



STANDARDS COMMITTEE – THE CODE OF CONDUCT FOR ELECTED MEMBERS OF NORTH EAST LINCOLNSHIRE COUNCIL AND THE TOWN AND PARISH COUNCILS IN THE BOROUGH

COMPLAINT FORM

Elected Members of North East Lincolnshire Council and members of the Town and Parish Councillors in the borough are required to observe a Code of Conduct. If you consider that an Elected Member or a Town/Parish Councillor has breached the Code of Conduct, you may submit a complaint.

The Council can only deal with written complaints about the behaviour of an Elected Member or a Town/Parish Councillor. It will not deal with complaints about things that are not covered by the Code of Conduct. If you make a complaint to the Referrals Panel it must be about why you think a Member of North East Lincolnshire Council or a Town / Parish Councillor has not followed the Code of Conduct.

Please note that, in accordance with the law, the subject of your complaint must have been acting in their official capacity as a North East Lincolnshire Ward, Town, or Parish Councillor or on Council business at the time of the incident, for your complaint to be considered for further investigation. This may include when they misuse their position as a Councillor or their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they were acting as a Councillor.
The Code of Conduct does not apply to Councillors in their private and business lives.

Your details

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

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)
- the council's Independent Person (if required)
- members of the Assessment Panel and Hearings Panel convened to consider your complaint

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

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 committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

3. Equality monitoring questions

Please complete the section at the end of this form to assist us with our Equality monitoring.

Making your complaint

Once your complaint has been received a decision will be taken in accordance with the council's published arrangements as to what action, if any, should be taken on it. You will not have the opportunity to attend a meeting at this stage. It is important that you provide information that you want taken into account as part of your complaint

4. 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

5. Please explain in this section (or on separate sheets) 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 assessment sub-committee, in accordance with the published arrangements 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.

Please indicate which paragraphs of the Code of Conduct you consider the member(s) to have breached by ticking the appropriate box(es).

- 5.1.1** "I treat other councillors and members of the public with respect"
- 5.1.2** "I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play."
- 5.2.1** "I do not bully any person."
- 5.2.2** "I do not harass any person."
- 5.2.3** "I promote equalities and do not discriminate unlawfully against any person."
- 5.3.1** "I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority."
- 5.4.1** "I do not disclose information given to me in confidence by anyone, or information acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless –
- i) I have received the consent of a person authorised to give it;
 - ii) I am required by law to do so;
 - iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - iv) the disclosure is—
 1. reasonable and in the public interest; and
 2. made in good faith and in compliance with the reasonable requirements of the local authority; and
 3. I have consulted the Monitoring Officer prior to its release."
- 5.4.2** "I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests."
- 5.4.3** "I do not prevent anyone getting information that they are entitled by law."
- 5.5.1** "I do not bring my role or local authority into disrepute."

- 5.6.1** "I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else."
- 5.7.1** "I do not misuse council resources."
- 5.7.2** "I will, when using the resources of the local authority or authorising their use by others:
 - a. act in accordance with the local authority's requirements; and
 - b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed."
- 5.8.1** "I undertake Code of Conduct training provided by my local authority."
- 5.8.2** "I cooperate with any Code of Conduct investigation and/or determination."
- 5.8.3** "I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings."
- 5.8.4** "I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct."
- 5.9.1** "I register and disclose my interests."
- 5.10.1** "I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage."
- 5.10.2** "I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt."
- 5.10.3** "I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept."

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

6. Confidentiality

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. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there are exceptional circumstances, for example, you can demonstrate that you will suffer significant harm or distress.

Anonymity and confidentiality are different concepts. Anonymity means the complainant is not known whereas confidentiality means that the complainant is known to the authority, but their identity has been withheld for a specific reason.

We will not normally allow anonymous complaints as that would be against the principles of transparency and fairness and make matters more difficult to investigate. However there may be exceptional compelling reasons why an anonymous complaint should be accepted without detriment to the process and where the allegation can be evidenced with reference to the complaint.

Only in exceptional circumstances would a complainant be granted confidentiality, for example where you can demonstrate that you will suffer significant harm, and as a matter of fairness the complainant's identity, and a copy of the complaint, would normally be disclosed to the subject member.

Requests for confidentiality or suppression of complaint details will not automatically be granted. The Monitoring Officer will decide whether there is a clear public interest in allowing confidentiality balancing the rights of the member to understand who is making the complaint against them, against the rights of the person making the complaint.

If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds any further.

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.

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

7. Remedy Sought

In the first instance the Monitoring Officer may decide that your complaint is best resolved informally.

What type of action would satisfy you? For example, an acknowledgement of the problem or an apology from the Councillor concerned.

If this would not satisfy your complaint, please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.

Continue on a separate sheet if there is not enough space on this form.

Additional Help

Complaints must be submitted in writing. E-mail submissions are permissible. 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 provide information in other languages and in different formats such as large print. If you have any problems in reading or writing or you need any other support in completing this form, let us know.

More information on the role of the Standards Committee and the Complaints process is available on our website at www.nelincs.gov.uk

Your completed form should be sent to:

The Monitoring Officer
Municipal Offices
Town Hall Square
Grimsby
DN31 1HU
e-mail: democracy@nelincs.gov.uk

EQUAL OPPORTUNITIES MONITORING

The council is committed to ensuring no-one is treated less favourably, on the grounds of ethnic origin, age, gender or disability. The information you supply will help us to ensure we reach all communities and deliver fair services to everyone.

You do not have to complete this form, but it would help us if you do. All information will be held in accordance with the Data Protection Act.

1. Ethnic Group (please specify)

White British White Irish Polish Latvian

Lithuanian Caribbean African Mixed Background

Indian Pakistani Bangladeshi Chinese

Other European (please specify) White Other (please specify)

Other Asian background (please specify)

2. Gender

Male Female

3. Do you have a disability?

Yes No

4. Age Group

Under 16 16-30 31-40 41-50 51-60 61 and over