

APPENDIX 6

FREQUENTLY ASKED QUESTIONS

I want to complain about the actions of a Councillor but I do not want to do this formally. Is there an informal way in which I can raise issues or concerns or do I have to provide a written complaint?

If you do not want to follow the route of a formal complaint then you can raise issues you have with regard to an individual Councillor without having to do so. In respect of a Parish or Town Councillor you can contact the Parish or Town Clerk (contact details set out in Appendix 2 attached) and ask them to speak to the Councillor concerned. For a Borough Councillor you can raise your concerns by contacting the Monitoring Officer at Telford & Wrekin Council (the contact details are set out in the main guidance note). When you do raise the matter informally you should make clear in any correspondence including email and any telephone calls that you are raising about a Councillor but you do not wish to do so formally. If you do not indicate that in your correspondence the matter may result in it being considered as a formal complaint and going through the formal process. However, if your complaint is informal then it may not always be possible for any action to be taken with regard to the Councillor concerned and the Councillor may not even be contacted to inform them of the issue. If your informal complaint relates to any serious misconduct which amounts to a criminal offence then the matter may be referred to the appropriate enforcement body such as the police.

What if my complaint involves the Council itself but there were some councillors involved in the decision making?

The Standards Committee deals solely with complaints about councillors. If you have a complaint with regard to any actions undertaken by the Council itself then you should pursue the matter via the Corporate Complaints System which you can access by visiting the Telford & Wrekin Council website www.telford.gov.uk or by contacting the Customer Quality Team on 01952 382006 or customer.quality@telford.gov.uk. If your complaint relates to the actions of a parish or town council then you should pursue the matter with the parish or town clerk (contact details set out in Appendix 2 attached).

My complaint relates to a councillor who does not represent a ward or parish within Telford & Wrekin Council. What should I do?

Telford & Wrekin Council's Standards Committee can only deal with complaints in relation to councillors elected within the Borough of Telford & Wrekin. If you have a complaint with regard to a councillor from another area then you will need to contact the Standards Committee for the Council concerned and make your complaint there.

Can I make an anonymous complaint?

There is nothing to prevent you from making a complaint without providing your own personal details. However, it is more likely that your complaint will not be proceeded with if you do not provide your name and address. How anonymous complaints may be dealt with is set out in the criteria adopted by the Standards Committee set out in Appendix 4. If you do wish your name to be withheld during the complaint investigation process you can make

a request to do this when you send in your complaint (please see the section on the complaint form at Appendix 3). However, it will ultimately be up to the Committee as to whether or not your name will be revealed to the councillor whom you have made the complaint against. Your name may also be used when a summary of the complaint is made available to the public.

I do not want my complaint to go through a full investigation process. I think that a simple apology would resolve the matter. Can I set this out in my complaint?

Yes. The complaint form allows you the opportunity to set out how you would like the matter to be resolved. There is no guarantee that it will be undertaken in this way but it may be that if you express a preference the Monitoring Officer can speak to the Councillor concerned and see whether or not there is an amicable way of resolving any issues. However, if the matter is more serious the Referral Sub-Committee may still decide that an investigation is appropriate.

I wish to make a complaint about something that happened some time ago and the councillor concerned has since resigned. Can I make a complaint to the Standards Committee about that ex councillor?

There is nothing to prevent you from making a complaint but the Standards Committee will not have the jurisdiction to order an investigation into a former councillor. If the behaviour concerned amounts to a criminal offence or there are serious corporate governance issues with regard to the behaviour which is set out then the Standards Committee may ask the appropriate enforcement body or the Council's Auditors to look at the complaint but the matter will not be considered by the Standards Committee.

I have made a complaint but now wish to withdraw it. Can I do this?

You can withdraw your complaint at any point during the process. However, if your complaint relates to a serious allegation and the Standards Committee consider that it would be in the public interest to continue to look into it then the investigation may continue. If you do wish to withdraw a complaint you should write to the Monitoring Officer confirming that you wish to do so setting out the reason why as soon as you have decided that you want to do this.

The incident I want to complain about relates to a criminal investigation against the councillor concerned. Can I still make the complaint?

Yes. However, it is likely that the Standards Committee would delay an investigation until any criminal investigation and proceedings have been concluded. This is to ensure that the Standards Committee would not be prejudging any criminal proceedings but also to make sure that any Standards Committee investigation did not prejudice any criminal investigational proceedings which were ongoing.

I want to complain about a councillor but I am not sure that the incident concerned was when they were acting as a borough councillor or as a parish councillor. Do I need to know this when I make my complaint?

No. If you put as much information as possible into your written complaint then the Standards Committee will consider it and decide whether an investigation is required. The

Referrals Sub-Committee will be able to view the Code of Conduct for both the Borough Council and the Parish Council concerned when they make a decision.

What is a Standards Committee?

Telford & Wrekin Council is required by law to have a Standards Committee. The Committee is responsible for promoting high standards of behaviour and conduct particularly for elected members of the borough council and the parish and town councils within the borough. Their responsibilities include ensuring that there is appropriate Code of Conduct training for elected members and making recommendations to the Council in relation to the Code of Conduct and appointments within the Standards Committee. The Standards Committee is currently made up of 16 members as follows –

- (i) There are four independent members who are not elected but are appointed by the Council. They are not representatives of any political group of the Council and it is their responsibility to act as the chairman of the Standards Committee and any sub-committees. Their impartiality is to ensure the integrity of the processes undertaken by the Standards Committee and ensure fairness.
- (ii) There are currently 8 elected members from Telford & Wrekin Council, only one of these can be from the Council's Cabinet.
- (iii) Parish Council representatives. There are currently 4 parish council representatives who were appointed by the Committee after undergoing an interview process. The parish representatives are there to provide their knowledge and expertise on parish matters both for the overall business of the Committee and specifically in relation to complaints received relating to parish councillors.

What are the referral and review sub-committees?

The law states that any complaint has to be considered initially by sub-committees of the Standards Committee. This means that some of the members of the Standards Committee will meet together as a sub-committee to make decisions regarding the complaints that are received. Currently the sub-committees are made up of any 4 of the members of the Standards Committee but must be chaired by one of the independent members. There must also be at least 1 elected member present during the sub-committee meetings and there should be 1 parish council representatives present if the complaint relates to a parish councillor. The review sub-committee is made up in the same way but must contain a different group of members from those who made the initial assessment. If the matter goes to an investigation and a full hearing then the Standards Committee will set up a hearing panel which will contain a number of members but again will be chaired by an independent member with parish representatives present if the matter relates to a parish councillor.

What sanctions can councillors receive if they are found to have breached the Code of Conduct?

Councillors can receive one of any number of sanctions which can be anything from a reprimand up to disqualification. The Telford & Wrekin Standards Committee can impose a maximum sanction of six months suspension from office. If the matter is more serious then it will be referred for consideration by the Adjudication Panel for England which has the power to disqualify councillors. There are a number of sanctions in-between a reprimand and a disqualification such as ordering a councillor to undertake training, ordering that the

councillor should make a written apology, or partial suspensions from office for shorter periods.