

**MEMBERS' CODE OF CONDUCT -
STANDARDS COMMITTEE
COMPLAINTS**

GUIDANCE NOTES

1. HOW TO MAKE A COMPLAINT

You need to send your complaint, in writing, to the address at the end of this leaflet.

A complaint form is available to help you make sure you are sending us all the information we need. You can either use the form or write a letter that covers all the points in the form. Please send any documents that support your complaint with your form or letter.

If you have any questions or difficulties filling in this form, please contact Christopher Skinner, Monitoring Officer, Great Yarmouth Borough Council on (01493) 846314 or cfs@great-yarmouth.gov.uk

2. WHO YOU CAN COMPLAIN ABOUT

You can complain about councillors, members and co-opted members of Great Yarmouth Borough Council and parish and town councils in the Borough. A co-opted member is a voting member of a council or one of its committees, who was appointed to their position rather than being elected.

We can only consider complaints about individual councillors or members. We cannot consider complaints about the council as a whole or about people employed by it.

3. WHAT YOU CAN COMPLAIN ABOUT

You can complain about a member breaking any part of their council's Code of Conduct. This includes:



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- discriminating against someone on the grounds of race, gender, disability, religion or belief, sexual orientation and age.
- failing to treat people with respect
- bullying or intimidating people
- doing something to prevent those who work for the council from being unbiased
- revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- damaging the reputation of their office or council
- using their position improperly, to their own or someone else's advantage or disadvantage
- misusing the council's resources
- allowing the council'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 a meeting or making a decision where the member has an interest that is so significant that it is likely to affect his or her judgment
- failing to register any gifts or hospitality they have received in their role as a member, worth over £25

If none of the above applies to your complaint, it is probably not something we can deal with. General complaints about the council should be made using its complaints procedure.

4. WHAT WE CANNOT INVESTIGATE

An Act of Parliament has set out the types of behaviour that we can investigate. There are some complaints that we cannot investigate, including:

- 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 the council has or has not done something. This is known as maladministration and may be a matter for the Local Government Ombudsman
- complaints about people employed by councils
- incidents that happened before a member was elected
- incidents that happened either before the council adopted its local Code of Conduct or before 5 May 2002, whichever is earlier
- complaints about the way in which the council conducts and records its meetings

5. WHAT HAPPENS TO YOUR COMPLAINT?

When we receive your complaint, we will write to you to let you know that we have received it. We will then assess your complaint, normally within 20 working days. We may decide that it will not be investigated for one or more of a number of reasons.

These reasons could include those listed in the section 'What we cannot investigate' on page 4.

If we decide not to refer your complaint for investigation, we will write to you explaining why.

If we decide to refer your complaint for investigation, we will write to you to let you know when the investigation has started and, when it is over, we will write to you to tell you the outcome.

6. THE INVESTIGATION

The investigation will usually be carried out by the Monitoring Officer of Great Yarmouth Borough Council or another person they nominate.

In some cases the investigation may be carried out by an ethical standards officer employed by the Standards Board for England.

7. AT THE END OF AN INVESTIGATION

At the end of an investigation if action is warranted, the case may be referred to either the Standards Committee or the Adjudication Panel for England. They have a number of sanctions at their disposal up to and including disqualifying a member from holding office for five years.

The Standards Committee is made up of members of Great Yarmouth Borough Council and parish and town councils in the Borough and at least one person who is independent of it. They are intended to be above party politics. They can decide if there is a breach of the Code, and if so what penalty to impose. The Standards Committee can suspend the member for up to six months.

The Adjudication Panel for England is an independent tribunal that can decide if there is a breach of the Code, and if so what sanctions to apply. It has the power to suspend a member from a council or particular activities for up to one year, or disqualify them from holding office for up to five years. It is not able to award damages or compensation.

PLEASE REMEMBER THAT WE CAN:

- only consider complaints that are about individual councillors or members, not the council as a whole or council employees

- only investigate matters where you believe a member has breached the Code of Conduct

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated.

Please avoid sending us large amounts of background information that only indirectly relates to your complaint.

If your complaint is referred for investigation, you will have a further opportunity to provide the investigator with any information or documents that you consider to be relevant.

We hope that this leaflet has answered all your questions about making a complaint.

If you have any more questions, you can contact Christopher Skinner, Monitoring Officer, Great Yarmouth Borough Council on (01493) 846314 or cfs@great-yarmouth.gov.uk