

Swindon Borough Council

Councillors Code Of Conduct 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 Member of Swindon Borough Council or a Parish or Town Council in the Swindon Area for breach of the Members' Code of Conduct moved to the Borough Council's Standards Committee from the Standards Board for England.

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

If you want to submit a written complaint about the conduct of an Elected or Co-opted Member of Swindon Borough Council or a Councillor of any of the Town or Parish Councils in the Swindon borough area, you must submit your complaint to the address shown below. You need to complete the necessary Complaint Form and provide relevant evidence to substantiate your allegation(s). The Form is available from the Monitoring Officer and the Council's website (www.swindon.gov.uk).

Please note that the Standards 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 are unsure about any aspect of the process, please contact the Monitoring Officer before submitting any complaint(s).

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 address below, 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:

Mr Stephen Taylor, Monitoring Officer, Swindon Borough Council, Civic Offices
Euclid Street, Swindon, SN1 2 JH
Tel: 01793 463012
Fax: 01793 463366
Email: staylor@swindon.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.