

## ADVICE CONTAINED IN GUIDANCE NOTE FOR PUBLIC

### WHAT YOU CAN COMPLAIN ABOUT?

You can complain about a Member breaching any part of the Council's Code of Conduct for Councillors. A copy of the Code can be found in Part 5 of the Council's Constitution which is available on the Council's website.

A complaint can be made if you believe a Member has breached any part of the Code that includes:

- Failing to treat others with respect
- Unlawfully discriminating against someone
- Bullying any person
- Intimidating or attempting to intimidate any person who is or likely to be a complainant or witness in relation to the investigation or proceedings
- Doing anything which compromises or which is likely to compromise the impartiality of those who work for the authority
- Revealing information that was given to them in confidence, **or** preventing someone getting information to which they are entitled by law
- Damaging the reputation of their office or authority, where the conduct is linked to their public role and not in their private capacity
- Using their position improperly, to their own or someone else's advantage or disadvantage
- Misusing the authority's resources
- Allowing the authority's resources to be misused for the activities of a registered political party
- Failing to register financial or other interests
- Failing to reveal a personal interest at a meeting
- Taking part in the discussion or making a decision where they have an interest that is so significant that it is likely to affect their judgement (known as a 'prejudicial interest')
- Improperly influencing a decision regarding a matter that they have a prejudicial interest in
- Failing to register any gifts or hospitality worth £25 or more (including its source), that they have received in their role as a Member

If none of the above applies to your complaint if it is not something that the Standards Committee can deal with.

### WHAT WE CANNOT INVESTIGATE

The local Standards Committee cannot investigate the following:

- Complaints where a Member is not named
- Complaints that are not in writing
- Incidents or actions that are not covered by the Code of Conduct
- Incidents that are about a fault in the way that the Council has or has not done something. Such a complaint may be a matter for the Local Government Ombudsman
- Complaints about people employed by Council
- Incidents that happened before a Member was elected
- Incidents that happened before the Council adopted its local Code of Conduct or before 5 May 2002, whichever is the earlier
- Complaints about the way in which the Council conducts and records its meetings

## **ASSESSMENT SUB-COMMITTEE**

### **PRE-ASSESSMENT REPORTS AND ENQUIRIES**

The Monitoring Officer, or other officer shall prepare a short summary of the complaint, which shall set out:

- Whether the complaint is within jurisdiction
- The paragraph of the Code of Conduct that the complaint might relate to, the paragraphs the complainant has identified
- A summary of key aspects of the complaint if it is lengthy or complex
- Any further information that the officer has obtained to assist the Assessment Sub-Committee with its decision to include:
  - (a) obtaining a copy of a declaration of acceptance of office form and an undertaking to observe the Code
  - (b) minutes of meetings
  - (c) a copy of a member's entry in the register of interests
  - (d) information from Companies House or the Land Registry
  - (e) other easily obtainable documents
- Officers may only contact the complainant for clarification of their complaint if they are unable to understand the document submitted
- Pre-assessment enquiries must not amount to an investigation.

### **ASSESSMENT SUB-COMMITTEE CRITERIA FOR ASSESSING COMPLAINTS**

The Sub-committee may not refer a complaint for investigation if it falls into any of the following categories:

- there is not enough information to satisfy the sub-committee that the complaint should be referred for investigation or other action
- the complaint is about a member who is no longer a member of the authority but is a member of another authority (in such circumstances the sub-committee may wish to refer the complaint to the monitoring officer of that other authority)
- has the complaint already been the subject of an investigation or other action relating to the Code of Conduct, or has the complaint been the subject of an investigation or other regulatory authorities
- the complaint is about something that happened so long ago that there would be little benefit in taking action now

- the complaint is too trivial to warrant further action
- the complaint appear to be malicious, politically motivated or tie-for-tat
- if the complaint is anonymous EXCEPT in certain circumstances if the complaint includes documentary evidence indicating an exceptionally serious or significant matter

### **CRITERIA FOR REFERRAL TO THE STANDARDS BOARD FOR ENGLAND**

The Assessment-Committee may refer complaints to the Standards Board for England where public interests consideration makes it difficult for the authority to deal with the complaint fairly and speedily. In considering whether to refer a complaint the sub-committee should take into account the following:

- the status of the member or members or the number of members complained about eg is the complaint about a group leader, cabinet or standards committee member
- whether the complainant is a group leader, a cabinet or standards committee member, the chief executive, monitoring or other senior officer
- whether there a conflict of interest of the monitoring officer or members of the standards committee
- whether the case is so serious or complex that it cannot be handled locally,
- whether the complaint require substantial amount of further evidence
- does the complaint raise significant or unresolved legal issues on which a national ruling would be helpful
- does the complaint relate to long-term or systemic member/officer bullying which could be more effectively investigated by someone outside the authority
- whether there are exceptional circumstances which would prevent the authority or its standards committee investigating the complaint fairly and in a reasonable period of time.