

STANDARDS COMMITTEE

Date: Tuesday 26th April, 2022
Time: 10.00 am
Venue: Council Chamber

AGENDA

1. Welcome and Evacuation Procedure
2. Apologies for Absence
3. Declarations of Interest
To receive any declarations of interest.
4. Minutes- Standards Committee - 24 January 2021 3 - 6
5. Quarterly Update Report to Standards Committee 7 - 40
6. Any other urgent items which in the opinion of the Chair, may be considered

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Thursday 14 April 2022

MEMBERSHIP

Councillors T Mawston (Chair), M Saunders (Vice-Chair), S Dean, S Hill, J Hobson, D Rooney, J Rostron, M Storey and S Walker

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Susan Lightwing, 01642 729712, susan_lightwing@middlesbrough.gov.uk

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on Monday 24 January 2022.

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

ALSO IN ATTENDANCE: M McClintock, Nunthorpe Parish Council

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

APOLOGIES FOR ABSENCE: were submitted on behalf of Councillors S Dean and S Walker

21/20 **WELCOME AND EVACUATION PROCEDURE**

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

The Chair made a statement on the recently published comments in the press and social media by the Mayor regarding the Standards Committee. The Chair stated that he had concerns that the comments undermined the integrity of the Committee and felt that a presentation should be given to all Elected Members on the process of the Standards Committee.

21/21 **DECLARATIONS OF INTEREST**

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

21/22 **MINUTES- STANDARDS COMMITTEE - 18 OCTOBER 2021**

The minutes of the Standards Committee meeting held on 18 October 2021 were submitted and approved as a correct record.

A Member queried when the information on costs, complaints that were not progressed to investigation stage, and timescales for progressing complaints would be provided. The Monitoring Officer stated that a dashboard had been developed which was in the testing phase. The Committee were advised that there had been challenges with historical data. The Monitoring Officer informed the Committee that the dashboard would provide a narrative and would be available for the next meeting.

The Monitoring Officer updated the Committee on the procedure to accompany the Code of Conduct. The Monitoring Officer informed the Committee that the procedure was not ready to go live for this meeting but would be brought to the next meeting of the Committee or an interim meeting could be called.

21/23 **CODE OF CONDUCT COMPLAINTS UPDATE**

A joint report of the Director of Legal And Governance Services and the Executive Member for Legal And Governance Services was presented to provide a quarterly update to the Standards Committee with regard to the recent and current position concerning Code of Conduct Complaints and to give assurance about the practice and process.

There was one complaint from 2020, and 10 complaints from 2021, all of which were at various stages of the process and had not yet concluded. No specific information about those complaints could be divulged 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. The complaint from 2022 was at the early stage and ongoing.

The previous report to Committee in October 2021 highlighted that there was an ongoing theme around comments made on social media by Members, and that there had been an increase in Member on Member complaints.

In respect of any complaint received, where appropriate, every effort was made to resolve the matter informally, by liaising with the individuals concerned, and where it was Member on Member, involving the Group Leader.

The benefits of informal resolution were numerous and included:

- Often a quicker resolution.
- Less disruptive to working relationships - particularly for Member on Member complaints.
- Involved fewer people.
- Took up less resources.

However, there were circumstances when the matter needed to be investigated. If the Monitoring Officer, in consultation with the Independent Person, decided that the complaint should be investigated, an Internal Investigating Officer would be appointed to undertake the investigation. In exceptional cases, the Monitoring Officer might decide to appoint an external Investigating Officer.

The amount spent in 2021 on external advice and investigation in regards to these complaints was £41,465.

The internal resource to deal with the complaints was provided by the Legal Services team, primarily the Monitoring Officer and two Deputy Monitoring Officers. Senior Officers might also be tasked to complete an investigation.

Any significant increase in complaints would divert legal resource away from other areas of work.

In order to improve the monitoring of the performance in regards to complaints, and better analyse outcomes, a performance tool in the form of a dashboard was being developed with a draft version currently being tested. The performance dashboard would enable analysis of patterns and outcomes concerning complaints. The dashboard could be demonstrated to Members in due course.

In line with the recently approved amended Code of Conduct, the process of dealing with any complaints was also being reviewed. A separate report would be shared with the Standards Committee, including an update on the recommended timescales for dealing with such complaints.

AGREED that the report was received and noted.

21/24

LOCALISM ACT 2011 - GENERAL DISPENSATION

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

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 Councillor Gascoigne to allow her to speak and vote, where she 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.

21/25

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

None.

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MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal And Governance Services Executive Member for Legal And Governance Services
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Submitted to:	Standards Committee
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Date:	26 April 2022
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Title:	Quarterly update report to Standards Committee
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Report for:	Information
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Status:	Public
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Strategic priority:	Quality of service
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Key decision:	Not applicable
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Why:	Report is for information only
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Urgent:	No
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Why:	Not applicable
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Executive summary

This report provides a quarterly update to the Standards Committee in regards to the recent and current position concerning Code of Conduct Complaints so that the committee has assurance about the practice and process

Purpose

1. To provide information only by way of a quarterly update to the Standards Committee in regards to the recent and current position concerning Code of Conduct Complaints so that the committee has assurance about the practice and process.

Background and relevant information

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

Year (Jan-Dec)	Total complaints	Member on Member	Other on Member (ie member of public, officer)	No. withdrawn/ not progressed by complainant	No. rejected	No. resolved informally	No. to investigation	No. to standards Committee after investigation
2019	27	9	18	4	9	10	4	3
2020	31	4	27	16	12	1	1	0
2021	35	13	22	4	2	17	4	0
2022 (to date)	4	1	3	1	0	1	0	0

3. There is 1 complaint from 2020, and 10 complaints from 2021 at various stages of the process which have not yet concluded. We are unable to give any specifics about those complaints 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.
4. Of the 2020 complaints, another two complaints have now been considered by the Monitoring Officer and have been referred for investigation.
5. There have been 4 complaints submitted to date in 2022, one of which was subsequently withdrawn by the complainant, leaving 3 complaints, 2 of which are ongoing.
6. One complaint has been resolved this year, the details of which are as below:

Ref 12999 – an allegation from one member in respect of another member which alleged a breach of the code of conduct as follows:

1. They have not treated others with civility and respect
2. They have engaged in conduct which could be deemed to bully, harass or intimidate another person

Upon consideration of the Monitoring Officer, in consultation with the Independent Person, a decision was made to deal with the matter informally by way of advice and guidance. The matter was therefore concluded on the 14th March 2022.

7. There is now 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 etc The performance dashboard which will enable analysis of patterns and outcomes concerning complaints.
8. In line with the recently approved amended code of conduct, the process of dealing with any complaints has also been reviewed and the updated arrangement document is attached for your information.
9. The process has been cross referenced with the LGA model code of conduct guidance to ensure that we are operating within those guidelines. There have been some minor amendments to the process, such as changes to a two stage preliminary tests to determine whether a complaint is accepted or rejected on receipt, but the overall process will remain broadly the same. We have also included and updated timescales where appropriate.

What decision(s) are being recommended?

That the Standards Committee:

- Note the contents of this report for information only.

Rationale for the recommended decision(s)

10. No decision required – report is for information only.

Other potential decision(s) and why these have not been recommended

11. None – no decision is required. Report for update only.

Impact(s) of the recommended decision(s)

Legal

12. There is no legal impact as a decision is not required.

Strategic priorities and risks

13. Not applicable.

Human Rights, Equality and Data Protection

14. There are no issues of equality and diversity as a decision is not required.

Financial

15. There is no financial impact as a decision is not required.

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

Not applicable as a decision is not required.

Action	Responsible Officer	Deadline

Appendices

1	Members code of conduct complaint procedure.
2	
3	

Background papers

No background papers were used in the preparation of this report.

Contact: Charlotte Benjamin
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APPENDIX 1

MEMBERS' CODE OF CONDUCT COMPLAINT PROCEDURE

1. GENERAL

APPOINTMENT OF AND ROLE OF THE INDEPENDENT PERSON

1.1 The Council shall appoint an Independent Person or Persons, in accordance with the requirements of Section 28 of the Localism Act 2011. Middlesbrough Council has appointed two Independent Persons.

1.2 The Independent Person must be consulted by the Monitoring Officer and have his or her views taken into account to assess the appropriate course of action with regard to the complaint, at each decision-making stage. The Monitoring Officer may consult the Independent Person at any stage of the process.

2. COMPLAINT RECEIVED

2.1 The Council will acknowledge receipt of a complaint in writing within 3 working days of receipt and send a copy of the complaint to the Monitoring Officer for consideration.

3. CONFIDENTIALITY

3.1 If the Complainant has asked for their identity to be withheld, the Monitoring Officer in consultation with the Independent Person will consider this request when they initially assesses the complaint.

3.2 As a matter of fairness and natural justice, the Subject Member will usually be told who the Complainant is and will also receive a summary of the complaint. However, in exceptional circumstances, it may be appropriate to keep the Complainant's identity confidential or not disclose details of the complaint to the Subject Member during the early stages of an investigation. The Monitoring Officer may withhold the Complainant's identity if they are satisfied that the Complainant has demonstrated reasonable grounds for believing that they or any other person (e.g. a witness):

- a) Is either vulnerable or at risk of threat, harm or reprisal.
- b) May suffer intimidation or be victimised or harassed.
- c) Works closely with the Subject Member and are afraid of the consequences, for example, fear of losing their job.

- d) Suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this).
- e) May receive less favourable treatment, because of the seniority of the person they are complaining about, in terms of any existing Council or Parish Council service provision or any tender/contract they may have with, or are about to submit to the Council or Parish Council.

OR in circumstances when, in the judgment of the Monitoring Officer early disclosure of the complaint:

- a) May lead to evidence being compromised or destroyed; or
- b) May impede or prejudice the investigation; or
- c) Would not be in the public interest.

3.3 Relevant public interest factors favouring disclosure (not an exhaustive list) include:

- a) To facilitate transparency and ethical governance accountability: recognising that decision-making may be improved by constructive contributions from others.
- b) To raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern.
- c) Justice to an individual: the balance of the public interest may favour disclosure of the complaint to the Subject Member when it may not be in the public interest to disclose it to the world at large.
- d) Bringing out in the open serious concerns about the behaviour/conduct of an individual.

3.4 The Monitoring Officer, in consultation with the Independent Person, will balance whether the public interest in accepting the complaint outweighs the Complainant's wish to have their identity (or that of another person) withheld from the Subject Member. If the Monitoring Officer decides to refuse the Complainant's request for confidentiality, they will offer the Complainant the option to withdraw their complaint. The Monitoring Officer will notify the Complainant of the Monitoring Officer's decision, with reasons. There is no right of appeal against the Monitoring Officer's decision to refuse the Complainant's request for confidentiality.

4. PRELIMINARY TESTS

4.1 The complaint will be assessed by the Monitoring Officer, in consultation with the Independent Person, and will take the form of a two stage test:

4.1.1 Initial Criteria:

The first step will assess whether:

- a) the complaint is against one or more named members of the authority or of a parish council the authority is responsible for;
- b) the named Member was in office at the time of the alleged conduct;
- c) the complaint relates to matters where the Member was acting as a representative of the authority and it is not a private matter;
- d) the complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these jurisdictional tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint.

4.1.2 Secondary Criteria:

If the complaint passes the jurisdictional test, the following criteria each be considered by the Monitoring Officer in consultation with the Independent Person to determine whether to accept or reject the complaint:

- a) Does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?
- b) Are there alternative, more appropriate, remedies that should be explored first?
- c) Where the complaint is by one member of the council against another, a greater allowance for robust political debate (but not personal abuse) may be given, bearing in mind the right to freedom of expression;
- d) Is the complaint in the view of the authority malicious, politically motivated, or 'tit for tat'?
- e) Whether an investigation would not be in the public interest or the matter, even if proven, would not be serious enough to warrant any sanction;
- f) Whether a substantially similar complaint has previously been considered and no new material evidence has been submitted within the current administration;

- g) Whether a substantially similar complaint has been submitted and accepted;
- h) Does the complaint relate to conduct in the distant past? This would include consideration or any reason why there had been a delay in making the complaint;
- i) Was the behaviour that is the subject of the complaint already dealt with? For example, through an apology at the relevant meeting;
- j) Does the complaint actually relate to dissatisfaction with a local authority decision rather than the specific conduct of an individual? And
- k) Is it about someone who is no longer a member of the council or who is seriously ill?

The Monitoring Officer will determine whether the complaint is accepted or rejected. If the complaint is rejected, the Complainant will be notified accordingly, with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. **There is no right of appeal against the Monitoring Officer's decision.**

- 4.2 Where the complaint is accepted the Complainant will be notified accordingly, with the next steps outlined, normally within 10 working days of receipt of the complaint by the Monitoring Officer.

5. NOTIFICATION OF COMPLAINT TO SUBJECT MEMBER

- 5.1 Subject to any representations from the complainant on confidentiality, the Monitoring Officer will notify the Subject Member (and, if applicable, the Parish Clerk) of the complaint and a summary of the alleged breach. The Monitoring Officer may also notify the Subject Member's Group Leader, if appropriate. This information is given in confidence and the Subject Member is expected to respect that confidence.
- 5.2 The Monitoring Officer may invite the Subject Member (and, if applicable, the Parish Clerk) to submit initial views on the complaint, usually within 7 days, which will be taken into account by the Monitoring Officer when they decide how to deal with the complaint.

6. REQUEST FOR ADDITIONAL INFORMATION

- 6.1 The Monitoring Officer may ask the Complainant and the Subject Member (and, if applicable, the Parish Clerk) for additional information before deciding how to deal with the complaint.

7. DECISION ON HOW TO PROCEED

- 7.1 The Monitoring Officer, in consultation with the Independent Person will decide how to deal with the complaint. This will be by way of:
- a) Informal Resolution (with/without an investigation) – See section 8; or
 - b) Investigation – See section 9; or
 - c) Criminal Conduct – See section 10; or
 - d) No action – See section 11

8. INFORMAL RESOLUTION

- 8.1 The Monitoring Officer will, in consultation with the Independent Person, determine whether the complaint can be resolved through informal resolution.
- 8.2 The Monitoring Officer, in consultation with the Independent Person, may decide that the complaint can be resolved informally at any stage in the process prior to convening a Standards Committee hearing.
- 8.3 Informal resolution may be the simplest and most cost effective way of resolving the complaint and may be appropriate where:
- a) The Subject Member appears to have a poor understanding of the Code of Conduct and/or related Council or Parish Council procedures; or
 - b) There appears to be a breakdown in the relationship between the Complainant and the Subject Member; or
 - c) The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct; or
 - d) The conduct complained of appears common to a number of Members of the Council or Parish Council, demonstrating a lack of awareness, experience or recognition of the particular provisions of the Code of Conduct and/or other Council or Parish Council procedures, etc.; or
 - e) The conduct complained of appears to the Monitoring Officer not to require a formal censure; or

- f) The complaint appears to reveal a lack of guidance, protocols and procedures within the Council or Parish Council; or
- g) The complaint consists of allegations and retaliatory allegations between Councillors; or
- h) The complaint consists of allegations about how formal meetings are conducted; or
- i) The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

8.4 Informal resolution may consist of one or more, (but not limited to), of the following actions, which do not have to be limited to the Subject Member, but may extend to other Councillors, including the whole Council or Parish Council, where it may be useful to address systemic behaviour:

- a) Training;
- b) Conciliation/mediation;
- c) Mentoring;
- d) Apology, written/verbal;
- e) Implementing changes to the Council or Parish Council's procedures.
- f) Conflict management;
- g) Development of the Council's or Parish Council's protocols;
- h) Other remedial action by the Council or Parish Council; or
- i) Other steps (other than investigation), if it appears appropriate to the Monitoring Officer in consultation with the Independent Person.

8.5 Where the Subject Member or the Monitoring Officer or the Council or Parish Council make a reasonable offer of informal resolution, but the Complainant is not willing to accept this offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

8.6 If the Subject Member complies with the informal resolution process, the Monitoring Officer will report the matter to the Standards Committee and, if applicable, the Parish Council for information, but will take no further action against the Subject Member.

8.7 Where the Subject Member will not participate in the informal resolution process or if, having agreed to one or more actions under the informal resolution process, the

Subject Member refuses or fails to carry out any agreed action, the Monitoring Officer will report the matter to the Standards Committee.

9. INVESTIGATION

9.1 The Monitoring Officer, in consultation with the Independent Person, may refer the complaint for investigation when:

- a) It is serious enough, if proven, to justify the range of sanctions available to the Standards Committee (see Appendix 3 to these Arrangements).
- b) The Subject Member's behaviour, if the allegations are proven to be a breach of the code of conduct is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Council or Parish Council and there is no other avenue left to deal with it, short of investigation. In considering this, the Monitoring Officer may take into account the time that has passed since the alleged conduct occurred.

9.2 Where the complaint is referred for investigation, the Monitoring Officer may appoint an Investigating Officer who will conduct the investigation in accordance with the procedure at Appendix 2 to these Arrangements.

10. CRIMINAL CONDUCT

10.1 Where a complaint against a Member relates to conduct of a criminal nature and which is perceived to be valid, and where a Complainant has been advised to refer a matter to the police, or the Monitoring Officer has referred the matter to the police, the complaints process under these Arrangements may be suspended, pending a decision/action by the police or other prosecuting or regulatory authority.

10.2 Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and in consultation with the Independent Person will apply the local assessment criteria test in paragraph 4 above

10.3 In accordance with Section 34 of the Localism Act 2011, it is a criminal offence if, without reasonable excuse, a Member:

- a) Fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest within 28 days beginning with the day the Member becomes, or is re-elected or re-appointed, a Member or Co-opted Member.
- b) Fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest within 28 days of becoming aware of it, where a Member is acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter) and the interest is not already registered or subject to a pending notification to the Monitoring Officer.
- c) Fails to disclose a Disclosable Pecuniary Interest at a meeting, where such interest has not already been registered or notified to the Monitoring Officer.
- d) Fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest within 28 days beginning with the day it is disclosed at a meeting, where such interest has not already been registered or notified to the Monitoring Officer.
- e) Takes part in discussions or votes at meetings that relate to the Disclosable Pecuniary Interests, unless a dispensation has been obtained.
- f) Knowingly or recklessly provides false or misleading information in any of the above disclosures or notifications.

10.4 Where a complaint against a Member relates to conduct of a criminal nature as defined in paragraphs a) to f) above, and which is perceived to be valid, the Monitoring Officer will report the complaint to the police or other prosecuting or regulatory authority. Where a Complainant has been advised to refer a matter to the police, or the Monitoring Officer has referred the matter to the police, the complaints process under these Arrangements may be suspended, pending a decision/action by the police or other prosecuting or regulatory authority. Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and in consultation with the Independent Person will apply the local assessment criteria test in paragraph 4 above.

11. NO ACTION

11.1 The Monitoring Officer in consultation with the Independent Person, will take no action on the complaint when one or more of the following apply:

- a) Genuine long-term (3 months or more) unavailability of a key party.
- b) Serious illness of a key party.

11.2 The Monitoring Officer in consultation with the Independent Person, may suspend any actions within these arrangements, at any time, when one or more of the following apply:

- a) On-going criminal proceedings or a police investigation into the Subject Member's conduct.
- b) Investigation cannot proceed without investigating similar alleged conduct or needing to come to conclusions of fact about events, which are also the subject of some other investigation or court proceedings.
- c) The investigation might prejudice another investigation or court proceedings.
- d) On-going investigation by another prosecuting or regulatory authority.

12. COMPLAINT CONCLUDED

12.1 The subject member will be notified in writing of the outcome of the complaint.

12.2 There is no right of appeal for either the Complainant or Subject Member against decisions of the Monitoring Officer or the Standards Committee.

APPENDIX 2

INVESTIGATION PROCEDURE

1. PRELIMINARIES

- 1.1. The Investigating Officer will be appointed by the Monitoring Officer and will be aware of their obligations under the Data Protection Act 1998, Equality Act 2010, the Human Rights Act 1998 and other relevant legislation.
- 1.2. The Investigating Officer is responsible for gathering all the facts, documents and, where applicable, for interviewing witnesses with knowledge of the facts, and they should remain objective, impartial and unbiased at all times.
- 1.3. Witnesses will be identified at the investigation stage and their evidence supported by signed and dated witness statements and/or notes of interview with the Investigating Officer. The Investigating Officer cannot compel the attendance of witnesses or their co-operation.
- 1.4. The Investigating Officer will not make recommendations on sanctions, but may be asked to suggest possible sanctions.
- 1.5. Within 10 working days of being appointed, the Investigating Officer will contact the Subject Member and the Complainant in writing and:
 - a) Detail the procedure to be followed in respect of the investigation and the relevant timescales for responses and concluding the investigation;
 - b) Detail the sections of the Members' Code of Conduct that appear to be relevant to the complaint;
 - c) Request contact details of any potential witnesses; and
 - d) Require that confidentiality is maintained and that the complaint not be disclosed, Members or otherwise, as may be required by law or regulation the fact that an investigation is being conducted does not need to remain confidential.
- 1.6. It is strongly recommended that the Subject Member engages in the investigation process. If the Subject Member declines to participate in the process, the investigation will proceed in their absence.
- 1.7. It may be necessary for the Investigating Officer to agree with the Subject Member which documents will be submitted in evidence. This will generally include documents that will be relied on, or in support of, the Subject Member's case and which are relevant to the complaint.

- 1.8. The Investigating Officer may terminate their investigation at any point, where they are satisfied that they have sufficient information to enable them to report to the Monitoring Officer or Standards Committee.
- 1.9. Subject to any unforeseeable delays, investigations and reports will aim to be completed within a six-month period of the original complaint being referred for an investigation.
- 1.10. It is for the Monitoring Officer to determine whether any conflict of interest does or may exist. The Monitoring Officer should consider the possibility of a potential conflict arising during the investigation and the hearing. Should a conflict arise, the Monitoring Officer **must** step down and another Monitoring Officer will be appointed either internally or externally at the Council's discretion.

2. DRAFT REPORT

- 2.1 On the conclusion of their investigation and/or when the Investigating Officer is satisfied that they have sufficient information, or has obtained as much information as is likely to be reasonably capable of being obtained, the Investigating Officer will issue a draft report (clearly labelled DRAFT), to the Monitoring Officer, for review.
- 2.2 The draft report will be marked 'CONFIDENTIAL' and watermarked with the name of the addressee, and will detail:
 - a) The relevant provisions of the law and the relevant paragraphs of the Code of Conduct;
 - b) A summary of the complaint;
 - c) The Subject Member's response to the complaint;
 - d) Relevant information, explanations, etc., which the Investigating Officer has obtained in the course of the investigation;
 - e) A list of any documents relevant to the matter;
 - f) A list of those persons/organisations who have been interviewed;
 - g) A statement of the Investigating Officer's draft findings of fact and reasons;
 - h) The Investigating Officer's conclusion as to whether the Subject Member has or has not failed to comply with the Members' Code of Conduct; and
 - i) that the Investigating Officer will present a final report once they have considered any comments received on the draft.

- 2.3 Following review of the draft report by the Monitoring Officer, within 5 working days of receipt, the draft report will be sent in confidence to the Subject Member and the Complainant (not witnesses) for comment.
- 2.4 The Subject Member and Complainant will have 5 working days in which to consider the draft report and submit any comments to the Investigating Officer.
- 2.5 Once the Investigating Officer has considered all responses received from the Subject Member and/or the Complainant, they will finalise the draft report and make their final conclusions and recommendations to the Monitoring Officer, within 5 working days. The report will be clearly labelled FINAL, marked CONFIDENTIAL, and watermarked with the name of the addressee.

3. FINAL REPORT

- 3.1. The Monitoring Officer will review the Investigating Officer's final report and any comments submitted by the Parties, in consultation with the Independent Person, to consider if there is evidence of a failure to comply with the Members' Code of Conduct.
- 3.2. Where, based on the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is no evidence of a failure to comply with the Members' Code of Conduct, they will inform the Parties, in writing, that no further action is considered necessary, and will report the outcome to the standards committee. There is no right of appeal against the Monitoring Officer's decision.
- 3.3. Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is evidence of a failure to comply with the Members' Code of Conduct, they will either take no action or seek informal resolution or refer the matter for consideration by the Standards Committee in accordance with the relevant procedure detailed in this Appendix 2.
- 3.4. The Monitoring Officer, in consultation with the Chair of the Standards Committee, will convene a meeting of the Standards Committee no earlier than 14 working days and no later than 28 Days after the Investigating Officer's final report has been copied to the Complainant and Subject Member. The Investigating Officer will be invited to present their final report to the Standards Committee.

APPENDIX 3

STANDARDS COMMITTEE HEARING PROCEDURE

1. PROCEDURE RULES

These procedure rules shall apply to the Standards Committee when considering the Investigating Officer's report under these arrangements.

- 1.1.** The Standards Committee comprises 9 Elected Members and, if required, 2 Parish Councillors.
- 1.2.** The quorum for a meeting of the Standards Committee is 3.
- 1.3.** The purpose of the hearing is for the Standards Committee to consider, on the evidence provided, whether the Subject Member has breached the Members' Code of Conduct. The conduct of others, for example officers, would be dealt with through another process.
- 1.4.** The Independent Person will be invited to attend and participate in the Standards Committee meeting but will not have voting rights.
- 1.5.** The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Standards Committee. The hearing will be held in public no earlier than 14 working days and no later than 28 days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Subject Member. Schedule 12A of the Local Government Act 1972 (as amended) will be applied where it is necessary to exclude the public and press from meetings of the Standards Committee, where it is likely that confidential or exempt information will be disclosed.
- 1.6.** The Monitoring Officer, in consultation with the Chair of the Standards Committee, will convene a meeting of the Standards Committee.
- 1.7.** If the Subject Member is unavailable for the proposed date, the Monitoring Officer, in consultation with the Chair of the Standards Committee, will determine whether the meeting can be arranged outside of the prescribed timescale. If a meeting cannot be arranged within the prescribed timescale the Subject Member may be requested to provide a reasonable explanation to the Chair, along with any appropriate evidence of his/her unavailability.
- 1.8.** All matters/issues before the Standards Committee will be decided by a simple majority of votes cast, with the Chair having a second or casting vote.
- 1.9.** Where the Subject Member fails to attend the Standards Committee and where the Standards Committee is not satisfied with their explanation for their absence from the hearing, the Standards Committee may, in the first instance, have regard to any written representations submitted by the Subject Member, and/or the Investigating

Officer's report and may resolve to proceed with the hearing in the Subject Member's absence and make a determination. Alternatively, if the Standards Committee is satisfied with the Subject Member's reasons for not attending the hearing, it may adjourn the hearing to another date. The Standards Committee may resolve in exceptional circumstances, that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously. Standards Committee hearings shall only be adjourned once, if the Subject Member fails to attend a second scheduled meeting without exceptional circumstances, the meeting shall proceed in the Subject Member's absence.

2. RIGHT TO BE ACCOMPANIED BY A REPRESENTATIVE

2.1. The Subject Member may choose to be accompanied and/or represented at the Standards Committee by a fellow councillor, friend or colleague. The Subject Member will not be entitled to be represented by a solicitor or other legal representative, or by any Officer of the Council.

3. THE HEARING

3.1. Subject to paragraph 3.2 below, the order of business will be as follows:

- a) Apologies for absence;
- b) Declarations of interests;
- c) Approval of Minutes of the previous meeting;
- d) If the Subject Member is absent, consider whether to adjourn or to proceed with the hearing (refer to paragraph 1.9 above);
- e) Introduction by the Chair, of Members of the Standards Committee, the Independent Person, Committee's Legal Advisor and/or Monitoring Officer, Investigating Officer, Democratic Services Officer, the Council's Legal Advisor, complainant and the Subject Member and their representative;
- f) Receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public/press;
- g) Determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press. When the public/press are excluded from any part of the meeting, filming, photography and/or audio recordings of the meeting will be prohibited in accordance with the provisions of the Council's Constitution (page 174).

h) Consider the report of the Investigating Officer and determine the matter.

3.1 The Chair may exercise their discretion and amend the order of business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

3.2 The Standards Committee may adjourn the hearing at any time.

3.3 Witnesses:

a) The process of the hearing is inquisitorial, and not adversarial. Witnesses should not be made to feel uncomfortable or that their integrity is being questioned. The purpose of the hearing is to establish the facts.

b) All questions to witnesses should be made through the Chair.

3.4 Presentation of the complaint:

a) The Investigating Officer presents their report including any documentary evidence or other material and calls his/her witnesses. No new points will be permitted.

b) The Subject Member or their representative may question the Investigating Officer, and any witnesses called by the Investigating Officer.

c) The Standards Committee may question the Investigating Officer upon the content of his/her report, the Independent Person, the Advisory Officer, and any witnesses called by the Investigating Officer, upon the contents of his/her report.

3.5 Presentation of the Subject Member's response:

a) The Subject Member or their representative presents their response to the Investigating Officer's report, and calls their witnesses.

b) The Investigating Officer may question the Subject Member and any witnesses called by the Subject Member.

c) The Standards Committee may question the Subject Member, the Independent Person, the Advisory Officer, and any witnesses called by the Subject Member.

3.6 Summing up:

a) The Investigating Officer sums up the report.

b) The Subject Member or their representative sums up their response to the Investigating Officer's report.

3.7 Deliberations of the Standards Committee:

a) Having heard the representations/views of all parties, the Standards Committee will adjourn the hearing and deliberate in private (assisted on matters of law by a legal advisor) to consider whether, on the facts found,

the Subject Member has failed to comply with the Members' Code of Conduct, and if so, what sanctions should be applied.

- b) Prior to reaching a decision, the Standards Committee will consider the views expressed by the Independent Person, including any views on sanctions to be applied and/or recommendations to the Council or Parish Council or Monitoring Officer.
- c) Where the complaint has a number of aspects, the Standards Committee may reach a finding, apply a sanction and/or make a recommendation on each aspect separately.
- d) The Standards Committee will make its decision on the balance of probability, based on the evidence before it during the hearing.
- e) The Standards Committee may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information, to assist the Committee, cannot be presented, then the Committee may adjourn the hearing and issue directions as to the additional evidence required and by whom.
- f) If evidence presented to the Standards Committee highlights other potential breaches of the Council's or Parish Council's Members' Code of Conduct, then the Chair will outline the Committee's concerns and recommend that the matter be referred to the Monitoring Officer as a new complaint.
- g) Having deliberated on its decision and/or recommendations and the application of any sanctions, the Standards Committee will reconvene the hearing in public and the Chair will announce:
 - i. the Standards Committee decision as to whether or not the Subject Member has failed to comply with the Members' Code of Conduct, detailing the breaches, and the principal reasons for the decision
 - ii. the sanctions (if any) to be applied;
 - iii. the recommendations (if any) to be made to the Council or Parish Council or Monitoring Officer; and
 - iv. that there is no right of appeal against the Standards Committee decision and/or recommendations.

4 POSSIBLE SANCTIONS

4.1 Subject to paragraph 4.4 below, where the Standards Committee determines that the Subject Member has failed to comply with the Members' Code of Conduct, any one or more

of the sanctions below or any further sanctions deemed appropriate by the Standards Committee may be applied/recommended:

- a) Recommend to the Council or Parish Council that the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
- b) Issue an instruction that the Subject Member is removed from specified committees or sub-committees of the Council;
- c) Recommend to the Mayor that the Subject Member be removed from the Executive or removed from particular Portfolio responsibilities;
- d) Instruct the Monitoring Officer, or the Parish Council, to arrange training for the Subject Member;
- e) Recommend to the Council, or Parish Council, that the Subject Member is removed from all outside appointments to which they have been appointed or nominated by the Council, Executive or Parish Council;
- f) Instruct the Monitoring Officer, or Parish Council, to withdraw facilities provided to the Subject Member by the Council, or Parish Council, such as a computer, website and/or email and internet access;
- g) Instruct the Monitoring Officer or Parish Council, to implement a Communications Plan for the Subject Member;
- h) Instruct the Monitoring Officer, or Parish Council, to exclude the Subject Member from the Council or Parish Council's offices or other premises, with the exception of meeting rooms as necessary for Council or Parish Council committee and sub-committee meetings;
- i) Instruct the Monitoring Officer, or Parish Council, to apply the informal resolution process;
- j) Instruct the Monitoring Officer, or Parish Council, to issue a press release or other form of publicity; or
- k) Instruct the Monitoring Officer, or Parish Council, to restrict the Subject Member's access to confidential or exempt information.

4.2 The Standards Committee has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.

4.3 The Standards Committee may specify that any sanction takes effect immediately or takes effect at a later date and that the sanction be time-limited. If the sanctions are not complied with within the timescale directed by the Standards Committee, the Monitoring Officer will report the fact to the Chair of the Standards Committee, wherein further sanctions may be considered by the Standards Committee.

4.4 When deciding whether to apply one or more sanctions referred to in paragraph 4.1 above, the Standards Committee will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour. The Standards Committee will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:

- a) What was the Subject Member's intention and did they know that they were failing to follow the Council's or Parish Council's Members' Code of Conduct?
- b) Did the Subject Member receive advice from officers before the incident and was that advice acted on in good faith?
- c) Has there been a breach of trust?
- d) Has there been financial impropriety, for example: improper expense claims or procedural irregularities?
- e) What was the result/impact of failing to follow the Council's or Parish Council's Members' Code of Conduct?
- f) Was there an impact on others?
- g) How serious was the incident?
- h) Does the Subject Member accept that they were at fault?
- i) Did the Subject Member apologise to the relevant persons?
- j) Has the Subject Member previously been reprimanded or warned for similar misconduct?
- k) Has the Subject Member previously breached the Council's or Parish Council's Members' Code of Conduct?
- l) Is there likely to be a repetition of the incident?

5 PUBLICATION AND NOTIFICATION OF THE STANDARDS COMMITTEE DECISION AND RECOMMENDATIONS

5.1 Within 5 working days of the Standard Committee's announcement of its decision and recommendations, the Monitoring Officer will publish the name of the Subject Member and a summary of the Standards Committee's decision and recommendations, and reasons for the decision and recommendations, on the Council's website.

5.2 Within 5 working days of the announcement of the Standards Committee's decision, the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, to:

- a) The Subject Member;
- b) The Complainant; and
- c) The Clerk to the Parish Council (if appropriate).

APPENDIX 4

Members' Code of Conduct - Complaint Form

NEW FORM TO BE ADDED

APPENDIX 5

Witness Guidance

1. "Witness" is a general term incorporating those that may have either witnessed an event or be able to provide information/knowledge relating to an issue/subject. Witnesses may be internal to the organisation e.g. colleagues or other members of staff, or on occasion, external to the organisation e.g. complainants, or relatives or experts in a particular field related to the investigation.
2. Witnesses may be identified by the complainant, the subject member or as part of investigation process. Witnesses cannot be compelled to attend or to give a statement. Council Officers may have a duty within their Contract of Employment and any Codes of Conduct by which they are bound to support the process.
3. Witness evidence often forms part of the bundle of evidence considered at a Standards Committee hearing, and witnesses are on occasions requested to give evidence in person at a hearing.
4. The witness will be briefed as to the process/proceeding that will follow, either by a Democratic Services Officer or by the Investigating Officer. .
5. Witnesses play an important role in clarifying any points of fact previously raised during an investigation, and may be asked to answer questions relating to their evidence/information.
6. A witness is there as an independent party, to provide factual information. This can be provided either via an interview with an Investigating Officer, a written statement and/or by attending the formal hearing.
7. Reasonable support in relation to a disability or language skills (e.g.: where English is not the first language), will be considered if raised in advance of the meeting/hearing.

8. Following interview with the Investigating Officer, a copy of a witness's statement will be sent, confirming what they have to do next with the statement. However, if a signed copy is not returned within the date specified in the letter the original version may be included in the investigation report.
9. Witnesses are expected to treat their statement as confidential and not to discuss it with the other parties.
10. Once the investigation is complete, the investigating officer submits their report to the Monitoring Officer and the Council's Independent person, who will determine whether the case should be progressed to a Standards Committee hearing.
11. Should a Standards Committee hearing be convened and witnesses required to attend, then witnesses will be informed of the time and the date of the meeting. Hearings are generally held in the public domain however, the Committee will determine on the day whether the hearing should be held in private (subject to schedule 12A of the Local Government Act 1972).
12. The Investigating Officer, the Committee or the Subject Member should be given a reasonable opportunity to call relevant witnesses and ask questions of witnesses to raise any points about information provided by them. Any such witnesses must be identified during the investigation process so that the investigating officer can include this in their investigation.
13. There may be a difference between witnesses called to the hearing by the Investigating Officer/Committee and the Subject Member. The Subject Member wishing to call any witnesses should make arrangements to invite the witnesses themselves.
14. During the investigation interview and prior to disclosing a witness statement the investigator will advise the witness that it may be disclosed to the subject of the investigation e.g. if the case goes to a hearing. In exceptional circumstances e.g. where there may be fear of reprisals and the witness has requested anonymity, an assessment

will be made by the investigating officer and where possible the identity of the witness will not be divulged.

15. If a situation arises where the organisation is not able to resolve the concern without revealing a witness' identity it will be discussed with them prior to any disclosure. Ultimately, the Investigating Officer in conjunction with Monitoring Officer will make a reasoned decision about whether or not to disclose a witness statement or whether it can be released in an anonymised format. This will involve balancing the witness' right to privacy against the Subject Member's right to know what information is held about him or her.
16. It is usual, where there is a case to be answered, for all witness statements to be passed to the subject member so they can produce a full defence to the allegations raised against them and question the witnesses in relation to their evidence.
17. Witnesses will be offered the opportunity to read through and check their statement for accuracy once it has been typed, before signing and returning it. The statement will then be included in the report relating to the matter, which will be forwarded to the Monitoring Officer to consider the next steps e.g., whether a Standards Committee hearing is to be convened.
18. If the witness wishes to add any further information, they can do this through an addendum or via a further interview. Confidentiality must be maintained by the witnesses and those supporting them relating to matters discussed at interview.
19. During a formal hearing, witnesses may be asked by the Committee to clarify any issues as appropriate or to answer questions from any of the parties present. The Chair of the Standards Committee may instruct that questions be posed through the Chair. All parties to the process are required to treat witnesses with courtesy and respect.
20. The Committee/Subject Member are only entitled to ask witnesses questions that are relevant to the matters in question and/or which could elicit a response which may assist the Committee in determining whether or not there has been a breach of the Code of

Conduct. It will be for the Standards Committee to determine whether to allow the question.

21. The party calling the witness should not put leading questions to the witness unless they are introductory matters or facts that are not in dispute. The Standards Committee can choose to disregard any evidence elicited from a leading question. Leading questions are ones that prompt the answer wanted, suggest a particular answer, or contain information the person asking the question is looking to have confirmed. In general you will not be allowed to ask leading questions when asking your witnesses questions.
22. Questions should be asked in a fair manner. The Standards Committee will not permit witnesses to be harassed or badgered by either party.

Attending a Hearing

Below are some useful tips for those who are called to attend a formal hearing:

- ❖ Witnesses attending a Standards Committee hearing will be asked to wait in another room until called.
- ❖ When entering the room where the hearing is being held it can be quite intimidating to see many people in attendance. Introductions will be made and the process being followed will be confirmed to each witness when they attend.
- ❖ The room layout will be formal and some or all of the following will be present; Committee Members, the Independent Person, the Subject Member and their representative, the Investigating Officer, Democratic/Legal support staff, the press and the public.
- ❖ Witnesses who are required to attend a Standards Committee hearing will be advised of the date and venue of the hearing. The hearing may take longer than expected and witnesses may well need to wait beyond the allocated time.

- ❖ Witnesses may like to bring along notes to help them recall the events and the copy of the statement given to them, which they may refer to at the hearing.
- ❖ It is important for the witness to listen carefully to the question and if it is not understood, to ask for it to be repeated or clarified.
- ❖ Witnesses should take time to consider the question, it is important not to feel rushed into answering; if unable to remember certain facts, the witness should say so.
- ❖ If additional time to think is needed the witness should say so, as this can be allowed.


- ❖ In closed sessions, principles of confidentiality apply to what is heard or observed at the hearing.
- ❖ Witnesses are advised to contact the Investigating Officer or the Democratic Services Officer if they have any queries regarding the process or their availability for the hearing.

- ❖ Whilst witnesses may wish to refuse to attend a Standards Committee hearing, their statement will be used anyway. Council Officers may have a duty within their Contract of Employment and any Codes of Conduct by which they are bound to support the process.

- ❖ It is appreciated that giving evidence as a witness may not be easy. However, witness evidence is important and the Council is grateful for the assistance of witnesses and would like to thank them for their input.

- ❖ It is essential that the matter is kept confidential and not discussed with colleagues or other parties and in particular the subject of the complaint. If there are any questions or concerns, these should be raised with the Monitoring Officer.

- ❖ Once a witness has given evidence, they may leave the hearing. Alternatively if the hearing is held in public witnesses may sit in the public seating area.



MIDDLESBROUGH COUNCIL MEMBERS' CODE OF CONDUCT COMPLAINT FORM

Please use this form if you wish to make a complaint about the conduct of the Elected Mayor of Middlesbrough, a Member of Middlesbrough Council or a Member of one of the parish councils (Nunthorpe / Stainton & Thornton).

Under the arrangements for dealing with Members Code of Conduct complaints the Monitoring Officer can only consider complaints if they relate to the individual's behaviour whilst they are acting, or giving the impression that they are acting, in their official capacity. Complaints which appear to be against a Member acting in their private capacity or do not fall within the Members' Code of Conduct and will be rejected.

'Member' means an Elected Councillor as well as an appointed or co-opted Member or a Parish Councillor. The Code does not apply to Council employees.

Complaints against the Council or Council staff as a whole are outside of these procedures and should be progressed through the Councils 'Corporate Complaints' procedures.

1. YOUR DETAILS

Title: First Name:

Last Name:

Address:

..... Post Code:

Home or Mobile Number:

Email Address:

Preferred Contact Method:

Your address and contact details will not usually be released unless necessary or to deal with your complaint. However, we may tell the following people that you have made this complaint:

- The Member(s) you are complaining about
- The Monitoring Officer of the authority
- The Parish Clerk (if applicable)
- The Independent Person
- An appointed Investigating Officer

We will tell them your name and give them a summary of your complaint. If the complaint results in a hearing it is likely that your name and the content of your complaint will enter the public arena unless your complaint concerns issues of such sensitivity that this is not appropriate. If you have serious concerns about your name and details of your complaint being released, please complete section 3 of this form.



2. YOUR COMPLAINT

Who are you complaining about?

Please provide us with the name of the Member(s) you believe have failed to comply with the Code of Conduct and the name of their Council or authority.

Title	First Name	Last Name	Middlesbrough Council or Parish Council name

Details of your complaint

Please ✓ which of the following codes of conduct, in your opinion you believe that the above member(s) have contravened (more than one may apply):

- They have not treated others with civility and respect
- They have engaged in conduct which could be deemed to bully, harass or intimidate another person
- They have compromised the impartiality of anyone who works for, or on behalf of the Council
- They have disclosed confidential/exempt information
- They have prevented someone getting information that they are entitled to by law
- They have used or attempted to use their position improperly to the advantage or disadvantage of themselves or anyone else
- They have misused Council resources
- Their conduct at meetings has been inappropriate or they have failed to declare an interest at a meeting or has shown bias/predetermination
- They have not attended relevant training for the position they hold
- They have brought their role or the Local Authority into disrepute
- They have given the impression that they have acted in an official capacity whilst using social media or communicating with the media, when they are actually acting in a personal capacity. Or the member has posted and/or shared or given the impression they have endorsed inappropriate material on social media.
- They have shown disregard to advice from the Monitoring Officer or S151 Chief Finance Officer.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint.

- Be specific, wherever possible, about exactly what you are alleging the Member said or did and explain how you think they have breached the Members' Code of Conduct
- Provide the dates of the alleged incidents. If you cannot provide exact dates give a general timeframe
- It is important that you attach copies of any documents, names and details of any witnesses and any other evidence you feel is relevant to your complaint as this may speed up the process.
- Explain how you think they have breached the Members' Code of Conduct Council

Complaint:

Please continue on a separate sheet if necessary.

In the first instance the Monitoring Officer may decide that your complaint is best resolved informally. What type of action would satisfy you? For example, an apology from the Councillor concerned.

Action:

Only complete this next section if you are requesting that your identity is kept confidential.

In the interests of fairness and natural justice, generally Members who are complained about have a right to know who has made the complaint they have a right to be provided with a summary of the complaint.



We are unlikely to withhold your identity or the details of your complaint unless you can provide a good reason why we should and this will only be done in exceptional circumstances for example; if there is a fear of retribution.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint. However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please indicate fully and giving reasons, in the space provided below, if you feel that your identity should be kept confidential in this case.

Data Protection

The information you provide on this form will be held by Middlesbrough Council and used by us to process your complaint as above. In accordance with the Council's Record Retention Policy, the information you provide on this form will be held for a maximum of 2 years and then destroyed in a secure manner.

Should the complaint progress to an investigation full details will be shared with Investigating Officer who has been allocated to this complaint so that they may contact you directly. Details of the complaint may also be submitted to a Standards Committee to help determine whether an Elected Member has breached the Members' Code of Conduct.

Please return your completed form to: Councillor Code of Conduct Complaints, Legal Services, Middlesbrough Council, PO box 503, Civic Centre, Middlesbrough TS1 9FX or email: codeofconductcomplaints@middlesbrough.gov.uk



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