

## STANDARDS COMMITTEE

<b>Date:</b> Monday 14th October, 2024
<b>Time:</b> 10.00 am
<b>Venue:</b> Mandela

### AGENDA

1. Welcome and Fire Evacuation Procedure

In the event the fire alarm sounds attendees will be advised to evacuate the building via the nearest fire exit and assemble at the Bottle of Notes opposite MIMA.

2. Apologies for Absence

3. Declarations of Interest

To receive any declarations of interest.

4. Minutes- Standards Committee - 8 July 2024 3 - 4

5. Quarterly Update Report to Standards Committee 5 - 8

6. Localism Act 2011 - General Dispensation 9 - 12

7. Any other urgent items which in the opinion of the Chair, may be considered

Charlotte Benjamin  
Director of Legal and Governance Services

## MEMBERSHIP

Councillors A Romaine (Chair), I Morrish (Vice-Chair), D Davison, J Ewan, L Lewis, M Saunders, M Smiles and J Thompson

### **Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Susan Lightwing/Joanne McNally, 01642 729712/01642 728329, [Susan\\_lightwing@middlesbrough.gov.uk](mailto:Susan_lightwing@middlesbrough.gov.uk)/[Joanne\\_McNally@middlesbrough.gov.uk](mailto:Joanne_McNally@middlesbrough.gov.uk)**

**STANDARDS COMMITTEE**

A meeting of the Standards Committee was held on Monday 8 July 2024.

**PRESENT:** Councillors I Morrish (Vice-Chair), D Davison, J Ewan and L Lewis

**OFFICERS:** C Cunningham, C Jones and S Lightwing

**APOLOGIES FOR ABSENCE:** Were submitted on behalf of Councillors A Romaine, M Saunders, M Smiles and J Thompson

24/1 **WELCOME AND FIRE EVACUATION PROCEDURE**

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

24/2 **DECLARATIONS OF INTEREST**

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

24/3 **MINUTES- STANDARDS COMMITTEE - 22 JANUARY AND 13 MAY 2024**

The minutes of the Standards Committee meetings held on 22 January 2024 and 13 May 2024 were submitted and approved as a correct record.

24/4 **QUARTERLY UPDATE REPORT TO COMMITTEE**

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

It was noted that there were no outstanding complaints from 2020, 2021 and 2022. There had been 59 complaints in 2023. Of those complaints 9 were withdrawn or discontinued, 30 were rejected based on the assessment criteria, 14 were resolved informally by way of advice and guidance and 6 were being investigated.

There have been 11 complaints so far in 2024. Three complaints had been formally rejected. In relation to the remaining 8 Complaints, the Independent Person had advised 2 should be rejected and 4 should be accepted, but resolved informally and they were currently being considered by the Monitoring Officer. Two complaints were currently being assessed by the Independent Person.

Although complaints were logged separately, the statistics and information could potentially show how separate complaints might relate to the same incident or subject matter. This had caused concern to a number of Councillors and/or members of the public.

Regarding complaints received to date in 2024, the majority related to the use of social media and five of the complaints related to two members.

The information in 2023 regarding complaints that were not rejected or withdrawn (20 in total) showed some of the complaints could be grouped together. Of the 6 complaints that were being investigated, 5 related to the same subject matter involving social media. Of the 14 complaints that were resolved informally, 2 related to one incident involving social media, 4 were unrelated complaints of misuse of social media and 8 related to one set of circumstances. Taking these groups together, the information generally showed the main recurring theme of the complaints was the misuse of social media, with the remaining complaints involving conduct at meetings. The information also tended to show that those complaints that were accepted and either resolved informally or further investigated, had a higher proportion of member-on-member complaints when compared with the overall complaints received.

The statistics in 2022 showed there were 4 complaints that were not rejected or withdrawn. Two of the complaints proceeded to Standards Committee and related to the same subject matter. The remaining two complaints which were informally resolved were unrelated. In 2022

there appeared to be no pattern or common theme to those complaints.

Statistics and information for complaints not rejected or withdrawn in 2021 showed that of the 19 complaints resolved informally, 10 related to one set of circumstances involving social media, 5 referred to separate issues of misuse of social media and emails. The remaining 4 complaints involved unrelated subject matters. Overall, there appeared to be a general prevalence of complaints relating to conduct on social media. This could be addressed by arranging discussion-led workshops with members on appropriate conduct on social media in line with the Council's social media policy and code of conduct. The workshops can also address when members are reasonably considered to be acting in their capacity as a Councillor when using social media.

It was noted that of the 6 complaints currently being investigated, 5 related to the same subject matter involving social media, depicting a trend of complaints in this area. A discussion took place in respect of social media training for Councillors. It was noted that although the training cannot be made compulsory, the training would form part of the Member Development Programme.

**AGREED** as follows that the:

1. report was received and noted.
2. Deputy Monitoring Officer would circulate the investigations process and timeline to the Members of the Standards Committee. The investigations process and timeline would be discussed at the next meeting of 14 October 2024.

24/5

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

A discussion took place in respect of committee training for members of the Standards Committee. It was agreed that once the Chair of the Standards Committee had been appointed at the Full Council meeting of 17 July, a date for training would be arranged. The training would focus on Standards Hearings and would take place in-person for two hours. Further training to be provided by an external body on the Councillors Code of Conduct would also be considered.

<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Legal and Governance Services
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<b>Relevant Executive Member:</b>	Executive Member for Finance and Governance
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<b>Submitted to:</b>	Standards Committee
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<b>Date:</b>	14 October 2024
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<b>Title:</b>	Quarterly update report to Standards Committee
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<b>Report for:</b>	Discussion
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<b>Status:</b>	Public
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<b>Council Plan priority:</b>	Delivering Best Value
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<b>Key decision:</b>	Not applicable
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<b>Why:</b>	Not applicable
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<b>Subject to call in?:</b>	Not applicable
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<b>Why:</b>	The Report is for information to the Standards Committee
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<b>Proposed decision(s)</b>
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To provide information by way of a quarterly update to the Standards Committee
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<b>Executive summary</b>
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This report provides a quarterly update to the Standards Committee regarding previous years and the current years position concerning Code of Conduct Complaints.
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**1. Purpose**

To provide information only by way of a quarterly update to the Standards Committee regarding the previous years and the current position concerning Code of Conduct Complaints. In addition that the Committee considers the information to discuss possible areas of member development and improvements.

**2. Recommendations**

That the Standards Committee notes the contents of this report, which will act as a basis for further discussion in the committee meeting.

**3. Rationale for the recommended decision(s)**

Not Applicable as no decision is being made

**4. Background and relevant information**

4.1 This report is provided to committee members to give an overview of the current, and recent position with regards to the Code of Conduct complaints received

<b>Year (Jan-Dec)</b>	<b>Total complaints</b>	<b>Member on Member</b>	<b>Other on Member (ie member of public, officer)</b>	<b>No. withdrawn/ not progressed by complainant/discontinued due to not re-elected</b>	<b>No. rejected</b>	<b>No. resolved informally</b>	<b>No. to investigation</b>	<b>No. to standards Committee after investigation</b>
2019	27	9	18	4	9	10	4	3
2020	31	4	27	16	12	1	2	1
2021	33	13	20	7	5	19	2	1
2022	12	3	9	4	4	2	2	2
2023	59	10	49	9	30	14	6	0
2024 (to date)	12	5	7	0	6	0	0	0

4.2 There are no outstanding complains from 2020, 2021 and 2022.

4.3 There were 59 complaints in 2023. Of those complaints 9 were withdrawn or discontinued, 30 were advised to be rejected based on the assessment criteria, 14 were resolved informally by way of advice and guidance and 6 are being investigated. However, of those 6, 1 is awaiting information from external sources to finalise. The remaining 5 complaints relate to the same social media incident and the same Member

which are being investigated along with subsequent complaints of a similar nature in 2024 to ensure the issues are considered on the whole.

4.4 There have been 12 complaints so far in 2024. 6 complaints have been rejected and 6 complaints have been accepted. Out of those 6 complaints accepted, 3 relate to the same member in relation to social media posts and are being considered together with complaints made in 2023. 2 complaints were received in relation to a member's set of social media posts and 1 complaint again was in respect of a Member's social media post and comments made.

4.5 Although complaints are logged separately, the statistics and information can show how separate complaints may relate to the same incident or subject matter, which has caused concern to a number of Councillors and / or members of the public.

4.6 As discussed in detail in the previous report, the common prevalent theme of the complains is inappropriate use of social media. Training is therefore being identified and organised in relation to the Council's social media policy, social media use and the impact on Members' Code of Conduct, including when the use of private social media accounts could still amount to the Member acting in their capacity as a Councillor.

4.7 It is accepted there has been a delay in relation to processing standards complaints to their completion, generally due to staffing changes but this is currently being addressed. In addition a locum governance officer has been appointed for a set period to look at the constitution and governance and the process from when a complaint is received is being reviewed.

## **5. Other potential alternative(s) and why these have not been recommended**

Not Applicable as no decision is being made

## **6. Impact(s) of the recommended decision(s)**

### **6.1 *Financial (including procurement and Social Value)***

There is no financial input

### **6.2 *Legal***

Not applicable as the report is for information.

### **6.3 *Risk***

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

### **6.4 *Human Rights, Public Sector Equality Duty and Community Cohesion***

There are no issues affecting human rights, the public sector equality duty or community cohesion.

**6.5 Climate Change / Environmental**

There is no impact on the Council’s climate change or environmental aspirations.

**6.6 Children and Young People Cared for by the Authority and Care Leavers**

There is no impact on children and young people cared for by the Authority and care leavers

**6.7 Data Protection**

There are no issues of data protection

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

The report is for information.

Action	Responsible Officer	Deadline

**Appendices**

Not Applicable

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2	
3	

**Background papers**

No background papers were used in the preparation of this report

Body	Report title	Date

**Contact:** Catherine Cunningham, Interim Head of Legal Services (Places)  
**Email:** Catherine\_cunningham@middlesbrough.gov.uk



<b>MIDDLESBROUGH COUNCIL</b>	
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<b>Report of:</b>	Director of Legal and Governance and Monitoring Officer
<b>Submitted to:</b>	Standards Committee
<b>Date:</b>	14 October 2024
<b>Title:</b>	Localism Act 2011 – General Dispensation
<b>Report for:</b>	Decision
<b>Status:</b>	Public
<b>Council Plan priority:</b>	Delivering Best Value
<b>Key decision:</b>	Not applicable
<b>Why:</b>	Not applicable
<b>Subject to call in?:</b>	No
<b>Why:</b>	Not applicable

<b>Proposed decision(s)</b>
That the Council: Grant a general dispensation to Councillor L Henman and Councillor L Young in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.

<b>Executive summary</b>
This report recommends that a general dispensation be granted to those members who have applied for a dispensation in respect of matters that may affect so many Councillors’ that the Council or Committee would be inquorate.

## **1. Purpose**

- 1.1 This report recommends that a general dispensation be granted to those members who have applied for a dispensation in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.
- 1.2 Any requests for dispensations may only be granted by the Standards Committee or full Council.

## **2. Recommendations**

- 2.1 That the Council

Grant a general dispensation to Councillor L Henman and Councillor L Young in respect of matters that may affect so many Councillors that the Council or Committee would be inquorate.

## **3. Rationale for the recommended decision(s)**

- 3.1 If the majority of members of the decision-making body have a disclosable pecuniary interest that the political balance would be affected, it could impact on the outcome of a decision.

## **4. Background and relevant information**

As part of the standards arrangements, the Localism Act 2011 and Regulations made thereunder, introduced the concept of disclosable pecuniary interests and also new rules in respect of dispensations.

- 4.1 It is a criminal offence for a member to fail to register a disclosable pecuniary interest or to speak and/or vote where they have disclosable pecuniary interest unless they have obtained a dispensation. Under the old standards regime, the Code of Conduct specifically stated that members would not have a prejudicial interest in circumstances that potentially affected the majority of Councillors, such as members' allowances. There are no similar provisions under the new rules and members are therefore at risk of committing a criminal offence if they participate in matters in which they have a disclosable pecuniary interest and no dispensation has been granted. If the majority of members had an interest in these matters then it would impede the business of the Council.
- 4.2 In order to protect members, the new regime does include provision for the granting of dispensations. However, the legislation specifically states that before a dispensation can be granted, a member must apply in writing to the Monitoring Officer seeking a dispensation. It is therefore recommended that a general dispensation is granted to all of those members who have applied in writing for a dispensation to allow them to speak and vote where they would otherwise have had a disclosable pecuniary interest. This would be on the grounds that it is in the public interest and appropriate to grant a dispensation to those members to participate fully in the following matters:-

- a) Housing; where the member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the member's particular tenancy or lease;
- b) Housing Benefit; where the member (or spouse or partner) receives Housing Benefit;
- c) Statutory sick pay; if a Councillor receives this or is entitled to receive it;
- d) An allowance, travelling expense, payment or indemnity for Councillors;
- e) Any ceremonial honour given to members.

5. Dispensations can be granted in the following circumstances:

- a) Where so many members of the decision making body have a disclosable pecuniary interest that the political balance would be affected;
- b) It is in the interests of the inhabitants that a dispensation be granted, or;
- c) It is appropriate to grant a dispensation.

6. It is also recommended that the general dispensation applies for the maximum period 4 years from the date of this decision.

## **7. Other potential alternative(s) and why these have not been recommended**

7.1 No other decisions have been recommended.

## **8. Impact(s) of the recommended decision(s)**

### **8.1 *Financial (including procurement and Social Value)***

There are no financial implications because of this decision.

### **8.2 *Legal***

It is a criminal offence for a member to fail to register a disclosable pecuniary interest or to speak and/or vote where they have disclosable pecuniary interest unless they have obtained a dispensation.

### **8.3 *Risk***

If the majority of members had an interest in certain matters such as those outlined at paragraph 4.2, then it would impede the business of the Council if they were not allowed to take part in the decision-making process.

### **8.4 *Human Rights, Public Sector Equality Duty and Community Cohesion***

No protected groups are affected by the decision.

**8.5 Climate Change / Environmental**

Not applicable.

**8.6 Children and Young People Cared for by the Authority and Care Leavers**

Not applicable.

**8.7 Data Protection**

Not applicable.

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

Action	Responsible Officer	Deadline
Grant the Dispensations	Charlotte Benjamin – Monitoring Officer	On approval

**Appendices**

1	
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**Background papers**

Body	Report title	Date
Councillor L Henman	Application for a Dispensation	18 September 2024
Councillor L Young	Application for a Dispensation	13 September 2024

**Contact:** Charlotte Benjamin – Monitoring Officer  
**Email:** charlotte\_benjamin@middlesbrough.gov.uk