

Complaining about a Councillor

An allegation of misconduct or a complaint about a councillor must be submitted in writing using the complaint form.

Any written complaint about a councillor of North Somerset Council, a parish/town councillor or a voting co-opted member should be sent to:

North Somerset Council
Sara Saunders
The Deputy Monitoring Officer
Democratic Services
Town Hall
Weston-super-Mare
BS23 1UJ

Please complete the complaint form and provide relevant information to substantiate the complaint allegation(s). The complaint form can be obtained from the Deputy Monitoring Officer at the above address, by phoning us or by downloading the form. Any complaint not submitted on the complaint form cannot be considered and will be rejected. This guidance is intended to help you make your complaint.

The Standards Sub-Committee

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 views shall be sought and considered. Where a complaint involves a parish or town councillor, a parish councillor will be co-opted onto the Sub-Committee to give advice together with the Independent Person. This member will also be a non-voting member of the Sub-Committee. The co-optee used in any case will be from a parish council that has nothing to do with the allegation.

The responsibility of the Standards Sub-Committee, is set out in Part 3 of the Council's Constitution.

North Somerset Council is registered with the Information Commissioner's Office for the purposes of processing personal data. The information you provide will be held and used in accordance with UK and European data protection law. For further details on how we use your personal information in the delivery of investigating Councillor Complaints, please read our full privacy notice available at <https://www.n-somerset.gov.uk/privacy-cookies/how-we-use-your-personal-data/privacy-notices-and-data-protection/>.

If you have any concerns about how your personal data is handled, please contact the Data Protection Officer at DPO@n-somerset.gov.uk.

Complaints dealt with by a Standards Sub-Committee

The Standards Sub-Committee can only deal with complaints about the behaviour of a council member, member of its town and parish councils or a voting co-opted member. It will not deal with complaints about matters that are not covered by the Members Code of Conduct. If you make a complaint to the Standards Sub-Committee, it must be in writing and not more than two sides of A4 paper. This includes any enclosures, appendices or any other evidence you wish to include as part of your complaint. Anything over two sides of A4 paper will be disregarded.

Please note the Standards Sub-Committee will only consider complaints made within 6 months of the alleged breach.

The Standards Sub-Committee will not look at complaints that are about:

- people employed by the council or authority
- incidents that happened before a member was elected or chosen to serve
- incidents that happened before the authority adopted the Code of Conduct
- 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
- decisions of the authority or one of the services it provides. In this case, you should use the council's own complaints procedure

Please note that your complaint is likely to be rejected without investigation if:

- you have previously made a substantially similar allegation;
- it is considered malicious, frivolous, vexatious, politically motivated or tit-for-tat;
- you make an unreasonable amount of contact with us, by any means, in relation to a specific complaint or complaints;
- the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
- in all the circumstances, there is no overriding public benefit in carrying out an investigation;
- if it is apparent that the subject of the allegation has apologised for making an error and the matter would not warrant a more serious sanction;
- it requests the complaint response is reviewed despite being informed that the Council's complaint procedure had been exhausted.
- We may not investigate your complaint where the desired outcome is not within the range of sanctions available to us. In which case your complaint will be dismissed as we are unlikely to offer anything you are looking for.

What happens to your complaint?

The Deputy Monitoring Officer will normally acknowledge receipt of a complaint within five working days of receiving the complaint. Once you have made a complaint, you will be told, in writing, what will happen to it.

In brief, the Deputy Monitoring Officer can determine the complaint alone, or with the help of an Independent Member, who is a member of the public who sits on the Standards Sub-Committee. Any decision from the Deputy Monitoring Officer and/or Independent Member is final, you do not have the right of appeal. The Deputy Monitoring Officer will notify the member concerned, provide them with a copy of the complaint and ask for their comments.

The Deputy Monitoring Officer may require additional information to come to a decision and may request such information from the member concerned. Where the complaint relates to a Town or Parish Councillor, the Deputy Monitoring Officer may also seek information from the Clerk of the Town or Parish Council before deciding whether the complaint merits formal consideration or other action.

If the Deputy Monitoring Officer considers that the complaint falls within the jurisdiction of the Standards Sub-Committee a committee will then be set up.

The Sub-Committee will decide whether there is an apparent breach of the Code of Conduct and, if so, whether the matter warrants a further investigation and hearing or other action.

The Standards Sub-Committee can decide to:

- investigate your complaint
- apply certain sanctions to the member complained about
- take no further action

If the Standards Sub-Committee determines that there is no breach of the Code of Conduct, this decision is final and there is no appeal process for the complainant.

If the Standards Sub-Committee refers the matter for investigation, then following the completion of an investigation, a hearing will be set up at which the question of whether there has been a breach of the Code of Conduct will be decided. The hearing panel will decide what penalty, if any, is to be imposed.

Other action

Other action is usually some form of conflict resolution, mediation, training or sanctions. The Standards Sub-Committee can decide that some other form of action is more likely to resolve the situation more effectively than an investigation.

The Deputy Monitoring Officer reserves the right to refer to the police any allegations of illegal activity such as corruption or assault.