



South Tyneside Council

Complaints under the Elected Members Code of Conduct – Quarterly Update Report

This document has been classified as: **Not
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(Monitoring Officer)

Standards Committee – 6 July 2026

Report to Standards Committee

Cabinet Portfolio/Lead Member: Cllr Susan Sybenga – Deputy Leader & Lead Member for Finance and Resources

Report of the Director of Legal and Governance (Monitoring Officer).

Subject: Complaints under the Elected Members Code of Conduct – Quarterly Update Report

Date: 6 July 2026

Wards affected: All

Council ambitions: Financially Secure, Part of Strong Communities and Targeting support to make things fairer

Does the report and any appendices contain information which has been identified as confidential or exempt?

- No, this report does not contain information identified as confidential or exempt.

For Executive Decisions only:

Is the decision a Key Decision? No

Is it included in the Forward Plan? Yes

If not in the Forward Plan is the report: General Exception Rule / Special Urgency Rule

Relevant Scrutiny Chair: NA

Is the decision eligible for call-in by Scrutiny? No

(If the decision is anything other than any executive decision made by the Cabinet or a Key Decision made by an officer under delegated powers, call-in is not applicable. This should be explained in the report).

Purpose of Report

1. The Standards Committee must monitor the operation of the Member Code of Conduct and complaints against Elected Members. The Standard Committee are responsible for promoting and maintaining high standards of conduct by councillors. For these reasons, it is important for the Standards Committee to have an overview of complaints received under the Member's Code of Conduct.
2. The purpose of this report is to provide Standards Committee with an update. Standards Committee last received an update at its meeting on 16 March 2026. The Monitoring Officer must submit a report to the Standards Committee at least every six months setting out details of complaints on an anonymous basis.
3. The Report provides a summary of the number of ongoing complaints received by the Monitoring Officer/Deputy Monitoring Officers that an Elected Member or Co-Opted Member of the Council has failed, or may have failed, to comply with the Member's Code of Conduct.

Background Information

4. Standards Committee are asked to consider a range of data and information to support their understanding of the complaints process that the Council has in place under the Member's Code of Conduct.
5. More than 100,000 people give their time as councillors across the UK. The majority do so with the very best motives, and they conduct themselves in a way that is beyond reproach. However, public perception tends to focus on a minority who are alleged to abuse their positions or behave badly.
6. Where behaviour does fall short most issues of minor misconduct can be resolved through a simple apology or through swift action from a meeting chair. However, there are occasions where informal resolution cannot be achieved.
7. Please note, reference to the Monitoring Officer is also used to refer to the Deputy Monitoring Officers. The Monitoring Officer and the Deputy Monitoring Officers have a significant role in the management and progress of complaints under the Member's Code of Conduct.

Main issues and Options to be Considered

8. Since the last meeting of Standards Committee in March, five (5) complaints have been concluded and closed. Within the same period seven (7) new complaints have been submitted.
9. Standards Committee are asked to note that there are currently thirteen (13) open complaints.
10. Informal resolution of a complaint must always be considered at each stage of the complaint process. If informal resolution can be achieved, and where an investigator's Final Report concludes that there has not been a failure to comply with the Code of Conduct, then the matter will be closed, unless following consultation with the Independent Person it is considered that the report should be referred to the Standards Committee to decide if a hearing is nevertheless required. Where the report concludes that there has been a failure by the Member to comply with the Code of Conduct, the Final Report must be referred to the Standards Committee for a formal hearing.
11. There are many factors that can affect the time it takes to complete both informal and formal investigations – this can include capacity, competing priorities and the responsiveness of those involved and complexity. Nevertheless, it is important that there are realistic targets from the outset for the completion of a formal investigation, if required. The Local Government Association recommends that most investigations are conducted, and a report on the investigation completed (where appropriate), within six months of the original complaint being referred for formal investigation. Standards Committee have previously been made aware of the significant delays in the time it has or continues to take to complete several outstanding formal investigations.
12. The procedures for dealing with Member Code of Conduct complaints include timeframes that the Monitoring Officer is required to work to. The Monitoring Officer must make a decision about the action that is to be taken in respect of a complaint within 21 working days of the complaint submission (providing it has with it all evidence and supporting documentation). In addition, the Monitoring Officer must appoint an Investigating Officer within 21 working days of decision to formally investigate being made and must instruct the Investigating Officer to conduct an investigation and produce a report thereon as quickly as possible, and within 6 months wherever possible. It was hoped that these additions will encourage serial complainers to consider carefully making spurious or weak complaints as a political weapon and to ensure the robustness of the evidence they put forward when making allegations of breaches of the Code.
13. Every effort is being made to process complaints quickly, and specifically to conclude formal investigations. As referenced above, five (5) complaints have been closed since March 2026. External investigators have been appointed to carry out independent investigations against several complaints that have been referred for formal investigation, and it is hoped that Draft Reports will be provided as soon as all concerned are able to.

Internal Reviews

14. If a complainant is aggrieved by a decision by the Monitoring Officer or Deputy Monitoring Officer to either not investigate a complaint or not refer it to Standards Committee where it has been investigated with a finding of no failure to comply with the Code, then the Complainant may request the Monitoring Officer or Deputy Monitoring Officer, as the case may be, to reconsider his or her decision under Part E Section 3 Annex D of the Protocol for dealing with allegations of breaches of the Members' Code of Conduct.
15. Standards Committee have requested information on the number of requests for Reviews. Since Standards Committee last received an update at their meeting on 16 March 2026 there has been two (2) requests by complainants for decision to be reviewed.

Summary Information

16. Analysis of the total Member Code of Complaints data since Standards Committee agreed its approach to dealing with complaints under the Code of Conduct in January 2020, can be summarised as follows:

Complainant	Total Number	%	Closed Cases by Reason	Number	% of total
Member of the Public	179	53%	Complainant withdrawn	58	18%
Elected Member	138	41%	Informal Resolution	24	8%
Officer	11	3%	Rejected by MO	232	71%
Other	9	3%	Closed after Hearing	9	3%
Total	337	100%	Total closed	323	100%

17. In order to better present and understand the active complaints that have been received and are currently 'live', to maintain a consistent record of matters reported to the Monitoring Officer relating to alleged breaches of the Members Code of Conduct and to identify patterns or trends; four 'levels' of complaints are used to determine where we are in the complaints process together with details as to the alleged breach(es) of the Code.
18. This information can be summarised as follows in respect of the current thirteen (13) open complaints:

Open Complaints status	Number	% of total
Level 0 - Concerns raised with Monitoring Officer with no evidence	1	7%
Level 1 - Complaint received with evidence	2	15%
Level 2 - Formal Investigation Underway	10	78%
Level 3 - Standards Committee Hearing Date Agreed	0	0%
Total	13	100%

19. Similar to the additional time restraints added for the Monitoring Officer, Standards Committee agreed that where concerns have been raised without any supporting evidence and where following a request for the evidence and/or supporting documentation to be provided it is not so provided within 21 working days of the concern being submitted or the request to provide additional information was sent, the Monitoring Officer may close the Level 0 concern.
20. Standards Committee are asked to note that since their last meeting in March (and at the time of drafting this report), no complaints have been closed due to insufficient evidence being provided within 21 days of submission of the complaint and therefore rejected by the Monitoring Officer. There are however formal investigations that have and are taking longer than 6 months to conclude.
21. Standards Committee are asked to note the 'Snapshot Tracker' of open complaints, detailed below:

Snapshot Tracker of Open Complaints

<u>Complaint File No</u>	<u>Date Received</u>	<u>From</u>	<u>Allegations</u> General Conduct Principles 12.1 – 14 (previously General Conduct Principles 1-11)	<u>Levels of complaint:</u> Level 0 – Concerns with no evidence Level 1 – Complaint for assessment Level 2 – Formal Investigation Level 3 – Standards Committee Hearing to be arranged
C220	24.07.23	Elected Member	12.1, 12.2 and 12.5	Level 2
C237	04.07.24	Officer/Staff	12.1, 12.2 and 12.5	Level 2
C251	13.01.25	Member of the Public	12.1, 12.2 and 12.5	Level 2
C259	14.02.25	Elected Member	12.1, 12.5, CPR36	Level 2
C281	05.05.25	Officer/Staff	12.1, 12.2 and 12.5	Level 2
C282	05.05.25	Officer/Staff	12.1, 12.2 and 12.5	Level 2
C283	05.05.25	Officer/Staff	12.1, 12.2 and 12.5	Level 2
C287	22.06.25	Elected Member	12.1, 12.2 and 12.5	Level 2
C299	15.07.25	Elected Member	12.1, 12.2 and 12.5	Level 2
C300	11.07.25	Member of the Public	12.1, 12.2 and 12.5	Level 2
C322	16.03.26	Member of the Public	12.4	Level 1

C323	25.03.26	Member of the Public	12.1, 12.2 and 12.5	Level 1
C327	15.04.26	Member of the Public		Level 1

Financial and Resources Implications

22. There are no direct financial or value for money implications arising from this Report. However, public money must be used economically, efficiently, and effectively. Standards Committee are also asked to note that where external Investigators have been or are being used and appointed to conduct and report on formal investigations, the costs of such appointments are in the region of £20,000 per investigation.
23. The high number of complaints, the potential over reliance on the Code of Conduct complaints system by Elected Members and the lack of appetite for informal resolution and engagement with the process could cast doubt on the credibility and legitimacy of the framework used to deal with Code of Conduct complaints. This way of working adds significant strain on the resource and capacity of the Legal and Governance team.

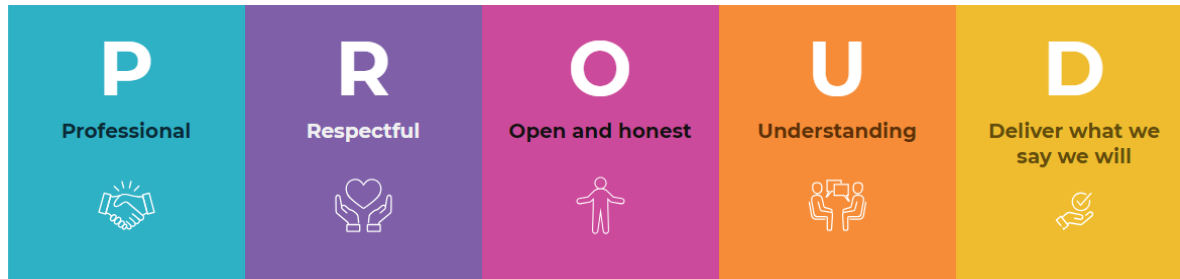
Legal and Governance

24. There are no identified legal implications currently arising from the Report. Each Council must have a Member's Code of Conduct. The Council has a duty under section 27 Localism Act 2011 to promote and maintain high standards of conduct by its Elected Members and to adopt a code of conduct that is consistent with the Nolan Principles.

Risk

25. Working with the Standards Committee, the Independent Chair of Standards, the Lay Member and the Independent Person, the Monitoring Officer and Deputy Monitoring Officers continue to take opportunities for learning from the Member Complaints process to further improve and develop the complaints procedure and processes.
26. Complaints play a role in maintaining and improving standards. When we receive a complaint, it can be used to gather important insight. By listening and understanding issues we can look at actions that can be taken to improve and help the Elected Member experience.
27. To minimise risk of reputational harm and help protect elected members the Standards Committee regularly reviews the code of conduct to ensure it is up to

date, extensive and well-communicated to all elected members. Borough Council approved and adopted the latest version of the Member's Code of Conduct in May 2026, and the Code includes reference to the Council's Proud values.



Equality and Diversity and Community

28. There are no identified equality and diversity implications arising from the Report. Under equality legislation the Council has a legal duty to pay due regard to the need to eliminate discrimination and promote equality in relation to race, disability gender (including gender reassignment), age, sexual orientation, pregnancy and maternity and religion or belief. The recommendations in this report have no particular impact on any of the above groups. An Equality Impact Assessment is not required. However, as highlighted in the Report, the experiences of Elected Members could have a negative impact upon the willingness of the public to put themselves forward to be councillors in future.

Environmental and Sustainability

29. This report does not give rise to any environmental or sustainability implications.

Council Ambitions, Policies, Strategies and Plans

30. It is important that this report is considered in the wider context of the Council's corporate policies and work to assist the Council in delivering its priorities and objectives. The Council monitors a wide range of performance indicators and feedback from those that use our services, considers the number of complaints and compliments, including elected member code of conduct complaints, to ensure the ongoing health of the organisation and its ability to deliver the highest quality services to our residents.

31. Council finances and resources spent on Code of Conduct complaints could be better applied to work that will help our residents to be financially secure and have what they need for a good standard of living. Matters that could negatively impact the council's reputation and the reputation of our elected members could impact our ambition to be part of strong communities across South Tyneside – where a very small minority could question their trust and confidence in the Council and their respect of the Council, its elected members and its officers. The Council's mechanism of dealing with Code of Conduct complaints illustrate accountability of due process.
32. Our Council Values are the things that matter most to us in terms of how we behave and work. They are our guiding principles, and they apply to every person who works for or represents the Council. They are the things we most care about and are our promise to residents, each other and to all who interact with the Council. We are progressing with an exciting programme of engagement to ensure Our Council Values are deeply ingrained principles at the heart of our workplace culture and guide all that we do, individually and collectively.

Consultation and Engagement

33. This report is publicly available to the press and public. Members of Standards Committee may wish to signpost colleagues to this Report for wider awareness.

Recommendations

34. Standards Committee is asked to note the information presented in this Report and to consider any appropriate comments or recommendations arising from the content of the report.

Reasons for Recommendations

35. To ensure that Standards Committee is updated and aware of the current position in respect of complaints under the Member's Code of Conduct.

List of Appendices

None.

To consider a report of the Monitoring Officer regarding Complaints under the Elected Members Code of Conduct – Quarterly Update Report

The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report:

Background Paper	File Ref:	File Location
None		