

STANDARDS COMMITTEE

Date: Monday 22nd January, 2024
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 - 16 October 2023 3 - 6
5. Quarterly Update Report to Committee 7 - 10
6. Review of Gifts and Hospitality 11 - 24
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 12 January 2024

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 Monday 16 October 2023.

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

OFFICERS: S Lightwing, C Benjamin and A 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 Of the 49 complaints, 23 had been rejected on the basis of the assessment criteria, 1 withdrawn, 8 discontinued, and 5 resolved by way of advice and guidance.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.

23/19

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

None.

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<p>MIDDLESBROUGH COUNCIL</p>	
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<p>Report of:</p>	<p>Director of Legal And Governance Services Executive Member for Legal And Governance Services</p>
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<p>Submitted to:</p>	<p>Standards Committee</p>
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<p>Date:</p>	<p>22 January 2024</p>
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<p>Title:</p>	<p>Quarterly update report to Standards Committee</p>
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<p>Report for:</p>	<p>Discussion</p>
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<p>Status:</p>	<p>Public</p>
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<p>Strategic priority:</p>	<p>Quality of service</p>
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<p>Key decision:</p>	<p>No</p>
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<p>Why:</p>	<p>Report is for information only</p>
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<p>Urgent:</p>	<p>No</p>
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<p>Why:</p>	<p>Not applicable</p>
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<p>Executive summary</p>	
<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>	

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	59	10	49	9	28	6	6	1
2024	0	0	0	0	0	0	0	0

3. There are now, no outstanding complaints from 2020, 2021 and 2022.
4. There have been 59 complaints submitted to date in 2023. Of the 59 complaints, there have been 28 complaints rejected on the basis of the assessment criteria, 1 withdrawn, 8 discontinued and 6 resolved by way of advice and guidance and 6 going to investigation. **TOTAL OUTSTANDING 2023 – 10.**

UPDATE ON INDEPENDENT PEOPLE

5. Training has been completed of all the Independent Person(s) and they are now active.

Constitutions relationship with Members Code of Conduct

6. 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?

7. Standards Committee is asked to note the contents of this report, which will act as a basis for further discussion in the committee meeting.

Rationale for the recommended decision(s)

8. N/A

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

9. N/A

Impact(s) of the recommended decision(s)

Legal

10. Not applicable as report is for noting.

Strategic priorities and risks

11. The report contributes to the council demonstrating its approach to maintaining standards of behaviour and ethical governance.

Human Rights, Equality and Data Protection

12. There are no issues of equality and diversity.

Financial

13. There is no financial impact.

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

14. 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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MIDDLESBROUGH COUNCIL	
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Report of:	Executive Member for Finance and Governance and Director of Legal and Governance Services
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Submitted to:	Standards Committee
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Date:	22 January 2024
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Title:	Review of Gifts and Hospitality
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Report for:	Information
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Status:	Public
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Strategic priority:	All
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Key decision:	No
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Why:	Not applicable
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Urgent:	No
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Why:	Not applicable
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Executive summary	
The Monitoring Officer is required to review the Register of Gifts and Hospitality for Officers and Members on an annual basis and report details of the entries to the Standards Committee, to ensure that members and officers comply with the Members' Code of Conduct and the Officers' Code of Conduct, respectively.	

Purpose

1. To present details of the Register of Gifts and Hospitality for Officers and Members.

Background and relevant information

2. The Council's Code of Conduct requires Councillors and Co-opted Members to declare and register the receipt of either gifts or hospitality with a value of £25 or more. The Monitoring Officer is required to establish and maintain a register in relation of gifts and hospitality and to produce a report to Standards Committee, on an annual basis, outlining details any gifts and hospitality received by members and officers of the Council.

3. Members register their interests in three ways:

- By completing an annual declaration of financial and personal interests. These interests are published on the Council website under each individual councillor's profile. [Your Councillors | Middlesbrough Council](#)
- By making declarations at meetings where they have interest in a matter to be considered at that meeting. Declarations made in such circumstances are recorded in the minutes of those meetings and are entered in the Register of Disclosures and General Notices.
- By declaring and registering when receiving either gifts or hospitality with a value of £25 or more. The declaration should include details of the gift or hospitality, its approximate value and details of the person or body that provided it. Although not a requirement, Members also occasionally register gifts or hospitality of lesser value.

4. Declarations are entered in a Register of Gifts and Hospitality.

Details of entries received from Members for the period January 2022 – December 2022 are attached at Appendix A and for the period January 2023 – December 2023 Appendix B.

Details of entries received from Officers for the period January 2022 – December 2022 are attached at Appendix C and for the period January 2023 – December 2023 Appendix D.

What decision(s) are being recommended?

5. That Standards Committee notes the report and the declarations made.

Rationale for the recommended decision(s)

6. The Council's Code of Conduct requires Councillors and Co-opted Members to declare and register the receipt of either gifts or hospitality with a value of £25 or more.

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

7. No other options were considered.

Impact(s) of the recommended decision(s)

Legal

8. The Monitoring Officer is required to review the Register of Gifts and Hospitality for Officers and Members on an annual basis and report details of the entries to the Standards Committee. The Registers may be inspected by the public during normal office opening hours.

Strategic priorities and risks

9. The relevant risks this decision would influence are cited below, with an explanation as to why they are relevant and how it would affect each risk.

Reports will positively impact on risk of failure to achieve good governance by reducing the likelihood of it occurring.

Human Rights, Equality and Data Protection

10. The subject of this report is not a policy, strategy, function, or service that is new or being revised. It is considered that an equality impact assessment is not required.

Financial

11. There are no financial implications arising from the recommendations within this report.

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

Action	Responsible Officer	Deadline

Appendices

1	Appendix A – Members Register of Gifts and Hospitality 2022
2	Appendix B – Members Register of Gifts and Hospitality 2023
3	Appendix C – Officers Register of Gifts and Hospitality 2022
4	Appendix D – Officers Register of Gifts and Hospitality 2023

Background papers

Body	Report title	Date

Contact: Charlotte Benjamin

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MIDDLESBROUGH COUNCIL
REGISTER OF GIFTS AND HOSPITALITY
MEMBERS 2022 – APPENDIX A

COUNCILLOR	ITEM	RECEIVED FROM	DATE RECEIVED	CONSENT GIVEN YES/NO
A Preston	Invitation to the North East Development Conference VIP Dinner at Trinity Gardens, Newcastle. Estimated value - £40.00	Built Environment Network	08/02/2022	YES
Cllr M Smiles	Schools North East dinner at in Newcastle on 17 /3/2022 Estimated value - £50	North Yorkshire County Council	16/03/2022	YES
Cllr M Smiles	Hospitality on 5 March 2022 match day - £150 per ticket	Councillor Jim Platt	02/03/2022	YES
Cllr J Hobson	24 May 2022 Civic meal £20 max	Deputy Lord Lieutenant	20/06/2022	YES
Cllr C Hobson	24 May 2022 Civic meal £20 max	Deputy Lord Lieutenant	20/06/2022	YES
Cllr J Hobson	16 June 2022 Civic Reception £10 max	Lord High Sheriff	20/06/2022	YES
Cllr C Hobson	16 June 2022 Civic Reception £10 max	Lord High Sheriff	20/06/2022	YES
Cllr M Smiles	19 October 2022 asked to speak about how Middlesbrough Council is leading on levelling up at an LGA conference in Coventry.	Local Government Association	02/11/2022	YES

MIDDLESBROUGH COUNCIL
REGISTER OF GIFTS AND HOSPITALITY
MEMBERS 2022 – APPENDIX A

	The LGA covered travel, accommodation and food Travel: £144.99 Accommodation and food: (Approx. value £65) Total: £209.99			
Cllr M Smiles	30 October 2022 Two tickets to see MFC host the Rugby League match, food and refreshments - Total amount - £150 X 2 (two hospitality tickets)	Helena Bowman – Head of Business Operations and Community at MFC	11/11/2022	YES

MIDDLESBROUGH COUNCIL
REGISTER OF GIFTS AND HOSPITALITY
MEMBERS 2023 – APPENDIX B

COUNCILLOR	ITEM	RECEIVED FROM	DATE RECEIVED	CONSENT GIVEN YES/NO
Chris Cooke	Hospitality Package Arctic Monkeys 5/6/2023 Approximate Value £150	Middlesbrough Football Club	31/05/2023	YES
Chris Cooke	Teesside University Graduation Dinner – 20 July 2023 £50	Teesside University	04/07/2023	YES

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MIDDLESBROUGH COUNCIL
REGISTER OF GIFTS AND HOSPITALITY
OFFICERS 2022 – APPENDIX C

OFFICER	ITEM	RECEIVED FROM	DATE RECEIVED	CONSENT GIVEN YES/NO
Sam Gilmore	£50 (assumed) for attendance at Tees Tech Awards Dinner – Hosted by BCEGI (Middlehaven Development Partners) – MBC is also a sponsor of the event through Middlesbrough Digital	BCEGI (Middlehaven Development Partners)	28/04/2022	YES
Daniel Watson	£50 (assumed) for attendance at Tees Tech Awards Dinner – Hosted by BCEGI (Middlehaven Development Partners) – MBC is also a sponsor of the event through Middlesbrough Digital	BCEGI (Middlehaven Development Partners)	28/04/2022	YES
Richard Horniman	attendance at Tees Tech Awards Dinner – Hosted by BCEGI (Middlehaven Development Partners) – MBC is also a sponsor of the event through Middlesbrough Digital	BCEGI (Middlehaven Development Partners)	28/04/2022	YES
Michael Canavan	attendance at Tees Tech Awards Dinner – Hosted by BCEGI (Middlehaven Development Partners) –	BCEGI (Middlehaven Development Partners)	28/04/2022	YES

MIDDLESBROUGH COUNCIL
REGISTER OF GIFTS AND HOSPITALITY
OFFICERS 2022 – APPENDIX C

	MBC is also a sponsor of the event through Middlesbrough Digital			
Debbie Ingoldsby	£50 (assumed) for attendance at NE Business Awards Dinner	Table hosted by UK Steel Enterprise	23 June 2022	YES
Charlotte Benjamin	Room hire and refreshments - £17pp 3 April 2022	Offer made by Professor Croney on behalf of Teesside University	3 April 2022	YES
Erik Scollay	Room hire and refreshments - £17pp 3 April 2022	Offer made by Professor Croney on behalf of Teesside University	3 April 2022	YES
Tony Parkinson	Corporate hospitality package at Middlesbrough Football Club for The Killers concert – part of a 10 person table offered to the Council as networking opportunity with club and key partners in the town. Estimated value £120 per ticket (2 tickets, TP +1) = £240	Middlesbrough Football Club	1 June 2022	YES
Erik Scollay	Corporate hospitality package at Middlesbrough Football Club for The Killers concert – part of a 10 person table offered to the Council as	Middlesbrough Football Club	1 June 2022	YES

MIDDLESBROUGH COUNCIL
REGISTER OF GIFTS AND HOSPITALITY
OFFICERS 2022 – APPENDIX C

	networking opportunity with club and key partners in the town. Estimated value £120 per ticket (2 tickets, ES +1) = £240			
C Benjamin	Corporate hospitality package at Middlesbrough Football Club for The Killers concert – part of a 10 person table offered to the Council as networking opportunity with club and key partners in the town. Estimated value £120 per ticket	Middlesbrough Football Club	1 June 2022	YES
Rob Brown	Corporate hospitality package at Middlesbrough Football Club for The Killers concert – part of a 10 person table offered to the Council as networking opportunity with club and key partners in the town. Estimated value £120 per ticket	Middlesbrough Football Club	1 June 2022	YES
Sam Gilmore	Corporate hospitality package at Middlesbrough Football Club for The Killers concert – part of a 10 person table offered to the Council as networking opportunity with club and key partners in the town. Estimated value £120 per ticket (2 tickets, SG +1) = £240	Middlesbrough Football Club	1 June 2022	YES

MIDDLESBROUGH COUNCIL
REGISTER OF GIFTS AND HOSPITALITY
OFFICERS 2022 – APPENDIX C

D Ingoldsby	Corporate hospitality package at Middlesbrough Football Club for The Killers concert – part of a 10 person table offered to the Council as networking opportunity with club and key partners in the town. Estimated value £120 per ticket (2 tickets, DI +1) = £240	Middlesbrough Football Club	1 June 2022	YES
Rob Brown	Meal at Eton following meeting with senior leadership to discuss potential development of Eton College in Middlesbrough Estimated value £40.	Eton	14 June 2022	YES
Ann-Marie O'Donnell	Invitation to attend MFC hospitality box – c £40 on 17 Sept 2022	Tees Valley Combined Authority (place and culture team)	14 Sept 2022	YES
Maggie Burns	Lunch plus soft drink – Cost £25.70 7 October 2022	Tariq Shaqoor – UNIT4 – providers of financial ERP system	11 Oct 2022	YES
Janet Horner	Lunch plus soft drink – Cost £25.70 7 October 2022	Tariq Shaqoor – UNIT4 – providers of financial ERP system	11 Oct 2022	YES

**MIDDLESBROUGH COUNCIL
REGISTER OF GIFTS AND HOSPITALITY
OFFICERS 2023 – APPENDIX D**

Richard Horniman	Invitation to a table at the Stockton Mayor's Charity Dinner by Faithful and Gould on Friday 17th February - est value £25 (I expect to spend in excess of this in travel and charitable contribution on the night)	Faithful and Gould	26/01/2023	YES	
A Cain	<p>Worcester Symposium and Networking Event (£50)</p> <p>Networking Event: Wednesday 8th March, 6pm - 8pm at Arch 27, The Arches, Worcester</p> <p>Symposium: Thursday 9th March, 9:30am - 4:30pm at Worcester Guildhall (cold buffet lunch and refreshments will be provided)</p>	<p>Jason Jones-Hall Director of Development Five10Twelve</p> <p>Research Fellow Institute of Cultural and Creative Industries (iCCi) University of Kent https://culturalplacemaking.com</p>	09/03/2023	YES	
C Heaphy	Arctic Monkeys Concert and Hospitality Package 5/6/2023 Approximate Value £150	Middlesbrough Football Club	05/06/2023	YES	
A O'Donnell	Ticket to Arctic Monkeys Concert 5/6/2023 Value £70	Middlesbrough Football Club	05/06/2023	YES	

**MIDDLESBROUGH COUNCIL
REGISTER OF GIFTS AND HOSPITALITY
OFFICERS 2023 – APPENDIX D**

S Morris	Bouquet of flowers approx. £20 because of bereavement	Taxi Drivers	21/06/2023	YES	
J Widdall	Childrens Toys Value £4	From tenant that officer inspected premises	28/06/2023	YES	
D Ingoldsby	Invite to UKSE annual networking at Sedgefield Race course - part of a 10 person table representing Middlesbrough Council with key businesses and business support partners in the region. 11 Oct 2023 Estimated value £50	UKSE	04/09/2023	YES	
Diane Fleet	<u>5 Sample packs of toiletries under £25</u>	Temple Spa, as a result of them undertaking an event in the library.	16/10/2023	YES	