

Standards sub-committee councillor complaint form



Using this form

You must use this form if you wish to complain about the behaviour of an individual North Somerset:

- district councillor
- voting co-opted member
- parish or town councillor

If a complaint is received in another format you will be asked to complete this form.

Section A - your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

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

- the member(s) you are complaining about
- our monitoring officer
- the parish or town clerk (if applicable)

By submitting this complaint you consent to us telling them your name and giving them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it (**Please see also paragraph 15 on page 5**). If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section C of this form.

2. Please tell us which complainant type best describes you:

- member of the public
- an elected or co-opted member of a council
- local authority monitoring officer
- council officer or council employee
- other

Section B - making your complaint

3. Please provide us with the name of the member(s) you believe have breached the code of conduct and the name of their council:

Title	First name	Last name	Council name

5. Please explain in this section (or on separate sheets if you're completing a hard copy form) what the member has done that you believe breaches the code of conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the code of conduct.
6. It is your responsibility as the complainant to provide copies of any documents you would like to be considered and all information you wish to have taken into account by our standards sub-committee if and when it decides to take any action on your complaint. For example, you should:
- be specific about exactly what you are alleging the member said or did, for example: instead of writing that the member insulted you, you should state what they said and when
 - provide the dates of the alleged incidents wherever possible, and give a general timeframe if you're not able to give exact dates
 - confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible
 - provide any relevant background information

Please provide us with the details of your complaint.

7. You will receive an initial acknowledgement of the receipt of your complaint within five working days.
8. The Monitoring Officer receives all complaints and may find that an allegation does not fit the parameters of a complaint under the code of conduct for councillors, if this is the case the Monitoring Officer may request more information, or direct the matter through a more appropriate channel.
9. There are some instances where it is not appropriate to complain through this complaints process, including complaints about:
 - people employed by the council or authority
 - a decision made by an officer of the council
 - incidents that happened before a member was elected or chosen to serve or about matters when the councillor is not acting as an elected member of the authority
 - the way an authority conducts or records its meetings
 - the way an authority has or has not done something - this might be a matter for the Local Government Ombudsman if the authority has not dealt with the matter properly and it has not been resolved locally
10. Decisions relating to planning or licensing matters where you are unhappy with the decision made should be challenged by way of appeal or judicial review.
11. A letter of notification will be sent to the councillor within five working days, with a short description of the complaint and name of the complainant, unless anonymity has not been requested.
12. If the councillor requested more information it would be for the Monitoring Officer to decide whether to release further information, dependent on the circumstances of the case. A response will be provided within five working days.
13. The subject member or councillor will be able to submit a one page of A4 written statement of fact in reply to the complaint.
14. The Monitoring Officer could contact you for clarification of your complaint, or more information. The Monitoring Officer may also source further information to help such as:
 - copies of acceptance of office and Code forms
 - minutes of meetings
 - copy of register of interests forms
 - information from Companies House or Land Registry
 - other easily obtainable documents in the public sphere.
15. The Monitoring Officer will consider any request for confidentiality. If confidentiality is refused, the complainant will be given the opportunity to withdraw the complaint before the subject member is informed.
16. If the complainant asks to withdraw their complaint prior to consideration the Monitoring Officer would consider whether it would be in the public interest to continue.
17. The Monitoring Officer will prepare a brief report for members of the standards sub-committee to consider.
18. The Monitoring Officer would in the first instance and where appropriate, seek informal resolution of the case by way of apology or mediation, in consultation with the independent person.

Consideration by the Standards Sub Committee

19. Our standards sub-committee will comprise three voting members drawn from membership of the planning and regulatory committee. It will include an independent person as a co-opted non-voting member whose view shall be sought and considered before a decision is finalised on whether an allegation is investigated. Where a complaint involves a parish or town councillor, two parish councillors will be co-opted onto the sub-committee to

give advice together with the independent person. These members will be also be non-voting members of the sub-committee. The two co-optees used in any case will be from parish councils that have nothing to do with the allegation.

20. After considering the information provided by the Monitoring Officer and anything submitted by the subject member, the members of the sub-committee may make one of two decisions:
- decide that no action should be taken, with reasons for this decision
 - refer the matter for investigation or other action
21. Before the sub-committee reaches its decision it must consider the views of the co-opted independent member of the panel and take these views into account before reaching a final decision.
22. If the sub-committee decides that no action should be taken then reasons will be stated and the complainant informed. There is no appeal against this decision.
23. If the sub-committee decides that the complaint warrants investigation, in most circumstances the matter will usually be investigated by the in house legal team subject to resource being available, but there will be situations where it is likely to be externally investigated, particularly where the subject member is:
- a party group leader
 - member of the executive
 - involves a complicated area of law
24. In order to investigate, the Monitoring Officer or someone acting on their behalf may make enquiries of people and request them to provide information or explanation.
25. The standards sub-committee could refer a matter for other action where it would not be in the interests of good governance to conduct an investigation. Other action may be more appropriate where a number of members have failed to comply with the same paragraph of the code of conduct or officers have given incorrect advice leading to the breach or where there has been a breakdown in relationships in the authority. Examples of other action include training, conciliation and mediation or changes to council procedures.

Where a hearing is required

26. A meeting of the standards sub-committee will take place to consider the report of the investigation.
28. If the subject member fails to attend, the sub-committee could agree to adjourn the meeting if they are satisfied of a sufficient reason for absence. It is possible for the hearing could also be 'held in absence'.
29. The complainant has no statutory right to appear at a hearing but may observe as a member of the public, unless being called as a witness.
30. The Hearing will be conducted as set out in the procedure to be adopted by the sub-committee. The hearing can only be adjourned once. This would be to allow time to gather further information from the Monitoring Officer.
31. The Standards Sub Committee could reach one of three decisions:
- the person had not failed to comply with the code of conduct
 - the person had failed to comply with the code of conduct, but no action is needed
 - the person had failed to comply with the code of conduct, and a sanction should be imposed
32. Possible sanctions that are available include:
- to report on findings to full council, in effect 'naming and shaming'

- recommendation to a group leader that the member concerned be removed from any committee or sub-committee
- instructing the Monitoring Officer to arrange appropriate training for the member concerned
- recommendation of removal of any member concerned from any outside body appointments
- withdrawal of council facilities, for example the use of computers or internet
- exclusion from the council's offices or other premises except for the purpose of attending formal meetings

33. The decision of the sub-committee will be published on the council's website at www.n-somerset.gov.uk

34. The sub-committee reports and minutes shall be available for public inspection for six years after the hearing unless parts of the hearing were held in private in which case those parts will not be available for public inspection.

Section C - confidentiality of complainant and the complainant's details

This section only needs to be completed if you are requesting that your identity is kept confidential.

35. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe 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 have provided us with good reason for doing so.

36. Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

37. However, it is important to understand that in exceptional circumstances where the matter complained about is very serious, we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

38. The criteria for considering such requests includes:

- the complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed
- the complainant is an officer who works closely with the subject member and they are afraid of the consequences to their employment or losing their job if their identity is disclosed
- the complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed. In such circumstances, the Monitoring Officer may request medical evidence of the complainant's condition

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Section D – remedy sought

39. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.

Section E - additional information

40. You may either return the completed form as an email attachment or download the form and return it by post, as you prefer.
41. If your complaint is considered frivolous, vexatious or politically motivated then it is likely to be rejected.
42. In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
43. If you need any support in completing this form, please let us know as soon as possible.

Please return your completed forms to:

David Jellings

Democratic Services and Registration Officer

North Somerset Council, Town Hall, Walliscote Grove Road, Weston-super-Mare BS23 1UJ.

Tel: 01275 884 219

email: david.jellings@n-somerset.gov.uk