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## **CODE OF CONDUCT FOR MEMBERS: INFORMATION FOR POTENTIAL COMPLAINANTS**

### **Changes to the complaints regime**

From 8 May 2008, the responsibility for considering written complaints against an Elected or Co-opted Members of the Ryedale District Council or Elected or Co-opted Members of Parish/Town Councils in the District of Ryedale for breach of the Code of Conduct for Members will move to the Ryedale District 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**

After 8 May 2008 if you want to submit a written complaint about the conduct of an Elected or Co-opted Member of Ryedale District Council or a Member of any Parish/Town Council in the District of Ryedale, you must submit your complaint to the 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 departments or matters not covered by the Council's Code of Conduct.

If you want to make a complaint against any Member of the District 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 Council Solicitor and Monitoring Officer and the Council's website ([www.ryedale.gov.uk](http://www.ryedale.gov.uk)).

It should be noted that the complaint is addressed to the Chairman of the Standards Assessment Sub-Committee who is an independent person from the Council.

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

Until 8 May 2008, the Standards Board for England remains responsible for carrying out this function. Please visit the Standards Board's website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk) for further information.

### **Are you using the correct form?**

The points listed below will help you decide whether this is the correct form to use when making your complaint. You should speak to Anthony Winship, the Monitoring Officer, if you are not clear if the Standards Committee can consider your complaint. The Assessment Sub-Committee of the Standards Committee will make the decision about what action, if any, to take on your complaint.

- Your complaint must be about conduct that occurred while the Member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a Member, cannot be considered by the Assessment Sub-Committee.
- Your complaint must be about one or more named members of Ryedale District Council, co-opted Members of the Standards Committee and Members and Co-opted Members of all Parish and Town Councils in the District of Ryedale.
- Your complaint must be that the Member(s) has, or may have, breached the Code of Conduct. A copy of the Code of Conduct and frequently asked questions about the Code of Conduct are available at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).
- Complaints about dissatisfaction with a decision or action of the authority or one of its Committees, a service provided by the authority or the authority's procedures do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the Standards Committee.
- Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact Mrs Judy Alderson on extension 255 for assistance.

It is important to note that not every complaint that falls within the jurisdiction of the Standards Committee will be referred for investigation or other action. The Assessment Sub-Committee of the Standards Committee must decide whether this is appropriate. It will make this decision using referral criteria a copy of which may be obtained from Mr Anthony Winship the Council Solicitor. If the Assessment Sub-Committee decides not to refer your complaint for investigation or other action it will give you the reasons for this decision. It will also explain any right that you may have to ask for the decision to be reviewed.

### **What happens once you submit 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, who made the complaint and the relevant paragraphs of the Code of Conduct that it is alleged may have been breached.

The Assessment Sub-Committee will then meet to consider your complaint and decide whether it should be referred for investigation or other action. This will normally happen within an average of 20 working days of the date we receive your complaint. Meetings of the Assessment Sub-Committee are 'closed', which means that you will not be able to attend. It is therefore very important that you set your complaint out clearly and provide at the outset all the information you wish the Assessment Sub-Committee to consider.

The criteria referred to above will be used to assess your complaint and decide whether it should be investigated.

When the Assessment Sub-Committee has reached its decision we will notify you in writing whether your complaint has been referred for investigation or other action. At the same time we write to you, we will also write to the member(s) you have complained about and the Parish or Town Clerk (if applicable). We will normally send these letters within five working days of the assessment sub-committee reaching its decision. The decision of the Assessment Sub-Committee is made available for public inspection once the member the complaint is about has been given a summary of the complaint. In very limited situations the member may not be given this summary immediately and if so any public inspection will not happen until the member does get the summary.

### **What is meant by 'other action'?**

The Assessment Sub-Committee may decide to refer your complaint for 'other action' instead of referring it for investigation. Other action is a deliberately broad term that may include options such as requiring the person you have complained about to apologise or undergo training or mediation. The Assessment Sub-Committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the Assessment Sub-Committee decides to refer your complaint for other action we will explain what this involves.

### **How should I set out my complaint?**

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish the Assessment Sub-Committee to consider, where possible. Unless the authority advises you otherwise, you will not be able to attend the meeting of the Assessment Sub-Committee.

We recommend that you use our complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain.

If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the Member(s) complained about has breached the Code of Conduct.

### **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).
- 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 Chairman of the Standards Sub-Committee (Assessment)  
C/o Anthony Winship LLB (HONS)  
Council Solicitor and Monitoring Officer  
Ryedale District Council  
Ryedale House  
MALTON  
North Yorkshire  
YO17 7HH

Tel: 01653 600666 EXT: 267  
Fax: 01653 600234  
E-mail: [anthony.winship@ryedale.gov.uk](mailto:anthony.winship@ryedale.gov.uk)

### **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.

(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.

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

(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.

