

**STANDARDS COMMITTEE**

A meeting of the Standards Committee was held on Monday 3 July 2023.

**PRESENT:** Councillors J Kabuye (Chair), J Ewan (Vice-Chair), D Davison, S Dean, D McCabe, J McConnell, M Smiles, M Storey and J Thompson

**OFFICERS:** J McNally, S Lightwing, A Hoy and A Wilson

**APOLOGIES FOR ABSENCE:** All Committee members were present at the meeting.

23/1 **WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed all present to the meeting and introductions were made. The Building Evacuation Procedure was read out.

23/2 **DECLARATIONS OF INTEREST**

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

23/3 **MINUTES- STANDARDS COMMITTEE - 3 APRIL 2023**

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

23/4 **QUARTERLY UPDATE REPORT TO STANDARDS COMMITTEE**

A joint report of Director of Legal and Governance Services and the Executive Member for Finance and Governance was presented to provide a quarterly update to the Standards Committee on Code of Conduct complaints.

The report included an update on actions from the last Committee meeting, details of outstanding complaints against Members who were not re-elected to the role in which the alleged breach occurred and the recruitment process for the role of Independent Person.

There was 1 complaint from 2020, 4 complaints from 2021, and 3 ongoing from 2022 at various stages of the process which had not yet concluded. One complaint had been withdrawn from 2021 further to the April update. Specifics about those complaints could not be provided to the Committee at this time 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.

There had been 39 complaints submitted to date in 2023. Of the 39 complaints, there had been 15 complaints rejected further to the assessment criteria, 1 withdrawn, and 1 resolved by way of advice and guidance.

There was one matter which was due to come before the committee for a hearing, dates were currently being arranged and the appropriate report would be provided in due course.

The issue of the use of social media was highlighted as being a theme throughout a number of complaints received this year and the Committee had agreed several actions at the Standards Committee meeting held on 3 April 2023 which had been completed as follows:

- An advice and guidance email was sent to all current Members from the Monitoring Officer/Deputy Monitoring Officer reminding them of the guidance around social media use with reference to the Code of Conduct.
- Regular meetings have taken place with the Monitoring Officer/Deputy Monitoring Officer and Group Leaders at which standards issues have been discussed.
- A training session was held on 20 June 2023 with newly elected Members, focussing specifically on guidance around social media

- The issue of Social Media use was also covered in detail in Code of Conduct training held on 6 June 2023 via Teams.

There were 10 complaints at various stages of the procedure where the subject member was not re-elected into the role in which the alleged breach occurred. The Code of Conduct applied to Councillors and as the subject members were no longer Councillors, the code did not now apply and thus any sanction that the Standards Committee could impose, fell away.

A table at paragraph 12 of the submitted report set out the position in relation to outstanding complaints where the subject member was no longer in the role in which the alleged breach occurred. These complaints would now be closed with no further action.

The following points were raised by Members in relation to the complaints that had been closed:

- The potential for a former Councillor with a complaint against them that had been closed with no further action to stand for re-election.
- Complaints taking too long to process.
- A lack of transparency in the public arena with regard to the issues raised by complainants.
- Staff complaints in relation to Members receiving no further action, potentially leaving staff feeling unsupported.

Members agreed that there should still be an outcome to complaints and asked whether there was a legal reason why Hearings could not go ahead, even accepting that if a breach of the Code was found, no sanctions could be applied. The Deputy Monitoring Officer agreed to seek the Monitoring Officer's advice on this issue and request that written response was provided to the Standards Committee Members.

The Council was required by law to adopt a Code of Conduct and to make arrangements under which allegations could be investigated and decisions on allegations could be made about Councillors. The Independent Person played a key role in this process providing an objective and impartial opinion at various stages of the complaints process, which the Monitoring Officer would consider in making the decision.

Middlesbrough Council currently had two Independent Persons, one of whom wished to leave the position having been in role for approximately 9 years. Recruitment to these posts in the past had proved difficult as it was an un-remunerated role and relied upon goodwill and volunteers. However over the years the number of complaints had increased in amount and complexity placing an additional burden on the Independent Person.

Therefore, following research and an exercise on allowances for Independent Persons' it had been decided to offer an allowance of £950 per annum. Recruitment for the role had commenced and the Chair of the Standards Committee had been contacted to participate in the recruitment process or provide a nominee to sit on the interview panel to assist with recruitment. A report would be submitted to Full Council to approve the appointment.

**AGREED** as follows:

1. That the information provided was received and noted.
2. A request would be made to the Monitoring Officer to provide written advice to Standards Committee Members as to whether there was a legal reason why Standards Hearings could not go ahead when there were outstanding complaints against former Councillors.

23/5

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

None.