

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on Monday 14 July 2025.

PRESENT: Councillors A Romaine (Chair), I Morrish (Vice-Chair), J Thompson, D Branson, P Gavigan, J McConnell and J Rostron

OFFICERS: T Frankland, S Lightwing and A Wilson

APOLOGIES FOR ABSENCE: were submitted on behalf of Councillor Saunders

25/1 **WELCOME AND FIRE EVACUATION PROCEDURE**

The Chair welcomed everyone to the meeting and explained the Fire Evacuation Procedure.

25/2 **DECLARATIONS OF INTEREST**

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

25/3 **MINUTES- STANDARDS COMMITTEE - 7 APRIL 2025**

The minutes of the Standards Committee meeting held on 7 April 2025 were submitted and approved as a correct record.

25/4 **QUARTERLY UPDATE REPORT TO STANDARDS COMMITTEE**

A report of the Director of Legal and Governance 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.

There were 14 outstanding complaints as of 3 July 2025. Eight of those were awaiting external information before they could be progressed further and six were with the independent person; two of these would be closed off within two weeks.

Members queried whether the figures related to Middlesbrough Councillors only or included parish councillors and whether complaints against former councillors were still included in the report.

The Deputy Monitoring Officer confirmed that the same process applied for both parish and Middlesbrough councillors. It was also confirmed that complaints against former councillors were included in the figures and the Deputy Monitoring Officer would run through the Members' Code of Conduct in the next agenda item to provide some more context around this. A discussion could be had whether Members wish for complaints to be continued if the subject is no longer a councillor, although at this stage the Committee could not sanction the Subject as the Code of Conduct only applied to current councillors.

Members queried whether the figures could be split down any further and whether there was a specific reason that the number of complaints in 2023 was so high. The Deputy Monitoring Officer advised that by splitting the data into smaller groups it would make the subjects potentially identifiable so it could not be more specific. A social media post was circulated in 2023 which generated a high number of complaints. The Deputy Monitoring Officer continued that it had been discussed in the past the best way in which to handle social media complaints and whether they should be recorded as separate complaints or as one if they are concerning the same post. It was decided that they would be recorded as separate complaints however the process in which complaints were classified was complex as there could be several complaints about the same thing that slightly differed.

The Deputy Monitoring Officer asked Members for their views on the way in which the monthly updates were currently presented. Members agreed that the monthly updates were useful and should continue as they are. It was useful to have a long stretch of years to compare as patterns could be identified, for example in election years there might be an increase.

The Deputy Monitoring Officer confirmed that any outstanding complaints that were awaiting action from Middlesbrough Council were up to date, any others were awaiting external action.

Members queried whether a complaint that was referred to the police would still go through the same process. The Deputy Monitoring Officer confirmed that up until there was an outcome with the police, the same process would be followed.

AGREED that the information provided was received and noted.

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MEMBERS' CODE OF CONDUCT ARRANGEMENTS

The Deputy Monitoring Officer delivered a presentation in relation to the Code of Conduct complaints process.

The Deputy Monitoring Officer explained the role of the Independent Person, noting that the final decision would always lie with the Monitoring Officer but the Independent Person provided a view and the Monitoring Officer may consult the Independent Person at any stage in the process. In reference to a query from the last meeting, it was confirmed that Middlesbrough Council had appointed two Independent Persons.

Members queried the process around the recruitment of an Independent Monitoring Person, whether political affiliations were considered and the rates of pay. It was confirmed that the post was advertised like any Middlesbrough Council vacancy and open to anyone who has the transferrable skills needed to fulfil the role. Any obvious political affiliations would be considered but those who apply were not required to declare interests. The Deputy Monitoring Officer continued that the rate of pay had been a barrier to filling the post previously as there was a flat rate admin fee paid which was set at £1000 for the year. One of the current Independent Persons had been in post for around five years and one for two years, so it was not a position that was regularly recruited for.

In order for a complaint to be investigated, it was advised that there were two sets of criteria. If the complaint failed one or more of these jurisdictional tests it could not be investigated as a breach of the Code, and the complainant must be informed that no further action would be taken in respect of the complaint. If a complaint passed both stages of the preliminary test, the subject of the complaint would be notified and there may be requests for additional information from the complainant and/or the Subject Member before deciding how to deal with the complaint.

The Monitoring Officer, in consultation with the Independent Person would then decide how to deal with the complaint. This will be by way of:

- a) Informal Resolution (with/without an investigation)
- b) Investigation
- c) Criminal Conduct
- d) No action

A Member queried whether the same process would be followed if someone made a statement during election time that was untrue and went on to become a councillor.

The Deputy Monitoring Officer advised that if someone made a statement that others simply did not agree with, this process would not be followed as the Subject was not in office at that time and this was one of the criteria. If the incident happened before a Member had signed the Code of Conduct it was difficult to hold them to account generally as the Code only applied to current councillors.

A Member noted that there was no remedy in place to deal with possible breaches of election regulations as the pre-election period was not covered in the Code of Conduct. The Deputy Monitoring Officer advised that complaints were not specifically categorised but some of the criteria did carry more weight. For example, if there was an incident whereby a large group of people had been affected, this may be treated slightly differently.

Members queried whether mediation would be an option in the event that the Code of Conduct was breached. It was confirmed that this could be an option but it depended on the

willingness of the Subjects.

Members raised that it would be useful to see the costs to the council for each type of investigation. The Deputy Monitoring Officer noted that for some investigations the only cost would be officer time, and the Monitoring Office tried to keep investigations internal where possible, but this was dependent on staffing capacity. External investigations were more complex as they could sometimes be charged hourly or alternatively at a fixed rate.

AGREED as follows that:

1. The information provided was received and noted.
2. The Deputy Monitoring Officer would provide Members with an overview of costs to the council in relation to Code of Conduct complaints and investigations for the past three years.

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

None.