



## **MEMBER COMPLAINTS PROCEDURE**

1. A complaint form must be completed. This form is available at the District Council Offices, on the Council's website, libraries and from Parish Clerks. Once completed the complaint form can be emailed to: [membercomplaints@stalbens.gov.uk](mailto:membercomplaints@stalbens.gov.uk) or posted to:

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

The complaint form will detail what the member has done that you believe breaches the Member 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 when it decides whether or not to take any action on your complaint. For example:

- Your complaint must concern conduct that occurred while the person(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 Standards Committee.
- Your complaint must be about one or more named members or co-opted members of St Albans City and District Council, one of the nine Towns and Parish Councils, within the district. A list of these Councils is set out in the Member Complaint Form.
- You must be complaining that this person(s) has, or may have, breached the Member Code of Conduct. A copy of the Member Code of Conduct for St Albans City and District Council and frequently asked questions about the Code of Conduct are available at

<http://www.stalbans.gov.uk/council-and-democracy/your-council/code-of-conduct/>

and

<http://www.standardsboard.gov.uk/TheCodeofConduct/Factsheetsandfrequentlyaskedquestions/>

You may also contact the Member Complaint Monitoring Officer at St Albans City and District Council if you require further information

If a disability prevents you from making your complaint in writing you may contact the Member Complaint Monitoring Officer on 01727 866100 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 must decide whether this is appropriate. They will make this decision using assessment criteria. If the Assessment Sub-Committee decides not to refer your complaint for investigation or other action they will give you the reasons for this decision and explain any right that you may have to ask for the decision to be reviewed.

2. 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 notify the person(s) you are complaining about that we have received your complaint. This notification will include your name.

We can only withhold the identity of the complainant in exceptional circumstances. Please contact the Member Complaint Monitoring Officer if you are concerned with your identity being disclosed.

3. The Assessment Sub-Committee of the Standards Committee will then meet to consider your complaint and decide whether it should be referred for investigation or other action. We will aim to ensure this happens within 20 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.

4. 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 person(s) you have complained about and to the Parish Clerk (if applicable). We will send these letters within 10 working days of the Sub-Committee reaching its decision.

5. 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 Sub-Committee will carefully consider the circumstances surrounding your complaint when deciding whether or not 'other action' is appropriate.

6. If the Assessment Sub-Committee decides to refer your complaint for investigation, the Monitoring Officer will appoint an Investigator. A report will be prepared by the Investigator as to whether there has been failure to comply with the Code of Conduct. The report will be considered by the Standards Committee. If the report finds that there has been no failure to comply with the Code of Conduct then the Standards Committee will decide whether it accepts the finding and if it does, it will arrange for a notice of the finding to be published in a local newspaper (unless the member who is the subject of the complaint requests otherwise).

If the Standards Committee decides that there is a possible failure, then it will arrange for a hearing by a Hearings Sub-Committee.

7. The hearing will be held within three months of the issuing of the final report.
8. Following a hearing, a Standards Committee or Hearings Sub-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 the authority concerned;
  - b) that the member who was the subject of the hearing had not failed to comply with the Code of Conduct of the 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 the authority concerned.
9. The Committee shall as soon as reasonably practicable, give notice of its findings and the reasons for it.