

STANDARDS COMMITTEE

Date: Monday 3rd April, 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 - 23 January 2023 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 24 March 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 23 January 2023.

PRESENT: Councillors Councillor Tom Mawston, D Coupe, S Dean, S Hill, D Rooney, J Rostron and M Storey

OFFICERS: A Perriman, Joanne McNally

APOLOGIES FOR ABSENCE: M Saunders

22/14 **WELCOME AND EVACUATION PROCEDURE**

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

22/15 **APOLOGIES FOR ABSENCE**

Apologies for Absence

22/16 **DECLARATIONS OF INTEREST**

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

22/17 **MINUTES- STANDARDS COMMITTEE - 17 OCTOBER 2022**

The minutes of the Standards Committee meeting held on 17 October 2022 were submitted and approved as a correct record.

22/18 **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 regards to the Motion presented to full Council on the Standards Hearing on Wednesday 30 November 2022 in regards to breaches of the Code of Conduct by Councillor McTigue.

There was 1 complaint from 2020, and 4 complaints from 2021, 5 ongoing from 2022 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 2022 complaints had been resolved previously

Eight new complaints had been submitted to date in 2023, which were currently being assessed.

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 was 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 had refused to write the letter to date.

Monday 23rd January, 2023

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

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 had been found to be in breach of the Code of Conduct and further had 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.

Members expressed concern over the 8 complaints received since January 2023 and queried if the complaints were in relation to more than 1 individual it was advised that the complaints related to 2 individuals and that a number of the complaints were largely in relation to the same thing. Members heard that the complaints had not been assessed yet.

The Chair of the Standards Committee informed members that he had been in discussion with Simon Clarke MP in relation to resurrecting the Standards Board of England. Members were advised that other local authorities had similar issues to Middlesbrough and Simon Clarke had asked for more comments and support from Councillors in relation to the Board being resurrected. It was advised that views and examples were put forward previously to the Select Committee from Middlesbrough Council.

Members expressed further concern regarding a case that was ready to go to a hearing and felt that a date needed to be fixed and the hearing take place before purdah. The Head of Legal Services agreed to see if this would be possible.

AGREED as follows:

- 1. The report was received and noted

None

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MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal And Governance Services Executive Member for Legal And Governance Services
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Submitted to:	Standards Committee
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Date:	3 April 2023
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Title:	Quarterly update report to Standards Committee
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Report for:	Discussion
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Status:	Public
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Strategic priority:	Quality of service
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Key decision:	No
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Why:	Report is for information only
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Urgent:	No
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Why:	Not applicable
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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 seeks to identify any themes in regards to complaints and suggest possible steps to address any issues.</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.

Background and relevant information

2. 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	4	2	0	0
2023 (to date)	29	4	25	0	9	0	0	0

3. There is 1 complaint from 2020, 4 complaints from 2021, and 4 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. **TOTAL OUTSTANDING PRE 2023 - 9**
4. Since the last quarterly update, 1 further complaint from 2022 has been rejected. This is reflected in the table above.
5. There have been 29 complaints submitted to date in 2023. Of the 29 complaints, there have been 9 complaints rejected further to the assessment criteria. **TOTAL OUSTANDING 2023 – 20.**
6. As per the table above, there has been a significant increase in complaints in the first quarter of this year, with 29 received to date, compared to a total of 12 in 2022, and 27, 31 and 33 for 2019-2021 respectively for the full year.
7. The internal resource to deal with the complaints is provided by the legal services team, primarily the Monitoring Officer and two Deputy Monitoring Officers. Senior officers may also be tasked to complete an investigation where required.
8. A significant increase in complaints will of course mean that legal resource is diverted away from other areas.

9. Of the 29 complaints received to in 2023 to date, 23 of them involved the inappropriate use of social media in some capacity. In order to try and address this issue, we propose that:

- a) Within 7 days of this meeting an advice and guidance email is sent by the Monitoring Officer/Deputy Monitoring Officer to all current members reminding them of the guidance around social media use with reference to the Code of Conduct.
- b) Within 14 days of this meeting a meeting is held between group leaders and the Monitoring Officer/Deputy Monitoring Officer to discuss the issue and seek support around trying to address it.
- c) Within 28 days post election a training session will be carried out with newly elected members focussing specifically on guidance around social media use.

What decision(s) are being recommended?

10. To note the contents of the report.

Rationale for the recommended decision(s)

11. N/A

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

12. N/A

Impact(s) of the recommended decision(s)

Legal

13. There is no legal impact.

Strategic priorities and risks

14. Not applicable.

Human Rights, Equality and Data Protection

15. There are no issues of equality and diversity.

Financial

16. There is no financial impact.

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

17. Report is for information only.

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
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