

**Information for Potential Complainants  
Code of Conduct for Members**

**Changes to the complaints regime**

From 8 May 2008, the responsibility for considering written complaints against an Elected or Co-opted Members of the Council for breach of the Code of Conduct for Members will move to the Council's Standards Committee.

In the event of it being a serious complaint, it may be referred by the Standards Committee to the Standards Board for England for investigation and, for less serious matters, it may be referred to the Council's Monitoring Officer for investigation or other appropriate action (e.g. training / conciliation).

**What this means to you**

If you want to submit a written complaint about the conduct of an Elected or Co-opted Member of East Herts Council or a Member of a Town or Parish Council in East Hertfordshire, you must submit your complaint to the address shown below.

Accordingly, if you want to complain, about the conduct of a Council's member or a Member of a Town or Parish Council in East Hertfordshire, you must submit your complaint in writing to address shown below.

Please note that the Sub-committee can only deal with complaints about the alleged behaviour and conduct of a member. It will not deal with complaints about any of the Council's services or matters not covered by the Council's Code of Conduct.

If you want to make a complaint against any member of the Council, you will have to complete the necessary Complaint Form and provide relevant evidence to substantiate your allegation(s). The Form is available from the Monitoring Officer and the Council's website. [REDACTED]

If you are unsure about any aspect of the process, please contact the Monitoring Officer before submitting any complaint(s).

**What you should do if you wish to submit a written complaint**

- Talk to/raise the matter with the Council's Monitoring Officer for general advice.
- Fully complete the attached Complaints Form (or ensure your letter of complaint addresses, in full, all of the issues covered in the Complaint Form). [REDACTED]

- Submit the written complaint by post, e-mail or fax to the above address, preferably, within 28 days of alleged breach or explain sufficiently, in the Complaint Form (or letter), as to why the complaint is being submitted outside of this period of time.

### **Address for submission of a written complaint**

The Monitoring Officer – Simon Drinkwater  
East Herts Council  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ  
Tele: 01992 531405

### **Sanctions available to Standards Committees**

#### **Extract from 2008 Regulations - Findings of standards committees**

- 19(1)** *Following a hearing held under regulation 18, a standards committee shall make one of the following findings:*
- (a) *that the member who was the subject of the hearing had not failed to comply with the code of conduct of any authority concerned;*
  - (b) *that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned but that no action needs to be taken in respect of the matters which were considered at the hearing; or*
  - (c) *that the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned and that a sanction under paragraph (2) or (3) should be imposed.*
- (2)** *If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is no longer a member of any authority in respect of which it exercises any function under Part 3 of the Act, it shall censure that person.*
- 19(3)** *If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is a member of an authority in respect of which it exercises any functions under Part 3 of the Act, it shall impose any one of, or any combination of, the following sanctions:*
- (a) *censure of that member;*
  - (b) *restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions:*

- (i) are reasonable and proportionate to the nature of the breach; and
  - (ii) do not unduly restrict the person's ability to perform the functions of a member;
- (c) partial suspension(a) of that member for a period not exceeding six months;
  - (d) suspension of that member for a period not exceeding six months;
  - (e) that the member submits a written apology in a form specified by the standards committee;
  - (f) that the member undertakes such training as the standards committee specifies;
  - (g) that the member participate in such conciliation as the standards committee specifies;
  - (h) partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the standards committee;
  - (i) partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;
  - (j) suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;
  - (k) suspension of the member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the standards committee specifies.

**19(4)** Subject to paragraph (5) and regulation 21 any sanction imposed under this regulation shall commence immediately following its imposition by the standards committee.

**19(5)** A standards committee may direct that the sanction imposed under any of subparagraphs (b) to (k) of paragraph (3) or, where a combination of such sanctions is imposed, such one or more of them as the committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the committee specifies.

### **Sanctions available to Adjudication Panel for England**

Pursuant to section 79(4) of the Local Government Act 2000, as amended, a person found to have breached the Code of Conduct for Members may be:

- (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or
- (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for a period of up to 5 years.



**COMPLAINT FORM :**  
**CODE OF CONDUCT FOR MEMBERS**

(Please read the 'INFORMATION FOR POTENTIAL COMPLAINANTS' before completing this Form).

**To The Chairman**  
**Assessment Sub-Committee**

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**A. Your details**

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1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this form:

- Members of the Assessment Sub-Committee
- Monitoring Officer of the Council
- the Parish Clerk (if applicable)

A brief summary of your complaint may also be shared, by the relevant Sub-Committee with the Member(s) you are complaining against. If you have serious concerns about your name and a summary, or details of your complaint being

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released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

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

- A member of the public
- An elected or co-opted Member of the Council
- An independent member of a Standards Committee
- A Member of Parliament
- A Monitoring Officer
- Other council employee, contractor or agent of the Council
- Other ( )

3. Equality Monitoring Form - please fill in the attached form.

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### **B. Making your complaint**

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The sanctions available to a Standards Committee are governed by law and more serious sanctions are only available to the Adjudication Panel for England. For a brief summary of sanctions available, please refer to the Information for Complainants.

4. Please provide us with the name of the Member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name

5. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have 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, with dates / witnesses to substantiate the alleged breach.

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It is also important that you provide all the evidence you wish to have taken into account by the Standards Committee when it decides whether to take any action on your complaint or not. 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 or did to insult you.
- 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 relevant documentary evidence to support your allegation(s).
- If the allegation(s) being made occurred over 28 days of the alleged behaviour or conduct, clearly explain why the complaint was not made during that period of time.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

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(Continue on separate sheet(s), as necessary)

### **C. Confidentiality of complainant and the complaint details**

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

6. In the interests of fairness and in compliance with the rules of natural justice, we believe Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:
- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
  - may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint 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 the personal and complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

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.

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

(Continue on separate sheet(s), as necessary)

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### D. Remedy sought

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

(Continue on separate sheet(s), as necessary)

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### E. Additional information

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8. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.



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9. In line with the requirements of the Disability Discrimination Act 1995, 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.
10. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

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### **F. Process from here**

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11. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be presented to a meeting of the Assessment Sub-Committee for consideration / determination. You and the Member against whom the complaint has been made will not be allowed to attend the deliberations of the Sub-Committee as the matter will be considered in private.
12. The Sub-Committee may resolve to:
  - (a) dismiss your complaint, with reasons;
  - (b) ask you for additional information, with reasons;
  - (c) refer your complaint to the Monitoring Officer for investigation (or other action); or
  - (d) refer your complaint to the Standards Board for England if the complaint does not fall within the jurisdiction of the Standards Committee.
13. You will be notified after the meeting and given information on any further stage(s) in the process at that time.

#### **Monitoring Officer Contact details:**

The Monitoring Officer – Simon Drinkwater  
East Herts Council  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ

Tele: 01992 531405

# EAST HERTFORDSHIRE DISTRICT COUNCIL

## Monitoring Form – Local Assessments of Complaints Standards Committee - Assessment Sub Committee

### Working towards equal opportunities

East Hertfordshire District Council is committed to a policy of equality of opportunity in both employment and service provision. We seek to ensure that no person receives less favorable treatment on the grounds of gender, race, or ethnic origins, marital status, disability, age, sexual orientation, family responsibilities, religion, trade union involvement or political belief or is disadvantaged by conditions or requirements which cannot be shown to be justifiable.

#### White

White British  
White Irish  
Any other White  
background

#### Mixed

White and Black  
Caribbean  
White and Black  
African  
Any other mixed  
background

#### Asian

Indian  
Pakistani  
Bangladeshi  
Any other Asian  
background

#### Black

Caribbean  
African  
Any other Black  
background

#### Chinese or other ethnic group

Chinese  
Other

\*Categories used are those utilised by  
the Office of Population Censuses and  
Surveys

Do you have a physical or mental impairment which has a substantial and long term adverse effect on your ability that you wish to declare under the Disability Discrimination Act?

Yes

No