

TO:

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



Complaint form

CODE OF CONDUCT FOR MEMBERS

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 name will be released to the Member(s) about whom you have complained.

Details of your complaint will be given to the Member(s) complained about. If you have serious concerns about your name, or details of your complaint being released, please complete section 4 of this form.

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

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

Member of the public

An elected or co-opted member of an authority

An independent member of the Standards Sub-Committee

Member of Parliament

Local Authority Monitoring Officer

Town or Parish Clerk

Other council officer or authority employee

Other (please provide details)

3. Making your complaint

In the event that a breach of the Code of Conduct is established, the Standards Sub-Committee is able to apply certain sanctions, proportionate to the breach, and having regard to the remedy sought by the complainant.

Possible sanctions that are available include:

- To report on findings to the 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 Deputy 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 purposes of attending formal meetings
- To request that the member concerned apologise for his/her actions

Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title

First name

Last name

Council or authority name

Title

First name

Last name

Council or authority name

Title

First name

Last name

Council or authority name

Please explain in this section 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.

It is important that you provide all the information you wish to have taken into account by the Standards Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other documentary evidence to support your complaint.
- If there has been a delay in you making the complaint, you should fully explain the reasons for the delay.
- You should be specific as to which part of the Code of Conduct you consider the Member(s) has breached.

Please provide us with the details of your complaint on 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.

[Details of complaint:](#)

4. Confidentiality of complainant and complaint details

Only complete this next section if you are requesting that your identity is kept confidential

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 and the substance of the allegations made against them. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- You may be victimised or harassed by the member(s) against whom you are making a complaint (or by a person(s) associated with them).
- You may receive less favourable treatment from the Council because of the position of the member(s) you are complaining about, in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Deputy Monitoring Officer will consider the request alongside the substance of your complaint. The Deputy Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, you will be able to withdraw your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

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

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

The Deputy Monitoring Officer will not consider anonymous complaints.

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-notice-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

[Request for confidentiality:](#)

5. Remedies Sought

Indicate the remedy or remedies you are hoping to achieve. Please note 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.

Remedy Sought:

Continue on a separate sheet as necessary

6. Additional Information

A guidance note is available to assist you in making your complaint.

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

- you have not fully completed this Form;
- 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.

Complaints must be submitted in writing using this form. It can be emailed or sent by post.

However, in line with the requirements of the Disability Discrimination Act 2000, 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.

If you need any support in completing this form, please let us know as soon as possible

7. Process from here

Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Deputy Monitoring Officer, it will be considered in the first instance by the Deputy Monitoring Officer.

If the Deputy Monitoring Officer considers the complaint does not meet the criteria, the complaint will be rejected. The Deputy Monitoring Officer can also consider the complaint, make a determination and recommendation for resolution.

The Deputy Monitoring Officer may consider the complaint alone or refer it to an Independent Member of 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. You will be notified of the decision.

If appropriate the Deputy Monitoring Officer can present the complaint to a meeting of the Standards Sub-Committee for consideration and determination. The Standards Sub-Committee does not ordinarily meet in public due to the exempt nature of the proceedings as defined by the Local Government Act 1972 Schedule 12 A.

The Sub-Committee may resolve to:

- a. dismiss your complaint, with reasons. The decision of the Standards Sub-Committee is final, you do not have a right of appeal
- b. apply certain sanctions – please see section 3

- c. ask you for additional information, with reasons; or
- d. refer your complaint for investigation (or other action);

You will be notified after the meeting of the Standards Sub-Committee's decision.

Signed

Dated

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Deputy Monitoring Officer
Democratic Services
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legal.support@n-somerset.gov.uk