



Arrangements for Dealing with Complaints about Councillors: 11 July 2012

1.0 Introduction

1.1 These Arrangements set out how you can make a complaint that a Councillor or co-opted member of this Council (or a Town or Parish Council within the St Albans City & District) has failed to comply with the Councillors' Code of Conduct, and sets out how we will deal with such allegations. In this context a co-opted member is a non elected member of a Council committee who has the right to vote.

2.0 Code of Conduct

2.1 This Council has adopted a Code of Conduct for Councillors and co-opted members of the Council. This is published on the Council's website. If you need a paper copy please ask at Reception.

2.2 Each Town and Parish Council has also adopted a Code of Conduct. If you wish to inspect a Town or Parish Council's Code of Conduct, you should either look on their website if they have one, or ask the Town or Parish Clerk to let you inspect the Town or Parish Council's Code of Conduct.

2.3 There are 9 Town/Parish Councils in the District as follows:

- Colney Heath Parish Council
- Harpenden Rural Parish Council (no website)
- Harpenden Town Council
- London Colney Parish Council
- Redbourn Parish Council
- Sandridge Parish Council
- St Michael Parish Council (no website)
- St Stephen Parish Council
- Wheathampstead Parish Council.

2.4 Details of the Town and Parish Council websites and contact details for the Town and Parish Clerks are on this Council's website at the following link: [St Albans District Council - Parish councils](#).

3.0 Making a Complaint

- 3.1 If you wish to make a complaint, please write or email to:

The Monitoring Officer
St Albans City & District Council
Council Offices
St Peter's Street
St Albans
Herts AL1 3JE

Email: mike.lovelady@stalbans.gov.uk

Tel: 01727 819502.

- 3.2 The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the Council's arrangements in respect of complaints of misconduct by Councillors.
- 3.3 So that we have all the information we need to be able to process your complaint, please complete and send us the complaint form which can be downloaded from our website or is available on request from Reception at the Council Offices should you need a paper copy. The complaint form is the same whether you are complaining about a District member or a member of a Town or Parish Council.
- 3.4 Please provide us with your name and contact address and preferably an email address that we can use to acknowledge receipt of your complaint and keep you informed about its progress. If you want to keep your name and address confidential, please request this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the member against whom you make the complaint, without your prior consent.
- 3.5 The Council does not normally investigate anonymous complaints unless there is a clear public interest in doing so.
- 3.6 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days and will keep you informed of progress.

4.0 Will your Complaint be investigated?

- 4.1 The Monitoring Officer will review every complaint received. The Councillor complained about will normally receive a copy of the complaint including the name of the complainant (unless the Monitoring Officer has agreed not to disclose the complainant's name). The Councillor complained about will be given the opportunity to respond to the complaint.

- 4.2 The Monitoring Officer has the power after consultation with the Independent Person to determine whether a complaint merits formal investigation and to arrange such investigation.
- 4.3 A complaint would not normally be investigated if:
1. the complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat;
 2. the complaint is anonymous. The Sub-Committee can protect the confidentiality of the identity of the complainant where that is justified by a real fear of intimidation or victimisation. However, where this is not an obvious risk, the fact that the complainant has not disclosed his/her identity can indicate that the complaint is less serious, is malicious or is politically motivated;
 3. a significant period of time has elapsed since the events which are the subject of the complaint. This is both because, where a matter is serious, it would be reasonable to expect the complainant to make a complaint promptly, and because the passage of time may make it more difficult to obtain documentary evidence and reliable witness evidence;
 4. the complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter. This could be where the matter is such that there is unlikely to be any firm evidence on the matter;
 5. there can be no breach of the Code of Conduct because it relates to the Councillor's private life;
 6. it is about someone who is no longer a Councillor or co-opted member;
 7. there is insufficient information to enable the complaint to be investigated (although the Monitoring Officer may ask the complainant to provide additional information);
 8. the complaint has been received more than 3 months after the alleged misconduct other than in exceptional circumstances;
 9. the Councillor complained of has apologised and no further action is warranted.
- 4.4 The Monitoring Officer has the ability to refer decisions on investigation to the Standards Committee wherever the Monitoring Officer considers that it is inappropriate for him or her to make that decision. For example it might be inappropriate if the complaint concerned a matter upon which the Monitoring Officer had already given advice.

5.0 Standards Committee

5.1 The Council has appointed a Standards Committee to which power to investigate and make decisions on complaints has been delegated by the Council. The Terms of Reference of the Standards Committee are shown on the Council's website and include appointing a sub-committee to hear and determine complaints about Councillors and co-opted members referred to it by the Monitoring Officer. By law the Standards Committee or a Sub-Committee must seek the views of the Independent Person before it makes its decision on an allegation that it has decided to investigate.

6.0 What Action can a Standards Sub-Committee recommend where a Councillor has failed to comply with the Code of Conduct?

6.1 If there is a finding by the Standards Committee or Sub-Committee that there has been a failure by a District Councillor to comply with the District Code of Conduct, the actions which the Committee or Sub-Committee could take, having regard to the views of the Independent Person, are as follows:

- a. Reporting its findings to Council for information;
- b. Recommending to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that s/he be removed from any or all Committees or Sub-Committees of the Council;
- c. Recommending to the Executive Leader that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- d. Instructing the Monitoring Officer to arrange training for the member;
- e. Removing from all or any outside appointments to which s/he has been appointed or nominated by the authority;
- f. Excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings; or
- g. Asking the member to apologise.

6.2 If there is a finding by the Standards Committee or Sub-Committee that there has been a failure by a Parish Councillor to comply with their Parish Council Code of Conduct, the Committee or Sub-Committee will instruct the Monitoring Officer to report this to the Parish Council for them to decide whether to take any action and what action to take.

6.3 The Standards Committee or Sub-Committee may in these circumstances make recommendations to the Parish Council about whether the Parish Council takes any action and what action to take.

7.0 Independent Persons

7.1 The Council has appointed at least one Independent Person whose views will be sought and taken into account before a decision is made on an allegation that the Council has decided to investigate and may be sought in relation to other an allegation in other circumstances.

7.2 A Councillor or Parish Councillor against whom a complaint is made may seek the views of the Independent Person.

7.3 The Independent Person is a person who has applied for the post following advertisement and is appointed by a majority vote of full Council. He or she is required by law to have no recent involvement with the Council or with any Town or Parish Council either personally or by being related to a Councillor or officer.

8.0 Appeals

8.1 There is no right of appeal against a decision of the Monitoring Officer or of a Standard Committee or Sub-Committee.