

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on Friday 8 July 2022.

PRESENT: Councillors T Mawston (Chair), M Saunders (Vice-Chair), D Coupe, S Dean, D Rooney, J Rostron and M Storey

OFFICERS: S Lightwing, A Perriman and S Reynolds

APOLOGIES FOR ABSENCE: Councillors S Hill and S Walker

22/1 **WELCOME AND EVACUATION PROCEDURE**

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

22/2 **DECLARATIONS OF INTEREST**

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

22/3 **MINUTES - STANDARDS COMMITTEE - 11 MAY 2022**

The minutes of the Standards Committee meeting held on 11 May 2022 were submitted and approved as a correct record.

22/4 **QUARTERLY UPDATE REPORT TO STANDARDS COMMITTEE**

A report of the Director of Legal and Governance Services was presented to provide a quarterly update to the Standards Committee regarding the recent and current position concerning Code of Conduct Complaints and to give the Committee assurance about the practice and process.

The last update incorrectly showed the total complaints for 2021 as 35. This had been updated to reflect the true figure of 33. By way of explanation, one matter had been closed and then reopened as there was an ongoing issue, which had then been counted twice in error. The other entry was a table header row which should not have been included in the initial count. The rest of the figures had been adjusted accordingly. The introduction of the dashboard would reduce the risk of this human error occurring in the future.

There was 1 complaint from 2020, and 8 complaints from 2021 at various stages of the process which had not yet concluded. Further details of those complaints could not yet be provided, 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.

Concern was expressed regarding the length of time taken for some of the complaints and how much longer it might take for them to be resolved. It was explained that some complaints could have been complex or include matters that were not in the Council's control. Further details would be made available to the Standards Committee along with costings for complaints that had been processed.

Since the last quarterly update, 1 complaint from 2021 had been resolved, the details of which were included in the submitted report. The motion to censure would take place at the Council meeting scheduled for 7 September 2022.

There had been 6 complaints submitted to date in 2022, one of which was subsequently withdrawn by the complainant, leaving 5 complaints, 4 of which were ongoing, and 1 resolved by way of informal resolution, namely advice and guidance, as set out in the previous update.

As mentioned in the previous report to the Committee, there was a code of conduct complaints dashboard in place in order to be able to improve the monitoring of the performance in regards to the complaints, and better analyse outcomes. The performance dashboard would enable analysis of patterns and outcomes concerning complaints. A demonstration of the dashboard was provided to the Standards Committee, albeit anonymised

due to confidentiality, to demonstrate the analysis and data it held.

It was suggested that if possible, an alert system should be set up on the Dashboard to notify Officers of progress on each complaint on a regular basis and provide prompts when deadlines for action were approaching.

Regarding the use of outside agencies to conduct complaints, it was the Monitoring Officer who made the decision to have a complaint investigated externally based on a number of factors, including complexity, capacity and time consumption. Generally the NEPO procurement framework was used to procure legal firms and their costs were fixed, however in certain circumstances some cases require a departure from the framework. All investigation reports provided by external agencies were carefully checked and queries could be raised by Middlesbrough Council Members or Officers.

Further documentation had been produced to assist members of the public with making a complaint and to understand the process. This documentation was attached to the submitted report at Appendix 1. Since the Committee papers were issued a minor amendment had been made to the document at paragraph 8.2, first sentence to read: "the following non-exclusive factors will be taken into consideration by the Local Authority."

For information, a copy of the template document for the Independent Person (IP) to follow when making a determination of whether to accept or reject a complaint was attached at Appendix 2 to the submitted report. In essence this was to provide a level of consistency and record management to easily follow the rationale of decision making by the IP.

AGREED as follows that:

1. The information provided was received and noted.
2. Standards Committee would be provided with information in relation to the length of time taken for some of the complaints and how much longer it might take for them to be resolved as well as the costs.

22/5

EXCLUSION OF PRESS AND PUBLIC

The Chair sought the views of the Committee as to whether consideration of Agenda Item 7 – Investigation Report Outcome - should be held in private or open session. As there were no objections, it was determined that the item would be considered in public.

ORDERED that Agenda Item 7 – Investigation Report Outcome – was considered in public.

22/6

INVESTIGATION REPORT OUTCOME

A report was presented in relation to the outcome of a Standards Investigation for Members to note.

The Head of Legal Services explained that former Councillor Ashley Waters was investigated as a result of a complaint following a Licensing Sub Committee. Whilst the investigation concluded, the matter did not proceed to Standards Committee due to the resignation of the Councillor.

The background to the complaint was outlined to the Committee. It was emphasised that no determination was made by the Standards Committee on this issue.

Members raised queries in relation to the length of time taken to complete the investigation, the costs and the Councillor's resignation from the Committee and subsequently the Council. A range of potential sanctions available to Standards Committee where the Code of Conduct had been found to be breached were also considered.

Discussion took place in relation to the training provided to Members of the Licensing and Licensing Sub Committees and other Committees generally. It was noted that Members' training on licensing had been adapted following lessons learned from this particular incident. It was suggested that future training might include case studies and role play to encourage more Member interaction.

AGREED that the information provided was received and noted.

