

STANDARDS COMMITTEE

Date: Monday 16th October, 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 - 22 September 2023 3 - 6
5. Quarterly Update Report to Standards Committee 7 - 12
6. Members' Code of Conduct
Discussion
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 6 October 2023

MEMBERSHIP

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

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 Friday 22 September 2023.

PRESENT: Councillors J Kabuye (Chair), J Ewan (Vice-Chair), D Davison, S Dean, D McCabe, M Storey, J Thompson and S Platt (as substitute for G Wilson)

ALSO IN ATTENDANCE: Councillors D Jones, M Saunders and G Wilson
J Race (Independent Person)
L Garvey and C Hobson

OFFICERS: S Lightwing, C Cunningham and A Wilson

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

22/6 **WELCOME AND EVACUATION PROCEDURE**

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

22/7 **DECLARATIONS OF INTEREST**

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

22/8 **MINUTES - STANDARDS COMMITTEE - 3 JULY 2023**

The minutes of the Standards Committee meeting held on 3 July 2023 were submitted and approved as a correct record.

22/9 **PROCEDURE FOR A STANDARDS COMMITTEE HEARING**

A copy of the Procedure for a Standards Committee Hearing was included in the agenda pack for information.

22/10 **ANY OTHER URGENT ITEMS WHICH IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED**

None.

22/11 **EXCLUSION OF PRESS AND PUBLIC**

The Chair sought the views of the Committee, the Deputy Monitoring Officer and the Investigating Officer, as to whether the complaint should be heard in public or private session.

Having heard the representations it was:

ORDERED that the press and public be excluded from the meeting for the following items on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

22/12 **STANDARDS COMPLAINT: IKEN REF: 15427**

The Investigating Officer presented her report, a copy of which had been circulated prior to the meeting, regarding an investigation which had been undertaken in accordance with the prevailing legislation and guidance in relation to an allegation that Councillor Jones had breached the Members' Code of Conduct in that she failed to treat another person with civility and respect, failed to not bully, harass or intimidate another person, did not comply with the Code in respect of conduct at meetings and brought her role and the local authority into disrepute.

A summary of the complaint, details of the relevant legislation, protocols and Members' Code of Conduct, the review process, findings of fact and conclusions were presented by the Investigating Officer.

Committee Members, the Subject Member and the Independent Person were given the opportunity to question the Investigating Officer in relation to her report.

The Subject Member presented their response to the Investigating Officer's report, and called upon two witnesses.

The Investigating Officer, Committee Members and the Independent Person were given the opportunity to question the Subject Member and the witnesses.

It was **ORDERED** that the Standards Committee would hear the second complaint: IKEN Ref: 15391, at this point in the meeting as it was linked to the first complaint: IKEN Ref: 15427.

22/13

STANDARDS COMPLAINT: IKEN REF: 15391

The Investigating Officer presented her report, a copy of which had been circulated prior to the meeting, regarding an investigation which had been undertaken in accordance with the prevailing legislation and guidance in relation to an allegation that Councillor Jones had breached the Members' Code of Conduct in that she failed to treat another person with civility and respect, failed to not bully, harass or intimidate another person, did not comply with the Code in respect of conduct at meetings and brought her role and the local authority into disrepute.

A summary of the complaint, details of the relevant legislation, protocols and Members' Code of Conduct, the review process, findings of fact and conclusions were presented by the Investigating Officer.

Committee Members, the Subject Member and the Independent Person were given the opportunity to question the Investigating Officer in relation to her report.

The Subject Member presented their response to the Investigating Officer's report. The Investigating Officer, Committee Members and the Independent Person were given the opportunity to question the Subject Member.

The Standards Committee went into private session to consider both complaints.

Having considered the Investigating Officer's report, the supporting documentation, the Investigating Officer's comments and questioning, the Subject Member's and the witnesses' comments, the Committee considered the findings of fact, and based on those findings, whether Councillor had failed to comply with the Members' Code of Conduct.

The Independent Person was consulted and provided his views.

In regard to the allegations, the Standards Committee unanimously supported the findings of the Investigating Officer's Reports. The Committee concluded that Councillor Jones had breached the Members' Code of Conduct in respect of both complaints.

It was **ORDERED** that the following sanctions be imposed:

1. Councillor Jones to write a letter of apology to each of the complainants within 28 days of the date of this Standards Committee.
2. Councillor Jones to undertake further training in relation to the Code of Conduct and Conduct at meetings within 28 days of the date of this Standards Committee.
3. Councillor Jones would not be eligible to be a member of the Children and Young People's Scrutiny Panel for a period of 12 months from the date of this Standards Committee meeting.

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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
Submitted to:	Standards Committee
Date:	16 October 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 on the recruitment of the Independent People and recommend the appointments to Full Council. • An update on the recent Standards Committee Hearing • Constitutions relationship with Members Code of Conduct. 	

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/discontinued due to not re-elected	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)	49	7	42	9	23	5	0	0

3. There are now, no outstanding complaints from 2020, 2021 and 2022.
4. There have been 49 complaints submitted to date in 2023. Of the 49 complaints, there have been 23 complaints rejected on the basis of the assessment criteria, 1 withdrawn, 8 discontinued and 5 resolved by way of advice and guidance. **TOTAL OUTSTANDING 2023 – 12.**

UPDATE ON INDEPENDENT PEOPLE.

5. Within the last update to this committee dated 3rd July 2023 it was reported that recruitment had commenced to appoint further Independent People.

6. At that recruitment exercise, which was panelled by the Chair of Standards Committee, Head of Legal Services (Places) and Head of Legal Services (People), the candidates were asked a series of questions to test their suitability for the role against the criteria set out in the person specification and each had a general discussion about local government ethical standards.
7. The Panel decided to recommend David Wilson and Shada Mellor for appointment as Independent Persons to the Standards Committee. Both candidates 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.
8. It is now reported that the recruitment process has concluded and 2 IP's have been selected and are presented to this panel to make the recommendation to Full Council to appoint for an initial term of 4 years.
9. Following the appointment by Full Council the 2 new Independent People will undergo the relevant training.
10. This committee is asked to record its thanks to Geoff Fell for his service as an independent Person for period of approximately 8 years, following his departure from the role and John Race remains as an Independent Person.

UPDATE ON THE RECENT STANDARDS COMMITTEE HEARING

11. A Standards Committee Meeting held in private on 22nd September 2023 has concluded that Councillor D Jones, acting in her capacity as member of Middlesbrough Borough Council ('the Council'), had breached principles 1, 2 and 10 of the Members Code of Conduct in that she did not treat others with civility and respect, has bullied, harassed, or intimidated another person and brought her role or the Local Authority into disrepute in respect of two standards complaints brought by members of the public.
12. Since it was ORDERED that the press and public be excluded from the meeting on the grounds that, if present, there would be disclosure to them of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information, the reasons for the decision are exempt.

13. The Standards Committee, in consultation with the Independent Person, ORDERED that the following sanctions were imposed:

- a. Councillor Jones to write a letter of apology to the Complainants within 28 days of the date of this Standards Committee.
- b. Councillor Jones to undertake further training in relation to the Code of Conduct and Conduct at meetings within 28 days of the date of this Standards Committee.
- c. Councillor Jones would not be eligible to be a member of the Children and Young People's Scrutiny Panel for a period of 12 months from the date of this Standards Committee meeting.

Constitutions relationship with Members Code of Conduct

14. To note that the new Constitution came into effect on 18 September 2023. As a result of which the committee's attention is drawn to the Members Code of Conduct contained therein, which sets out the expected standards of behaviour of members. The Code of Conduct Complaint form has now been amended to reflect the Code of Conduct contained within the Constitution.

What decision(s) are being recommended?

15. To recommend the appointment of the Independent Persons to Full Council and to note the contents of the report.

Rationale for the recommended decision(s)

16. N/A

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

17. N/A

Impact(s) of the recommended decision(s)

Legal

18. There is no legal impact.

Strategic priorities and risks

19. Not applicable.

Human Rights, Equality and Data Protection

20. There are no issues of equality and diversity.

Financial

21. There is no financial impact.

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

22. 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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