

***Tendring***  
***District Council***



# COUNCILLORS AND COMPLAINTS

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Issued by

Legal Services, Westleigh House, Carnarvon Road

Clacton-on-Sea, Essex, CO15 6QF

# **TENDRING DISTRICT COUNCIL**

## **WHAT DOES A COUNCILLOR DO?**

Councillors are people elected to represent their local community in the running of their local council and councillors have an important role in the major decisions that affect people's lives. Local councils are responsible for a whole range of services - environmental services, town planning, housing, benefits, education, libraries, transport, and many more. Councillors will help determine the way these services are provided, funded and prioritised.

Councillors are required to balance the best interests of their ward residents, the borough or county residents, their political party (if they have one), and the Council. Councillors do not work for the Council and are not paid a salary for their role, though they do receive expenses to cover the cost of attending meetings and other Council duties.

The role is a demanding one, and many Councillors undertake their duties on top of work and family commitments. Being an effective Councillor requires both commitment and hard work. All Councils provide support and training opportunities to help their Councillors develop their skills and abilities. Councillors are normally elected for a four year term of office, but can stand for re-election at the end of their four years.

There are different types of council throughout the East of England. These include parish councils, borough councils, county councils and unitary councils. While they all deal with local services, each Council will be responsible for different services.

### **Town and Parish Councils**

Some areas have town and parish councils, each covering a small local area. They are often responsible for services like allotments, public toilets, parks and ponds, and local halls and community centres.

## **District and Borough Councils**

District, borough and city councils cover larger areas and provide more local services, including council housing, leisure facilities, environmental health, licensing, local planning, recycling and waste collection.

## **County Councils**

County councils provide another range of services on top of those looked after by parish and district councils. County councils cover large geographical areas and provide services such as schools, social services, and public transportation.

## **Unitary Authorities**

In some areas there is just one council responsible for all the local services usually provided by both county and borough councils. These are called unitary authorities.

Local Councillors are also often involved in helping to run joint services in their area. Some local authorities share services covering a wider area, like police, fire services and public transport, often because it is more effective than trying to run smaller services on their own. Councillors are also often invited to be involved in the running of other organisations and committees in their area, as a representative of their Council.

## **HOW CAN I COMPLAIN ABOUT A COUNCILLOR?**

Tendring District Council is responsible for considering complaints that

- a District Councillor, or
- a Councillor of a Parish or Town Council in the district has breached the Members' Code of Conduct.

The purpose of this booklet is to tell you:

1. How to make a complaint about a Councillor;
2. How we will deal with your complaint; and
3. What to do if you remain dissatisfied.

**This booklet is available on request in large print or audio versions and in different languages.**

### **1. HOW TO COMPLAIN**

#### **How do I make a complaint?**

If you want to complain about the conduct of a Councillor of Tendring District Council and/or any Councillor of a Parish or Town Council in the Tendring District, you should put your complaint in writing, using the complaints form in the centre of this booklet and send it to:

**The Standards Committee  
Tendring District Council  
c/o The Monitoring Officer  
Westleigh House  
Carnarvon Road  
CLACTON-ON-SEA  
Essex CO15 6QF**

**e-mail: [swalter-browne@tendringdc.gov.uk](mailto:swalter-browne@tendringdc.gov.uk)**

The Standards Committee can only deal with complaints about the behaviour of a Councillor and cannot deal with complaints about matters that are not covered by the Members' Code of

Conduct. If you make a complaint to the Standards Committee, you must state how and why you feel a Councillor has not followed the Code of Conduct, which can be viewed on the Council's website at [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk) or you can request a hard copy from Legal Services.

We can assist you if you have a disability that prevents you from making your complaint in writing and we can also help if English is not your first language. If you would like any support in completing the complaints form contained within this booklet, please let us know as soon as possible.

### **What can I complain about?**

- A complaint must be about something specific, so you will need to set out exactly what it is the Member said or did. For example, instead of writing that the Member insulted you, you should state what it was they actually said.
- You should provide exact dates of events or, if you cannot do this, you should state approximately when events occurred.
- You should confirm whether there were any witnesses and provide their names and contact details.
- You should also provide any relevant background information.

### **What can I not complain about?**

This procedure deals only with complaints about Councillors and alleged breaches of the Members' Code of Conduct. Complaints about the standards of service provided by the Council or its officers should be made under the Council's Complaints Procedure, a copy of which can be obtained from the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk) or the reception area of any Council offices.

If you are not sure which procedure deals with your particular complaint, please contact the Council's Monitoring Officer or complete the Complaints Form in the centre of this booklet and send it to the Council's Monitoring Officer, who will look into the matter and let you know the best way forward.

## **2. HOW WILL YOU DEAL WITH MY COMPLAINT?**

### Step 1 Complaint Received

We will write to you to let you know that we have received your complaint. We will inform the Councillor who you are complaining about that we have received a complaint from you and we will give them a copy of your complaints form. They will also be told which paragraphs of the Code of Conduct may have been breached.

### Step 2 Referrals Sub-Committee

Your complaint will initially be considered by the Referrals Sub-Committee of the Council's Standards Committee, which will decide whether the complaint should be referred for investigation or other action. The Referrals Sub-Committee will usually meet within 20 working days from the date we received your complaint.

Meetings of the Referrals Sub-Committee are "closed", which means that neither you nor the Councillor complained about will be able to attend. It is therefore very important that you set your complaint out clearly and fully provide all the information you wish the Referrals Sub-Committee to consider.

The Referrals Sub-Committee may decide to refer your complaint for investigation, refer it for "other action" or decide to take no action. Both you and the Councillor will be informed in writing of the decision and the reasons for it, and the letter will set out the next steps.

## Right to request a Review of a decision to take no action

Where the Referrals Sub-Committee decide to take no action, you may request a review of that decision. You should put your request in writing, setting out your reasons, and it must be received by the Monitoring Officer within 30 days of the date of the Referrals Sub-Committee decision notice.

Your request will be considered by a different panel, the Review Sub-Committee, within three months of being received and both you and the Councillor will be informed in writing of the decision and the reasons for it.

## Step 3 Hearing Sub-Committee

Where the Referrals or Review Sub-Committee decide to refer your complaint for investigation, the outcome of that investigation will be dealt with by way of a hearing in front of the Hearing Sub-Committee. This will take place within three months of the completion of the investigation. It is likely that you will be asked to appear as a witness to give evidence at the hearing and you will be contacted by the investigating officer to discuss this. The Hearing Sub-Committee will provide you with a full written decision as soon as possible after the hearing.

The Hearing Sub-Committee is the final stage dealt with by the Council. Both you and the Councillor have the right to appeal further to the First-tier Tribunal (Local Government Standards in England) in limited circumstances and further guidance on this is available from the Monitoring Officer on request.

## **3. WHAT IF I AM STILL NOT SATISFIED?**

At any time you have the right to refer your complaint to the Local Government Ombudsman. This is an independent person who looks into complaints of maladministration (bad practice) against local authorities. The Ombudsman will usually want to know if

your complaint can be resolved locally, so you should follow the steps in this procedure first. The Ombudsman who deals with Tendring District Council can be contacted at

Millbank Tower,  
Millbank,  
London SW1P 4QP  
Tel 020 7217 4620  
Website [www.lgo.org.uk](http://www.lgo.org.uk)

A booklet explaining how to refer matters to the Ombudsman is available from Council offices.

## COMPLAINTS FORM

Name: .....

Address: .....

.....

.....Post Code: .....

Telephone (day): .....Telephone (eve): .....

e-mail address: .....

Please tell us which complainant type best describes you. This information is required for our quarterly returns to Standards for England:

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

Please state which Councillor(s) your complaint is about

Title	First name	Last name	Council or Authority name

The following people will be told that you have made this complaint:

- The Councillor(s) you are complaining about
- The Monitoring Officer of Tendring District Council

Please continue overleaf with details of your complaint

