

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on Monday 16 October 2023.

PRESENT: Councillors Councillor John Kabuye, (Chair), J Ewan (Vice-Chair), D Davison, S Dean, D McCabe, J Thompson and G Wilson

OFFICERS: Susan Lightwing, Charlotte Benjamin and Andrew Perriman

APOLOGIES FOR ABSENCE: were submitted on behalf of Councillors M Smiles and M Storey

23/14 **WELCOME AND EVACUATION PROCEDURE**

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

23/15 **DECLARATIONS OF INTEREST**

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

23/16 **MINUTES- STANDARDS COMMITTEE - 22 SEPTEMBER 2023**

The minutes of the Standards Committee meeting held on 22 September 2023 were submitted and approved as a correct record.

23/17 **QUARTERLY UPDATE REPORT TO STANDARDS COMMITTEE**

A report of the Director of Legal Services was presented to provide a quarterly update to the Standards Committee in relation to the recent and current position concerning Code of Conduct Complaints.

The report also provided:

- An update on the recruitment of the Independent Persons.
- An update on the recent Standards Committee Hearing.
- Information relating to the new Constitution's relationship with Members' Code of Conduct.

To date, there had been 49 complaints submitted in 2023. Of the 49 complaints, 23 had been rejected on the basis of the assessment criteria, 1 withdrawn, 8 discontinued, and 5 resolved by way of advice and guidance. Twelve complaints were currently outstanding, 7 of which had been submitted since the last update to the Standards Committee.

It was generally the case that where a complaint was rejected, the subject member would not be informed. Complaints could be vexatious, have no basis or not be a breach of the code. When a complaint was accepted it was more likely that the subject member would be informed and given the opportunity to make representations. A decision would then be taken as to whether the complaint should go forward to investigation or whether advice or guidance was sufficient.

A recruitment process for additional Independent Persons had recently concluded. It was proposed that a recommendation be made to full Council to appoint David Wilson and Shada Mellor for an initial term of 4 years. Both candidates had demonstrated that they met the criteria for the role, had a good understanding of the role, and an enthusiasm to support the Standards Committee in upholding high ethical standards. Following their appointment by Council, the Independent Persons would undergo the relevant training. John Race remained in post as an Independent Person.

The Standards Committee Members wished to place on record their thanks to Geoff Fell for his service as an Independent Person for period of approximately 8 years.

The report also provided an update on the Standards Committee Hearing held on 22

September 2023 and the sanctions imposed. The Committee would be informed when the sanctions were complied with.

A new Constitution was approved by Council on 18 September 2023. The Standards Committee's attention was drawn to the Members' Code of Conduct which set out the expected standards of behaviour of Members. The Code of Conduct Complaint form had been amended to reflect the updated Constitution.

AGREED as follows that the:

1. Report was received and noted.
2. Appointments of David Wilson and Shada Mellor as Independent Persons were recommended to Council for approval.

23/18

MEMBERS' CODE OF CONDUCT

The Director of Legal Services referred to discussion at a previous meeting regarding a number of complaints outstanding against former Councillors who were not re-elected in May 2023.

The Localism Act 2011 was the legal basis for the Members' Code of Conduct and did not preclude any Council from hearing complaints in respect of former Councillors. However, Middlesbrough's Members' Code of Conduct did not include provision for taking complaints forward. The Monitoring Officer had therefore determined that those outstanding complaints against former Councillors would not be progressed.

A Member of the Standards Committee had asked whether consideration could be given to allow complaints against former Councillors to be taken forward to conclusion, where appropriate, in future. The Monitoring Officer explained that she could draft an amendment to the current Members' Code of Conduct and the Constitution to allow the Standards Committee to address this issue.

Committee Members discussed the proposal and raised issues in relation to sanctions, Councillors who were subsequently re-elected, and the resources available to investigate complaints.

It was confirmed that the findings of the Standards Committee would be a matter of public record and the only likely sanction for a former Councillor would be public censure. The Standards Committee would not be able to apply sanctions that were conditional on a former Councillor who was later re-elected.

The Monitoring Officer and Independent Person would consider whether continuing with a complaint against a former Councillor would be in the public interest and whether the use of resources was proportionate. Any decision about a breach would be evidence-based and made by the Standards Committee through the hearing procedure.

On a vote being taken, it was **AGREED** that the Monitoring Officer would draft an amendment to the Constitution to enable consideration to be given to progressing complaints in relation to former Councillors.

The Monitoring Officer explained that such an amendment to the Constitution would need the approval of Council.

AGREED as follows that the:

1. information provided was received and noted.
2. Monitoring Officer would draft an amendment to the Constitution that enabled consideration to be given to progressing complaints in relation to former Councillors.
3. draft amendment would be submitted to Council for approval.

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

None.

Monday 16th October, 2023