

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:	8 July 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Year (Jan-Dec)	Total complaints	Member on Member	Other on Member (ie member of public, officer)	No. withdrawn/not progressed by complainant	No. rejected	No. resolved informally	No. to investigation	No. to standards Committee after investigation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	33	13	20	2	4	17	4	1
2022 (to date)	6	2	4	1	0	1	0	0

3. The last update incorrectly showed the total complaints for 2021 as 35. This has now 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 have been adjusted accordingly. The introduction of the dashboard will reduce the risk of this human error occurring in the future.
4. There is 1 complaint from 2020, and 8 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.
5. Since the last quarterly update, 1 complaint from 2021 has been resolved, the details of which are as below:

Ref 12330 – A complaint against Cllr Joan McTigue by Cllr Ashley Waters, as he was at the time of submission. The complaint was brought to standards committee on 11th May 2022.

The committee concluded that Councillor J McTigue, acting in her capacity as member of Middlesbrough Borough Council ('the Council'), had breached items 3.2, 3.5 and 3.12 of the Members Code of Conduct on social media posts on 28 November 2019 and on 23 December 2020, in that she did not respect others, conducted herself in a manner which was likely to bring the authority, office, or the Member into disrepute and did not use social media responsibly.

The Standards Committee, in consultation with the Independent Person, ORDERED that the following sanctions were imposed:

1. Councillor McTigue to provide a written apology to the Council employee who was the subject of the complaint, by 6 July 2022, with a copy provided to the Standards Committee.
 2. Councillor McTigue to receive one-to-one training on the appropriate use of social media and the Member/Officer Protocol, to be provided by the relevant Council Officer(s), and this should be completed by 6 July 2022.
 3. Councillor McTigue to be subject of a motion of public censure at the Council meeting scheduled for 6 July 2022.
 4. Should sanctions 1 and 2 above not be completed within the stated timescale, Councillor McTigue would be subject to further public censure.
6. There have been 6 complaints submitted to date in 2022, one of which was subsequently withdrawn by the complainant, leaving 5 complaints, 4 of which are ongoing, and 1 resolved by way of informal resolution, namely advice and guidance, as set out in the previous update.
7. As mentioned in the previous report to the Committee, 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. A demonstration of the Dashboard will be provided to the Committee, albeit anonymised due to confidentiality to demonstrate the analysis and data it holds.
8. Further documentation has been produced to assist members of the public in making a complaint and to understand the process of complaints this has been appended to the report for information at appendix 1.
9. For information, we have also provided a template document for the Independent Person(IP) to follow when making a determination of whether to accept or reject a complaint. In essence this is to provide a level of consistency and record management to easily follow the rationale of decision making by the IP. A copy of the template is attached for comments and information at appendix 2.
10. An exempt report relating to Complaint **Ref 011731** is provided at Agenda Item 7 for noting.

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)

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

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

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

Impact(s) of the recommended decision(s)

Legal

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

Strategic priorities and risks

14. Not applicable.

Human Rights, Equality and Data Protection

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

Financial

16. 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	Draft Guidance on how to make a complaint
2	IP template Preliminary test
3	Confidential report Ref 011731

Background papers

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

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