

STANDARDS COMMITTEE

Date: Monday 3rd July, 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 - 3 April 2023 3 - 4
5. Quarterly Update Report to Standards Committee 5 - 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 23 June 2023

MEMBERSHIP

Councillors J Kabuye (Chair), J Ewan (Vice-Chair), D Davison, S Dean, D McCabe, J McConnell, M Smiles, M Storey and J Thompson

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 3 April 2023.

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

OFFICERS: S Lightwing and A Perriman

APOLOGIES FOR ABSENCE: were submitted on behalf of Councillors T Mawston, S Dean, D Rooney and S Walker

22/20 **WELCOME AND EVACUATION PROCEDURE**

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

22/21 **DECLARATIONS OF INTEREST**

There were no Declarations of Interest at this point in the meeting.

22/22 **MINUTES- STANDARDS COMMITTEE - 23 JANUARY 2023**

The minutes of the Standards Committee meeting held on 23 January 2023 were submitted and approved as a correct record.

22/23 **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 information in regards to the recent and current position concerning Code of Conduct Complaints so that the Committee had assurance about the practice and process.

There was 1 complaint from 2020, 4 complaints from 2021, and 4 ongoing from 2022 at various stages of the process which had not yet concluded. We were 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. The total outstanding complaints pre 2023 was 9.

Since the last quarterly update, 1 further complaint from 2022 had been rejected. This was reflected in the table at paragraph 2 of the submitted report.

There had been 29 complaints submitted to date in 2023. Of the 29 complaints, there had been 9 complaints rejected further to the assessment criteria. There were 20 outstanding complaints in 2023.

As per the table above, there had 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.

The internal resource to deal with the complaints was provided by the legal services team, primarily the Monitoring Officer and two Deputy Monitoring Officers. Senior officers might also be tasked to complete an investigation where required. A significant increase in complaints would of course mean that legal resource is diverted away from other areas.

Members expressed concern with the numbers of potentially frivolous complaints that were being submitted. The Deputy Monitoring Officer explained the procedures in place and stated that efforts were being made to expand the pool of Independent Members who assisted with the assessment process.

Of the 29 complaints received 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, some proposals were contained in the report. The timescales for the following actions were amended at the meeting and agreed.

AGREED as follows that:

1. that the information provided was received and noted.
2. within 14 days of the meeting an advice and guidance email would be 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.
3. within 21 days of this meeting a meeting would be held between Group Leaders and the Monitoring Officer/Deputy Monitoring Officer to discuss the issue and seek support around trying to address it.
4. Within 28 days post-election a training session would be carried out with newly elected Members focussing specifically on guidance around social media use.

22/24

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 Legal And Governance Services
Submitted to:	Standards Committee
Date:	3 July 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 sets out</p> <ul style="list-style-type: none"> • An update in regards to the actions from the last committee meeting • The outline of the position in regards to outstanding complaints against members that were not re-elected in to the role in which the alleged breach occurred. • the position in regards to the recruitment process for the role of Independent Person 	

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	3	4	2	0	0
2023 (to date)	39	5	34	1	15	1	0	0

3. There is 1 complaint from 2020, 4 complaints from 2021, and 3 ongoing from 2022 at various stages of the process which have not yet concluded. One complaint has been withdrawn from 2021 further to the April update. 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. There have been 39 complaints submitted to date in 2023. Of the 39 complaints, there have been 15 complaints rejected further to the assessment criteria, 1 withdrawn, and 1 resolved by way of advice and guidance. **TOTAL OUSTANDING 2023 – 22.**
5. There is one matter which is due to come before the committee for a hearing, dates are currently being arranged and the appropriate report will be provided in due course.

UPDATE ON AGREED ACTIONS:

6. Within the last update to this committee dated 3rd April 2023 report the issue of Social Media was highlighted as being a theme throughout a number of complaints received this year and the following actions were agreed:

- 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.

UPDATE: This action was completed.

- 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.

UPDATE: Regular meetings take place with Group Leaders at which standards issues have been discussed.

- 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 –

UPDATE: This training was delivered on 20th June 2023 by Andrew Glover, Head of Marketing and Communications , which was slightly outside of the 28 day target, however this was due to availability around the training calendar.

The issue of Social Media use was also covered in detail in the code of conduct training that was carried out by the External Provided Beth Evans on the 6th June 2023 via Teams.

OUTSTANDING COMPLAINTS WHERE MEMBERS WERE NOT RE-ELECTED

7. We currently have 10 complaints at various stages of the procedure where the subject member was not reelected into the role in which the alleged breach occurred.
8. The members Code of Conduct makes reference to “Member”. In its ordinary meaning in respect of the constitution this means Councillor. The Subject Member(s) are now a former Councillor.
9. S.28 (11) Localism Act 2011 sets out the following:

If a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct (whether or not the finding is made following an investigation under arrangements put in place under subsection (6)) it may have regard to the failure in deciding—

- (a) whether to take action in relation to the member or co-opted member, and
- (b) what action to take.

10. The Local Government Association Model Code Councillor Code of Conduct 2020, makes it specific that for purposes of the Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;

a) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

11. It must therefore be accepted that the code of conduct applies to Councillors and as the subject members are no longer Councillors, the code does now not apply and thus any sanction that the Standards Committee could impose, fall away.

12. For the sake of completeness, the table below sets out the position in relation to any outstanding complaints where the subject member is no longer in the role in which the alleged breach occurred. These complaints will now be closed with no further action.

Year	Ref Number	Stage
2020	10969	Complaint accepted but stayed – due to awaiting outcome of another legal process which is considering the same issues.
2021	11234	Complaint accepted and external investigation completed – linked to 12114. The next step would have been to progress to a standards committee hearing.
2021	12114	Complaint accepted and external investigation completed – linked to 11234. The next step would have been to progress to a standards committee hearing.
2021	12332	Complaint accepted and internal investigation completed. The next step would have been to progress to a standards committee hearing.
2023	15963	Complaint accepted – decision would have been made as to the appropriate next step in line with the Code of Conduct arrangements.
2023	16181	Complaint accepted – decision would have been made as to the appropriate next step in line with the Code of Conduct arrangements.
2023	16196	Complaint accepted – decision would have been made as to the appropriate next step in line with the Code of Conduct arrangements.
2023	16197	Complaint accepted – decision would have been made as to the appropriate next step in line with the Code of Conduct arrangements.
2023	16230	Complaint accepted – decision would have been made as to the appropriate next step in line with the Code of Conduct arrangements.

2023	16363	Complaint accepted – decision would have been made as to the appropriate next step in line with the Code of Conduct arrangements.
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INDEPENDENT PERSONS

13. As you are aware, the council is required by law to adopt a code of conduct and to make arrangements under which allegations can be investigated and decisions on allegations can be made about councillors. The Independent Person plays a key role in this process providing an objective and impartial opinion at various stages of the complaints process, which the Monitoring Officer will consider in making the decision.
14. We currently have 2 Independent Persons, one of which wishes to leave the position having been in role for approx. 9 years. Recruitment to these posts in the past has proved difficult as it was an un-remunerated role and relied upon goodwill and volunteers. However over the years the number of complaints has increased in amount and complexity placing an additional burden on the Independent Person. Therefore, following research and an exercise on allowances for Independent Persons' it has been decided to offer an allowance of £950 per annum.
15. Recruitment for the role has now commenced and the chair of the Standards Committee has been contacted to participate in the recruitment process or provide a nominee to sit on the interview panel to assist with recruitment. Following which a report will be submitted to Full Council to approve the appointment of the successful parties.

What decision(s) are being recommended?

16. To note the contents of the report.

Rationale for the recommended decision(s)

17. N/A

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

18. N/A

Impact(s) of the recommended decision(s)

Legal

19. There is no legal impact.

Strategic priorities and risks

20. Not applicable.

Human Rights, Equality and Data Protection

21. There are no issues of equality and diversity.

Financial

22. There is no financial impact.

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

23. 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.

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