

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on Monday 18 October 2021.

PRESENT: Councillors T Mawston (Chair), B Cooper (as substitute for M Saunders), D Rooney, J Rostron, M Storey and B Cooper

OFFICERS: S Lightwing, J McNally, C Benjamin and S Reynolds

APOLOGIES FOR ABSENCE: Councillors M Saunders, S Dean, S Hill, S Walker and A Waters
Mr M McClintock, Nunthorpe Parish Council

21/14 **WELCOME AND EVACUATION PROCEDURE**

The Chair welcomed all present to the meeting and read out the building evacuation procedure.

21/15 **DECLARATIONS OF INTEREST**

There were no declarations of interest at this point in the meeting.

21/16 **MINUTES- STANDARDS COMMITTEE -19 JULY 2021**

The minutes of the Standards Committee meeting held on 19 July 2021 were submitted and approved as a correct record.

21/17 **CODE OF CONDUCT COMPLAINTS UPDATE**

A report of the Director of Legal and Governance Services/Monitoring Officer was presented to provide an overview of the current, and recent position, in respect of Code of Conduct complaints received.

It was noted that the report stated that it was a Joint Report with the Executive Member for Legal and Governance Services but this was incorrect.

Currently, there was 1 complaint from 2020, and 11 complaints from 2021 that were at various stages of the process, and had not yet been concluded. Details of those complaints could not be provided at this time, so as not to prejudice any outcomes, and/or create a conflict should any of those complaints need to be considered by the Standards Committee at a future date.

An ongoing theme around the complaints was in respect of comments made on social media by Members. This accounted for 12 complaints in 2019, 14 complaints in 2020, and 14 in 2021, to date. It was highlighted that there was an impact on resources when processing complaints, some of which could take up a significant amount of time. In order to improve response times in this area, the Member's Code of Conduct had been updated to incorporate a greater focus on appropriate social media activity.

Training by an external provider had recently been provided and included information about social media activity and examples of when a Member might be considered to be acting in an official capacity rather than in a private capacity. The training was well attended, with 25 members in attendance.

A suggestion at the training had been that Councillors should consider how their behaviour and service to the people of the town should be in line with the Corporate Values. The Council's Five Values had recently been refreshed and mirrored Nolan Principles.

There had also been an increase in Member on Member complaints, with the number of complaints in the current year to date, being almost as high as the last two years' complaints combined.

It was suggested that it may be timely to consider whether a culture had developed where there was low tolerance to the usual cut and thrust of political debate, and whether some of

the complaints have been of a retaliatory nature, since some complaints were from and against the same Members in relation to the same issue.

When a Member complained about the conduct of another Member, in most circumstances, every effort would be made to resolve the matter informally, by liaising with the individuals concerned or the Group Leader, if applicable.

A Member raised the issue of those independent members who did not belong to a national political group, or any group, and it was therefore unclear what principles or standards they signed up to. The Monitoring Officer stated that in her experience, Group Leaders of all political groupings were generally very helpful in terms of trying to resolve issues.

For future reports the Monitoring Officer indicated that she would include some information in relation to the costs for complaint resolution. Whilst some complaints were investigated in-house, others were conducted by external, independent, investigators. It was confirmed that there were currently two independent persons who were consulted on cases as part of the complaints process.

Members suggested that further details on the reasons why some complaints were not progressed to investigation would be helpful, as well as the timescales for the complaints procedure. It was confirmed that a detailed procedure was in place that was used to assess any complaints or allegations and this included timescales. The Head of Democratic Services confirmed that this document was not currently available on the Council's website as it was being reviewed.

AGREED as follows that:

1. the report was received and noted.
2. information on costs, complaints that were not progressed to investigation stage, and timescales for progressing complaints, would be provided at the next meeting.

21/18

LOCALISM ACT 2011 - GENERAL DISPENSATION

A report of the Monitoring Officer was presented to recommend that a general dispensation be granted to Councillor Grainge and Councillor Mason to allow them to speak and vote, where they would otherwise have had a disclosable pecuniary interest, in matters that might affect so many Councillors that the Council or Committee would be inquorate.

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

In accordance with the prevailing legislation, Members must apply in writing to the Monitoring Officer for a dispensation. It was recommended that a general dispensation was granted to all Members who applied in writing to allow them to speak and vote where they would otherwise have had a disclosable pecuniary interest. This was on the grounds that it was 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 Member receives this or is entitled to receive it.
- d) An allowance, travelling expense, payment or indemnity for Members.
- e) Any ceremonial honour given to Members.

- f) Setting the Council Tax or precept.

Dispensations could 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.
- c) It is appropriate to grant a dispensation.

It was recommended that the general dispensation applied for the maximum permitted period of 4 years from the date of the decision.

AGREED as follows:

1. That a general dispensation was granted to Councillors Grainge and Mason to allow them to speak and vote, where they would otherwise have had a disclosable pecuniary interest, in matters that might affect so many Councillors that the Council or Committee would be inquorate.
2. The general dispensation would apply for the maximum permitted period of 4 years from the date of this Standards Committee meeting.
3. Councillor Grainge's contact details would be included in the next LoveMiddlesbrough magazine.

21/19

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

None.