Benjamin, B Carr, S Lightwing

**APOLOGIES FOR ABSENCE:** Councillors M Saunders, S Hill, J Rostron, M Storey and S Walker

21/8 **WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed all present to the meeting and read out the Fire Evacuation Procedure.

21/9 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

21/10 **MINUTES- STANDARDS COMMITTEE**

The minutes of the Standards Committee meetings held on 9 October 2019 and 5 July 2021 were taken as read and approved as a correct record.

21/11 **STANDARDS COMPLAINTS UPDATE**

The Director of Legal and Governance Services/Monitoring Officer outlined the current process for dealing with standards complaints. A case management recording tool was used to log each complaint and track progress. The Monitoring Officer had oversight of all complaints received and the Council's two Independent Persons were contacted for their views.

It was suggested that in order for the Standards Committee to have an overview of complaints, Legal Services could produce a quarterly performance report to present at regular Committee meetings. Whilst the report would not provide specific details of individual complaints, information in relation to numbers, themes and progress could be shared. A Member suggested that the performance report could include comparative information from statistical neighbours or those with a similar political make-up. Details of the Standards Complaints process were available on the Council's website.

The Council's Values had recently been refreshed and a briefing would be arranged for all Elected Members which would provide an opportunity for further discussion. In respect of Officers, there were behaviours associated with the Values and there was some overlap with the Nolan principles. The Director sought the Committee's support in promoting the Values.

The Director also suggested that in future, the Annual Corporate Complaints Report should be submitted to the Corporate Affairs and Audit Committee rather than the Standards Committee. This would enable separation of powers and responsibilities of the two Committees and the type of complaints and would align with the Council's Strategic Priorities.

**AGREED** as follows that the:

1. information provided was received and noted.
2. Standards Committee would meet quarterly.
3. Annual Corporate Complaints Report would be submitted to Corporate Affairs and Audit Committee in future.

21/12 **REVISED MEMBERS' CODE OF CONDUCT**

A report of the Director of Legal and Governance Services/Monitoring Officer was presented

to update the Committee on proposals for a Revised Members' Code of Conduct to reflect the recommendations on best practice resulting from the Local Government Ethical Standards Committee Review in relation to Standards in Public Life.

The Committee was requested to consider the proposed revised edition of the Members' Code of Conduct and endorse the revised code which would then be submitted to full Council for approval.

The Code applied when Members acted in their role as a Member of the Authority and the most recent version of Middlesbrough's Code was adopted by Council with effect from 1 December 2016.

The Government's Committee on Standards in Public Life undertook a review on Local Government Ethical Standards and produced a report in January 2019. The purpose of the review was for the Committee to assure themselves that the current standards framework was conducive to promoting and maintaining the high standards expected by the public. The Committee made 26 recommendations and identified 15 recommendations of best practice to improve ethical standards in local government. The recommendations included the suggestion for the Local Government Association (LGA) to create an updated Model Code of Conduct to enhance consistency and the quality of local authority codes.

The purpose of Middlesbrough Council's revised Code of Conduct was to:

- Assist Members in modelling their behaviours to those expected of them, and to set out the type of conduct that could lead to action being taken against them.
- Protect Members, the public, fellow councillors, local authority officers and the reputation of local government. It set out general principles of conduct expected of all councillors and specific obligations in relation to standards of conduct.
- Reflect the recommendations on best practice resulting from the Local Government Ethical Standards Committee Review in relation to Standards in Public Life.

The Constitution and Member Development Committee had also been consulted on the proposed revisions and proposed some minor amendments that had been incorporated into this version. A copy of the proposed revised Members' Code of Conduct was attached at Appendix A to the submitted report, with a copy of the Committee for Standards In Public Life recommendations on best practice attached at Appendix B.

It was highlighted that some minor typographical corrections would be made to Appendix A, prior to submission to Council for approval. In relation to the sections relating to Declarations of Interest it was suggested that the Monitoring Officer should add further clarity as to the implications of disclosure or non disclosure.

**ORDERED** as follows that the:

- Standards Committee endorsed the revised Member's Code of Conduct.
- Monitoring Officer would add further detail to the Code in relation to Declarations of Interest.
- revised Members' Code of Conduct would be submitted to Council for approval.

21/13

**ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.**

None.

**MIDDLESBROUGH COUNCIL**

<b>Report of:</b>	Director of Legal And Governance Services – Charlotte Benjamin Executive Member for Legal And Governance Services – Councillor Barrie Cooper
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<b>Submitted to:</b>	Standards Committee Meeting of 18 <sup>th</sup> October 2021
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<b>Subject:</b>	Code of Conduct Complaints Update
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**Summary**

<b>Proposed decision(s)</b>
That Standards Committee notes the content of this report.

Report for:	Key decision:	Confidential:	Is the report urgent? <sup>1</sup>
Information	No	No	N/A

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business
To improve the lives of local people by ensuring that the members are acting within the Code of Conduct.	N/A	N/A

Ward(s) affected
Not Applicable

**What is the purpose of this report?**

To update the Standards Committee in regards to the recent and current position in regards to Code of Conduct Complaints.

**Why does this report require a Member decision?**

No decision required – Report for update only.

## Report Background

1. This report is provided to committee members to give an overview of the current, and recent position in regards to the Code of Conduct complaints received.

Year (Jan-Dec)	Total complaints	Member on Member	Other on Member (ie member of public, officer)	No. withdrawn/ not progressed by complainant	No. rejected	No. resolved informally	No. to investigation	No. to standards Committee after investigation
2019	27	9	18	4	9	10	4	3
2020	31	4	27	16	12	1	1	0
2021 (to date)	29	12	17	2	0	16	0	0

There is 1 complaint from 2020, and 11 complaints from 2021 at various stages of the process which have not yet concluded. We are unable to give any specifics about those complaints at this time so as not to prejudice any outcomes, and/or create a conflict should any of those complaints need to come to Standards Committee at a future date.

An ongoing theme around the complaints is around comments made on social media by members. This accounts for 12 complaints in 2019, 14 of complaints in 2020, and 14 in 2021 to date.

This obviously has an impact on resources having to deal with these complaints, some of which can take up a significant amount of time. We have considered ways to improve our response in this area and with this in mind the Code of Conduct has been updated with a greater focus on appropriate social media activity.

In addition we have organised some recent training by an external provider, Beth Evans, who talked in detail about social media activity and provided information as to when a member might be considered to be acting in an official capacity rather than in a private capacity. The training was well attended, with 25 members attending the session.

There is also an increase in member on member complaints, with this years complaints being almost as high as the last two years combined, with still a quarter of the year remaining.

We need to consider whether there is a culture that has developed within Middlesbrough to have a low tolerance to the usual cut and thrust of political debate, and whether some of the complaints have been of a retaliatory nature, with complaints being made from and against the same members in regards to the same issue.

In addition, where a member complains about the conduct of another member we will, in most circumstances, make every effort to resolve the matter informally, be liaising with the individuals concerned. Where the subject member is in a political group, we will also involve the group leader in discussions to attempt to resolve matters.

### What decision(s) are being asked for?

None – no decision is required. Report for update only.

**Why is this being recommended?**

Report is for update only.

**Other potential decisions and why these have not been recommended**

None – no decision is required. Report for update only.

**Impact(s) of recommended decision(s)**

None – no decision is required. Report for update only.

***Legal***

There is no legal impact as a decision is not required.

***Financial***

There is no financial impact as a decision is not required.

***Policy Framework***

N/A

***Equality and Diversity***

There are no issues of equality and diversity as a decision is not required.

***Risk***

N/A

**Actions to be taken to implement the decision(s)**

None – for information only.

**Appendices**

None.

**Background papers**

No background papers were used in the preparation of this report.

**Contact:** Charlotte Benjamin – Director of Legal and Governance Services  
**Email:** charlotte\_benjamin@Middlesbrough.gov.uk

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**MIDDLESBROUGH COUNCIL**

<b>Report of:</b>	The Monitoring Officer
<b>Submitted to:</b>	Standards Committee – 18 October 2021
<b>Subject:</b>	Localism Act 2011 – General Dispensation

**Summary**

<b>Proposed decision(s)</b>
This report recommends that a general dispensation be granted to those members who have applied for a dispensation in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.

<b>Report for:</b>	<b>Key decision:</b>	<b>Confidential/Exempt:</b>	<b>Can be called-in:</b>
Decision	No	No	No

<b>Contribution to delivery of the 2021-24 Strategic Plan</b>		
<b>People</b>	<b>Place</b>	<b>Business</b>
Not applicable	Not applicable	Not applicable

<b>Ward(s) affected</b>
Not applicable

**PURPOSE OF REPORT**

1. This report recommends that a general dispensation be granted to those members who have applied for a dispensation in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.
2. Any requests for dispensations may only be granted by the Standards Committee or full Council.

**WHAT DECISION IS BEING ASKED FOR?**

3. That a general dispensation be granted to Councillor Grainge and Councillor Mason in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.

## BACKGROUND

4. As part of the standards arrangements, the Localism Act 2011 and Regulations made thereunder, introduced the concept of disclosable pecuniary interests and also new rules in respect of dispensations.
5. It is a criminal offence for a member to fail to register a disclosable pecuniary interest or to speak and/or vote where they have disclosable pecuniary interest unless they have obtained a dispensation. Under the old standards regime, the Code of Conduct specifically stated that members would not have a prejudicial interest in circumstances that potentially affected the majority of Councillors, such as Council Tax setting and members' allowances. There are no similar provisions under the new rules and members are therefore at risk of committing a criminal offence if they participate in matters in which they have a disclosable pecuniary interest and no dispensation has been granted. If the majority of members had an interest in these matters then it would impede the business of the Council.
6. In order to protect members, the new regime does include provision for the granting of dispensations. However, the legislation specifically states that before a dispensation can be granted, a member must apply in writing to the Monitoring Officer seeking a dispensation. It is therefore recommended that a general dispensation is granted to all of those members who have applied in writing for a dispensation to allow them to speak and vote where they would otherwise have had a disclosable pecuniary interest. This would be on the grounds that it is in the public interest and appropriate to grant a dispensation to those members to participate fully in the following matters:-
  - a) Housing; where the member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the member's particular tenancy or lease;
  - b) Housing Benefit; where the member (or spouse or partner) receives Housing Benefit;
  - c) Statutory sick pay; if a Councillor receives this or is entitled to receive it;
  - d) An allowance, travelling expense, payment or indemnity for Councillors;
  - e) Any ceremonial honour given to members; or f) Setting the Council Tax or precept.
7. Dispensations can be granted in the following circumstances:-
  - a) Where so many members of the decision making body have a disclosable pecuniary interest that the political balance would be affected;
  - b) It is in the interests of the inhabitants that a dispensation be granted, or;
  - c) It is appropriate to grant a dispensation.
8. It is also recommended that the general dispensation applies for the maximum permitted period of 4 years from the date of this decision.

## **Other potential decisions and why these have not been recommended**

9. Not applicable

### **Impact(s) of recommended decision(s)**

#### ***Legal***

10. It is a criminal offence for a member to fail to register a disclosable pecuniary interest or to speak and/or vote where they have disclosable pecuniary interest unless they have obtained a dispensation.

#### ***Financial***

11. No impact.

#### ***Policy Framework***

12. Not applicable. The report does not propose an amendment to the policy framework.

#### ***Equality and Diversity***

13. Not applicable.

#### ***Risk***

14. It is a criminal offence for a member to fail to register a disclosable pecuniary interest or to speak and/or vote where they have disclosable pecuniary interest unless they have obtained a dispensation.

### **Actions to be taken to implement the decision(s)**

15. Grant the dispensation.

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