

Borough Council of
**King's Lynn &
West Norfolk**



Legal Services

King's Court

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King's Lynn

Norfolk

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How to make a complaint about a Member of the Borough Council of King's Lynn & West Norfolk or members of Town and Parish Councils in the Borough

Guidance

This document tells you how to make a complaint if you are unhappy about the way that an elected Borough Councillor or co-opted Member (referred jointly as Members) of the Borough Council of King's Lynn & West Norfolk or a Town or Parish Council within the Borough has behaved.

It also explains:-

- How to make a complaint;
- Who you can complain about;
- What you can complain about;
- What will happen to your complaint.

If you have any questions or difficulties or are in need of any support in reading or understanding this leaflet, for example – if English is not your first language or you have a disability, please contact the Council Information Centre on (01553) 616200.

How to make a complaint

Your complaint needs to be made in writing using the Councillors' Code of Conduct Complaint Form. The form can be found on the Borough Council's website at www.west-norfolk.gov.uk. If you do not have access to a computer a form may be obtained by contacting Legal Services on (01553) 616200. *

Once completed please send your complaint form together with any documents that support your complaint to the address at the end of this guidance note.

The following sections of this document are intended to help you make sure you are sending us all the information we need.

If you cannot write your complaint in English, we can arrange to have it translated for you.

If you have any questions about the form, please contact the Monitoring Officer in writing.

** If a disability prevents you from making your complaint in writing you may contact the Monitoring Officer for assistance.*

The Complaint Form

Section 1 – Your contact details

- Please provide your full name, address, contact telephone number and e-mail address if you have one.

Section 2 – About you

- Please tell us what complainant type you are e.g. are you an Officer of the Council, member of the public etc.

Section 3 – Details of the Member you are complaining about

You can complain about Members of the Borough Council of King's Lynn & West Norfolk or members of a Town or Parish Council within the Borough. A full list of current Borough Members is available on the Council's web page at www.west-norfolk.gov.uk

Please note, we can only consider complaints about individual Members. We cannot consider complaints about a Council as a whole or about any people employed by it such as Town or Parish Clerks. A complaint about a Borough Council service is dealt with under a separate procedure (see the corporate complaints page on the Council's website at www.west-norfolk.gov.uk).

Section 4 – What you can complain about: breach of the Code of Conduct

You can complain about a Member breaking any part of their Council's Code of Conduct for Members. A copy of the Code of Conduct for Borough Council Members can be found on the Council's website www.west-norfolk.gov.uk. Each Town and Parish Council has its own Code of Conduct. The majority are the same or based on the Borough Council's Code but you will need to consider the provisions of the Code of the relevant Town or Parish Council before completing this form. You should therefore contact the Town or Parish Clerk to obtain a copy of the Code adopted by that Council.

What we cannot investigate

There are some complaints 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.
- Matters relating to the policies or performance of the Council generally. This is known as maladministration and may be a matter for the Local Government Ombudsman (www.lgo.org.uk);
- Complaints about employees;
- Incidents that happened before a Member was elected.
- Matters which occurred when the Member was not acting in their official capacity.

Evidence

If you believe a Member has breached their Code of Conduct, please attach any evidence that you feel is relevant to your complaint. For example, details of any witnesses or details of any dates/times of any incidents etc.

Section 5 – Confidential information

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. We also believe that they have a right to be provided with a summary of the complaint. We are unlikely therefore to withhold your identity or the details of your complaint unless the Monitoring Officer is of the opinion that it is in the public interest to do so. For example, where the disclosure of your personal details may result in the evidence being compromised or destroyed by the subject Member or if there is a real possibility of intimidation of the complainant or witnesses by the subject Member.

Section 6 - What happens to your complaint

When you submit your complaint we will write to you to let you know we have received it. We will also tell the member that you are complaining about that we have received your complaint and the relevant part(s) of the Code of Conduct that it is alleged may have been breached.

The Monitoring Officer will then consider your complaint and decide whether it should be progressed. If it is progressed, it may be referred for investigation or other action. As part of this process the Monitoring Officer may consult the Borough Council's Independent Person for their views on the merits of the complaint. This will happen within, on average, 10 working days of the date we receive your complaint.

What is meant by ‘other action’

The Monitoring Officer may decide to refer your complaint for ‘other action.’ This is a broad term that may include options such as requiring the person you have complained about to apologise or undergo training or mediation.

What factors will be taken into account in deciding what to do with your complaint?

The Monitoring Officer (and where appropriate), the Independent Person may take the following into account in deciding whether to investigate the complaint.

- is the matter serious enough to warrant the time and expense of further investigation
- does the complaint appear to be politically motivated
- does the complaint appear to be malicious or vexatious
- is it about something that happened so long ago that there would be little benefit in taking action now
- is the outcome including the availability of any likely sanction sought by the complainant one that the Authority is empowered to deliver
- if proven, would a finding of breach of the Code assist the Authority in its duty to promote and maintain high standards of conduct
- had the Member acted on the advice of an officer or the Independent Person in relation to the conduct complained of
- did the conduct arise from lack of experience or training
- has the Member apologised for the conduct or was he or she willing to apologise
- is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process.

Please note: There is no provision for appeal or review of this decision.

Section 7 - Investigation

If your complaint is investigated we will write to you and inform you of the timescales for completing the investigation. You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant.

At the end of an investigation

If the conclusion of the investigation is that there has been no breach of the Code and the Monitoring Officer considers that this is a reasonable conclusion, the Monitoring Officer will write to you and the person complained about to inform you that there will be no further action. There is no provision for appeal or review of this decision.

If the investigation concludes that there is evidence of a breach of the Code then the Monitoring Officer will consult the Independent Person and make a decision either to:-

- resolve the matter without the need for a hearing or
- to convene a meeting of the Council's Standards Committee or a sub-committee of the Standards Committee to hear the matter.

If the hearing concludes that there has been no breach of the Code then that is the end of the matter. There is no provision for appeal or review of that decision.

If the hearing concludes that there has been a breach of the Code the committee will consider whether and what sanction it might be appropriate to impose on the member found to be in default. These are as follows:-

- a) Censure or reprimand.
- b) Report to full Council.
- c) Recommendation to the Council to remove the member from membership or Committees or Sub-Committees.
- d) Recommendation to the Council to remove the member from any position (including Leader) of the Executive.
- e) Require the member to undergo training in Ethics and Standards.
- f) Removal of the member from external nominations or appointments.
- g) Withdrawal of facilities or services from the member including access to Council premises and/or IT facilities.

Please Note: In respect of Town and Parish Councils, the Council's Standards Committee can only make a recommendation to the Town/Parish Council on action to be taken in respect of the Member. Town/Parish Councils will be under no obligation to accept any such recommendation.

We hope the information in this leaflet has answered your questions about making a complaint. If you have any more questions please contact the Monitoring Officer on (01553) 616270.