



Complaints against a Councillor





This leaflet tells you how to make a complaint about the conduct of an elected or co-opted member of Amber Valley Borough Council or a Councillor of one of its Parish/Town Councils.

It explains:

- Who you can complain about
- What you can complain about
- What will happen to your complaint

Parish/Town Councils have adopted individual Codes of Conduct so if your complaint relates to the conduct of a Parish/Town Councillor, you should, in the first instance, contact the Parish/Town Council concerned to view a copy of their Code. If you do not have the contact details for the Clerk, you may access them at www.ambervalley.gov.uk or telephone the Democratic Services Office on 01773 841641.

How do I complain?

You can download a copy of the complaints form from the Standards Committee webpage on the Council's website www.ambervalley.gov.uk

Complaints should be sent to:

**The Monitoring Officer
Amber Valley Borough Council
Town Hall
Market Place
Ripley
Derbyshire DE5 3BT**

Within your complaint, you should set out in as much detail as possible (including dates of alleged incidents) what the Councillor has done that you believe breaches the Code of Conduct and provide any relevant background information in support of your complaint.



What can I make a complaint about?

You can complain about a Councillor breaking any part of their authority's Code of Conduct. Depending on the provisions of the Code, this may include:

- Failing to treat others with respect
 - Acting in a way that may cause their authority to breach an equality enactment
 - Bullying and harassment
 - Intimidating, or attempting to intimidate, a person involved in an allegation against you
 - Compromising the impartiality of those who work for, or on behalf of, the authority
 - Preventing another from gaining access to information to which they are entitled by law
 - Bringing the office or authority into disrepute
 - Using their position as a member improperly to confer or secure an advantage or disadvantage
 - Not using the resources of the authority in accordance with their requirements
 - Disregarding advice when reaching decisions
 - Failing to give reasons for decisions
 - Failing to declare a personal or pecuniary interest
 - Having a disclosable pecuniary interest and failing to act appropriately
 - Failing to register interests
 - Breaching a local protocol referred to in a Code
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What will happen to my complaint?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, will normally take a decision within 20 working days of receipt of your complaint that:

- (a) The complaint does not come within the remit of the Code of Conduct.
 - (b) The complaint is not sufficiently serious to warrant an investigation
 - (c) It is not in the public interest to investigate the complaint.
 - (d) He should seek to resolve the complaint by informal resolution without the need for an investigation (e.g. by an apology or training by the subject member).
 - (e) The complaint should not be investigated because it is vexatious, malicious or obsessive.
 - (f) The complaint should not be investigated because it is broadly similar to a complaint against the same member about the same alleged incident.
 - (g) The complaint should not be investigated because there is a clear ulterior/political motive for it or it is just a tit for tat complaint.
 - (h) An investigation should take place.
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Hearing

If the Monitoring Officer, in consultation with the Independent Person, considers that informal resolution is not appropriate or is not satisfied with the proposed resolution, then they will convene a meeting of the Hearings Panel to determine the outcome of the complaint in accordance with the Council's agreed procedure. You and the Councillor you are complaining about will be able to state your case before the Hearings Panel and, if necessary, call witnesses.



Investigation

If the Monitoring Officer, in consultation with the Independent Person, decides that your complaint merits formal investigation, he will appoint an Investigating Officer who may be another senior officer of the Council, an officer of another Council or an external investigator. If the investigator considers the Councillor concerned did not breach the Code of Conduct, you will be informed of this. If the investigator considers the Councillor did breach the Code, a formal hearing may be arranged.

If a complaint relates to a Parish/Town Councillor, the Monitoring Officer may also inform the Parish/Town Council of your complaint and seek the views of the Parish/Town Council before deciding whether the complaint merits formal investigation.

Sanctions

If, at a hearing, the Hearings Panel decides the Councillor you are complaining about did breach the Code of Conduct, they may formally censure him/her, and/or publicise their findings on the Council's website. By law they have no power to suspend or disqualify the Councillor concerned, although they can make recommendations to the Council, such as that the Councillor be removed from a particular Committee or position he/she holds.

Appeal

There is no right of appeal for you as complainant or the member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.



Who will be told about my complaint?

On receipt of your complaint, the following people will be informed:

- The Member(s) you are complaining about
 - The Monitoring Officer of the Authority
 - The Council's Independent Person
 - The parish or town clerk (if applicable)
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Confidentiality

Before you send us your complaint, you should be aware that we are unlikely to keep your identity confidential from the person you are complaining about. If you have any concerns about this and would like to discuss it, please contact the Council's Democratic Services Manager on 01773 841641.

More information

Should you need any further information including a complaint form, please write to the Democratic Services Manager at Amber Valley Borough Council, Town Hall, Market Place, Ripley, Derbyshire, DE5 3BT or send an email to paul.benski@ambervalley.gov.uk

