

STANDARDS COMMITTEE

Date: Monday 23rd January, 2023
Time: 10.00 am
Venue: Mandela Room

AGENDA

1. Welcome and Evacuation Procedure
2. Apologies for Absence
3. Declarations of Interest
To receive any declarations of interest.
4. Minutes- Standards Committee - 17 October 2022 3 - 6
5. Quarterly Update Report to Standards Committee 7 - 10
6. 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 13 January 2023

MEMBERSHIP

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

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

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on Monday 17 October 2022.

PRESENT: Councillors T Mawston, (Chair), M Saunders (Vice-Chair), D Rooney, J Rostron and M Storey

OFFICERS: S Lightwing, C Benjamin, A Wilson and A Hoy

APOLOGIES FOR ABSENCE: Were submitted on behalf of Councillors D Coupe, S Dean, S Hill and S Walker

22/7 WELCOME AND EVACUATION PROCEDURE

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

22/8 DECLARATIONS OF INTEREST

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

22/9 MINUTES- STANDARDS COMMITTEE - 8 JULY 2022

The minutes of the Standards Committee meeting held on 8 July 2022 were submitted and approved as a correct record.

22/10 QUARTERLY UPDATE REPORT TO STANDARDS COMMITTEE

A joint report of the Director of Legal And Governance Services and Executive Member for Legal And Governance Services was presented to provide a quarterly update to the Standards Committee regarding the recent and current position concerning Code of Conduct complaints and an update in relation to the recommendations made at the Standards Hearing held on 11 May 2022.

There was one complaint from 2020, and six complaints from 2021 at various stages of the process which had not yet concluded. Specific information in relation to those complaints could not currently be provided so as not to prejudice any outcomes, and/or create a conflict should any of those complaints be considered by the Standards Committee at a future date.

An update to the figures previously given was provided, whereby it had been clarified two of the 2021 complaints had been resolved previously as follows:

- Ref 11247 – Complaint was rejected in consultation with the Independent Person.
- Ref 11731 – Concluded by way of investigation as per the update given to the Standards Committee at the July meeting.

Nine complaints had been submitted to date in 2022, two of which were subsequently withdrawn by the complainant, two had been resolved, and five were ongoing.

Since the last quarterly update, one further complaint from 2022 had been resolved:

- Ref 14031 – A complaint against a Councillor from a Member of the Public in which it was alleged that the Councillor had misused council resources and had brought the Local Authority into disrepute. This was in relation to the use of email and printing. The correct process had not been followed but also there were some issues in relation to the guidance provided by an officer. The complaint was resolved by way of informal resolution and appropriate advice and guidance was given in regards to some aspects of the complaint. This complaint was made on 28.04.22, and resolved on 22.07.22.

With regard to Complaint Ref Complaint Ref 11234 which was progressing to a Standards Hearing, it was confirmed that the Monitoring Officer was considering the most appropriate way to deal with it in terms of Officer input into the date of the Hearing due to an issue around

a potential conflict.

Standards Committee Members had previously expressed concern regarding the length of time taken for some complaints to be resolved. It was explained that some complaints could have been complex, or include matters that were not in the Council's control. Details of current ongoing complaints, timescales, progress and total costs were provided at paragraphs 9 and 10 of the submitted report.

At a Standards Committee Hearing held on 11 May 2022, in consultation with the Independent Person, it was ordered that sanctions were imposed on Councillor J McTigue as a result of a number of breaches of the Members Code of Conduct. The Head of Legal Services provided an update on the status of the sanctions as follows:

1. Councillor McTigue to provide a written apology to the Council employee who was the subject of the complaint, by 6 July 2022, with a copy provided to the Standards Committee.

This sanction had not been complied with. Cllr McTigue had refused to write the letter to date.

2. Councillor McTigue to receive one-to-one training on the appropriate use of social media and the Member/Officer Protocol, to be provided by the relevant Council Officer(s), and this should be completed by 6 July 2022.

This sanction had not been complied with. Training was offered, however Cllr McTigue refused to participate.

3. Councillor McTigue to be subject of a motion of public censure at the Council meeting scheduled for 6 July 2022.

The motion to censure was considered at the Council meeting of 7 September 2022 however was not heard due to a procedural motion which was submitted at the time, voted on and carried, to move on to the next item of business.

4. Should sanctions 1 and 2 above not be completed within the stated timescale, Councillor McTigue would be subject to further public censure.

In relation to sanction 4 above, the Independent Person was unable to attend today's meeting. However he had provided his views as to whether further sanctions would be appropriate in an email which was read out at the meeting as follows:

"As the Independent Person who originally viewed the complaint, and the refusal of Cllr McTigue to accept any recommendations made within the report I strongly suggest the motion to censure is brought forward again. There appears to be no mechanism within the rules surrounding complaint procedures where sanctions can be enforced. Unless the general public have confidence in the complaint procedure and guilty Councillors being held accountable for their actions the whole system fails.

The Monitoring Officer suggested that if a further motion of public censure was to be presented to Council, it should be proposed by the Chair and clarify what was being requested of the Council.

The Head of Legal Services confirmed that the Standards Committee could impose additional or alternative sanctions and provided some examples of sanctions that could be applied as outlined in the Members' Code of Conduct Arrangements. The Monitoring Officer had written to Councillor McTigue informing her of today's meeting and signposting her to the agenda pack. Members discussed a further motion of public censure and sanctions.

The Chair informed the Committee that he would be contacting his MP to request that the previous Standards Board for England that was abolished, was reinstated, and urged other Members present to do the same.

ORDERED that, in consultation with the Independent Person via written correspondence, the following sanctions were imposed:

Monday 17th October, 2022

1. Councillor McTigue to be removed from the role of Chair of the Economic Development, Environment and Infrastructure Scrutiny Panel. This sanction had immediate effect.
2. Councillor McTigue to be subject of a motion of public censure, proposed by Councillor Mawston, and seconded by Councillor M Storey, at the next ordinary Council meeting as follows:

It is to be noted that Cllr McTigue has been found to be in breach of the Code of Conduct and further has failed to comply with the sanctions that were imposed by the Standards Committee at the hearing on the 11th May 2022, namely:

1. Councillor McTigue was to provide a written apology to the Council employee who was the subject of the complaint, by 6 July 2022, with a copy provided to the Standards Committee.
2. Councillor McTigue to receive one-to-one training on the appropriate use of social media and the Member/Officer Protocol, to be provided by the relevant Council Officer(s), and this should be completed by 6 July 2022.

22/11 **GIFTS AND HOSPITALITY**

A joint report of the Director of Legal and Governance Services and the Executive Member for Finance and Governance was presented, the purpose of which was to report details of the entries on the Register of Gifts and Hospitality for Officers and Members.

Details of entries received for the period January 2021 – December 2021 were attached at Appendix A – Members and Appendix B – Officers, to the submitted report.

AGREED that the report and the Register of Gifts and Hospitality for Officers and Members was noted.

22/12 **DISPENSATION IN RESPECT OF A DISCLOSABLE PERSONAL INTEREST**

A joint report of the Director of Legal And Governance Services and Executive Member for Legal And Governance Services was presented, the purpose of which was for the Committee to determine a request from Councillor David Coupe for a dispensation to allow him to continue to attend and participate in the Pension Fund Committee notwithstanding his Disclosable Personal Interest (DPI) arising from his appointment as a Non-Executive Director of Border to Coast Pensions Partnership Limited.

Under s31 (4) of the Localism Act 2011 an Elected Member who had a DPI in a matter under consideration was not permitted to participate in the discussion or vote on the matter unless s/he has first obtained a dispensation under s33. Section 33 (2) included a number of situations where a dispensation could be considered, but should be granted "only if, after having regard to all relevant circumstances" the Committee considered that one of those situations applied.

Councillor David Coupe had been appointed as a Director by Border to Coast Pensions Partnership Limited ("the Company"). By way of background the Company was owned by the administering authorities of eleven local government pension funds and was established to provide collective investment across those funds.

The role was remunerated by the Company and at present directors fulfilling the "shareholder director" role were paid £15,000 per annum by the Company. This salary had been determined by the Company's Remuneration Committee and had the approval of all of the Partner Funds in the pension pool (and the respective shareholders).

It was expected that Councillor Coupe in carrying out the role would make a time commitment which was expected to be at least three days per month, with availability for meetings, induction and training as required. Councillor Coupe was likely to sit on Board Committees as well as the main Board and would be obliged to travel to the Company headquarters in Leeds for regular meetings. The details of the role were outlined at paragraph 11 of the submitted report.

In order to meet the requirements of the role, the Company wished to have representation of its shareholders on its Board and requested the Joint Committee with oversight of the Company to nominate potential candidates for this role. There were two directors nominated by the shareholder funds on two-year appointments, one of which expired each year. It was to this role that Councillor David Coupe had been appointed. The term of office for a shareholder director was currently under review and it looked likely that it would be increased from two to three years.

By assuming the role as a paid director Councillor David Coupe had a DPI. Councillor David Coupe had made a request for a dispensation in order to allow him to continue to participate as a member of the Pension Fund Committee.

In order to provide clarity and certainty Leading Counsel's advice had been sought on behalf of the Joint Committee, which oversees the Company in respect of the legality of the granting of a dispensation and what that dispensation might cover. A copy of the advice was attached at Appendix 1 to the submitted report.

AGREED as follows:

1. the report was received and noted.
2. a dispensation was granted as follows:

For a period of three years (or for so long as Councillor David Coupe was a Director of the Company) whichever was the shorter, that:

(a) Councillor David Coupe should be allowed to participate, or participate further, in any discussion of any matter concerning the Company at the meetings of the Pensions Committee; and/or

(b) Participate in any vote, or further vote, taken on the matter at the said meeting(s).

PROVIDED THAT he should not participate in any discussion or vote where changes to the remuneration of Directors of the Company were discussed.

22/13

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

None.

MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal And Governance Services Executive Member for Finance and Governance
Submitted to:	Standards Committee
Date:	23 January 2023
Title:	Quarterly update report to Standards Committee
Report for:	Discussion
Status:	Public
Strategic priority:	Quality of service
Key decision:	No
Why:	Report is for information only
Urgent:	No
Why:	Not applicable

Executive summary	
<p>This report provides a quarterly update to the Standards Committee in regards to the recent and current position concerning Code of Conduct Complaints so that the committee has assurance about the practice and process.</p> <p>The report also updates the committee in regards to the Motion presented to full Council on Standards Hearing on Wednesday 30 November 2022 in regards to breaches of the Code of Conduct by Councillor McTigue.</p>	

Purpose

1. To provide information only by way of a quarterly update to the Standards Committee in regards to the recent and current position concerning Code of Conduct Complaints so that the committee has assurance about the practice and process.
2. To update the committee in regards to the Motion presented to full Council on Standards Hearing on Wednesday 30 November 2022 in regards to breaches of the Code of Conduct by Councillor McTigue.

Background and relevant information

3. 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	17	13	1	2	1
2021	33	13	20	2	4	19	4	1
2022	12	3	9	2	3	2	0	0
2023 (to date)	8	0	9	0	0	0	0	0

4. There is 1 complaint from 2020, and 4 complaints from 2021, 5 ongoing from 2022 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.

This is an update the figures previously given whereby it has been clarified 2 of the 2021 complaints had been resolved previously as follows:

5. There have been 8 complaints submitted to date in 2023, which are currently being assessed.
6. Since the last quarterly update, 2 further complaint from 2022 has been resolved (included in the figures at para 4), the details of which are as below:
7. On 11th May 2022 the Standards Committee, in consultation with the Independent Person, ordered that sanctions were imposed on Councillor J McTigue as a result of a number of breaches of the Members Code of Conduct. An update in regards to those sanctions is provided as follows:
 - a. Councillor McTigue to provide a written apology to the Council employee who was the subject of the complaint, by 6 July 2022, with a copy provided to the Standards Committee. **UPDATE:** Not complied with. Cllr McTigue has refused to write the letter to date.

- b. Councillor McTigue to receive one-to-one training on the appropriate use of social media and the Member/Officer Protocol, to be provided by the relevant Council Officer(s), and this should be completed by 6 July 2022. **UPDATE:** Not complied with. Training was offered however Cllr McTigue refused to participate.
 - c. Councillor McTigue to be subject of a motion of public censure at the Council meeting scheduled for 6 July 2022. **UPDATE:** the motion was considered and passed by a vote on 30 November 2022 see below at 8.
 - d. Should sanctions 1 and 2 above not be completed within the stated timescale, Councillor McTigue would be subject to further public censure.
8. Following the previous committee meeting, it was ordered in consultation with the Independent Person via written correspondence, the following sanctions were imposed:
- a. Councillor McTigue to be removed from the role of Chair of the Economic Development, Environment and Infrastructure Scrutiny Panel. This sanction had immediate effect.
 - b. Councillor McTigue to be subject of a motion of public censure, proposed by Councillor Mawston, and seconded by Councillor M Storey, at the next ordinary Council meeting as follows:
 - i. It is to be noted that Cllr McTigue has been found to be in breach of the Code of Conduct and further has failed to comply with the sanctions that were imposed by the Standards Committee at the hearing on the 11th May 2022, namely:
 - 1. Councillor McTigue was to provide a written apology to the Council employee who was the subject of the complaint, by 6 July 2022, with a copy provided to the Standards Committee.
 - 2. Councillor McTigue to receive one-to-one training on the appropriate use of social media and the Member/Officer Protocol, to be provided by the relevant Council Officer(s), and this should be completed by 6 July 2022.

What decision(s) are being recommended?

9. To note the report

Rationale for the recommended decision(s)

10. N/A

Other potential decision(s) and why these have not been recommended

11. N/A

Impact(s) of the recommended decision(s)

Legal

12. There is no legal impact.

Strategic priorities and risks

13. Not applicable.

Human Rights, Equality and Data Protection

14. There are no issues of equality and diversity.

Financial

15. There is no financial impact.

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

16. To be determined dependent on recommendations of the committee.

Action	Responsible Officer	Deadline

Appendices

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Background papers

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

Contact: Charlotte Benjamin
Email: charlotte_benjamin@middlesbrough.gov.uk