

Norwich City Council

Councillors Code of Conduct

Procedure for Local Assessment of Complaints

Standards Committee

1. The Standards Committee has eight members, two independent members as Chair and vice Chair and six members of the Council.
2. An Assessment Sub Committee will make an initial assessment on whether a complaint should be referred for investigation. The Assessment Sub Committee will consist of three members of Standards Committee, including one of the independent members as chair.
3. If the Assessment Sub Committee decides not to recommend a complaint be referred for investigation and the complainant appeals the decision, a meeting of a Review Sub Committee will be called to review the decision. The Review Sub Committee will consist of three of those members of Standards Committee which were not members of the Assessment Sub Committee, including the other independent member as chair.
4. If a matter is referred for investigation, the Standards Committee will consider the report of the officer carrying out the investigation. If it is decided that the matter should go to a full Hearing, a Hearings Sub Committee will be called consisting of five members of Standards Committee at least one of which will be an independent member.

(Please see Access to Meetings and decision making at Paras 58 - 63).

Publicising Complaints Process

5. Complaints must be submitted in writing. They should be sent to the Democratic Services Manager, Norwich City Council, City Hall, Norwich, NR2 1NH.
6. The procedure for making complaints will be publicised:-
 - On the Council's website.
 - From time to time in appropriate publications, including local media and The Citizen.

Making a Complaint

7. Complaints must be submitted in writing (this can include by email or by fax).
8. A complaints form may be used – see attached.
9. On receipt the Head of Legal, Regulatory and Democratic Services will determine whether the complaint should be considered by the Assessment Sub Committee. The complaint will not be submitted to the Assessment sub Committee if it fails to meet one or more of the following tests, and the complainant will be informed that no further action will be taken:-
 - It is a complaint against one or more named members of the authority or an authority covered by the Standards Committee.
 - The named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
 - The complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct. (Code of Conduct is attached – appendix A)
10. Complaints can only be considered about Councillors (sometimes referred to as members) and co-opted members (a voting member of a committee who was appointed to their position rather than being elected).
11. It is important that a complainant provides all the information they wish to have taken into account by the Assessment Sub Committee when it decides whether to take any action on the complaint. For example:
 - They should be specific, wherever possible, about exactly what they are alleging the member said or did. For instance, instead of simply writing that the member insulted them, they should state what it was that person actually said.
 - They should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
 - They should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
 - They should provide any relevant background information.

12. The Assessment Sub Committee will not investigate the following:-
- Complaints where a member is not named.
 - Complaints that are not in writing. If a disability prevents you from making your complaint in writing please contact the Council using the contact information on the final page of this leaflet.
 - Incidents or actions that are not covered by the Code of Conduct.
 - Incidents that are about a fault in the way the Council has or has not done something. This is known as maladministration and may be a matter for the Local Government Ombudsman.
 - Complaints about people employed by councils.
 - Incidents that happened before a member was elected.
 - Incidents that happened either before the Council adopted its local Code of Conduct or before 5 May 2002, whichever is earlier.
 - Complaints about the way in which the Council conducts and records its meetings.

Acknowledgement/Notification

13. The receipt of a complaint will be acknowledged.
14. The councillor who is the subject of the complaint will be notified that a complaint has been made; of the name of the complainant and the relevant paragraphs of the Code that it has been alleged, may have been breached. The notice will state that a written summary of the allegation will only be provided once the Assessment Sub Committee has met, and the date of the meeting if known.
15. In the interests of fairness and natural justice, members who are complained about have a right to know who has made the complaint and to be provided with a summary of the complaint. We are unlikely to withhold identity or the details of a complaint unless one of the following apply:
- (1) There are reasonable grounds for believing that the complainant will be at risk of physical harm if identity is disclosed.
 - (2) The complainant is an officer who works closely with the member and is afraid of the consequences to employment or of losing job if identity is disclosed.

- (3) The complainant suffers from a serious health condition and there are medical risks associated with identity being disclosed. In such circumstances, medical evidence of the condition may be required.
16. Requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Assessment Sub Committee will consider the request alongside the substance of your complaint. The complainant will be informed of the decision. If request for confidentiality is not granted, we will usually allow the option of withdrawing the complaint.
17. However, it is important to understand that in certain exceptional circumstances where the matter complaint about is very serious, we can proceed with an investigation or other action and disclose name even if complainant has expressly asked us not to.

Assessment Sub Committee

18. The Assessment Sub Committee will aim to meet within 20 working days of the date the complaint was received.
19. Meetings will be held without the public being present.
20. The Assessment Sub Committee's role is simply to decide whether any action should be taken on the complaint – either as an investigation or some other action. It will make no findings of fact.
21. Pre-assessment enquiries should not be carried out in such a way as to amount to an investigation. Officers can contact complainants for clarification if they are unable to understand documents submitted. However, there will be no interviews with witnesses, the complainant, or the subject member.
22. Officers will not seek opinions on an allegation rather than factual information as this may prejudice any subsequent investigation. They will prepare a summary report that does not influence improperly the Assessment Sub Committee's decision. The report will include:-
 - Confirmation that the complaint is within jurisdiction.
 - The paragraphs of the Code of Conduct the complaint might relate to, or the paragraphs the complainant has identified.
 - A summary of key aspects of the complaint if it is lengthy or complex.
 - Any further information that the officer has obtained to assist the Assessment Sub Committee with its decision – this may include obtaining a copy of a declaration of acceptance of office form and an undertaking to observe the Code, minutes of meetings, a copy of a member's entry in the

register of interests, information from Companies House of the Land Registry, other easily obtainable documents.

23. The Assessment Sub Committee will use the following criteria when considering a complaint:-
- (1) The complainant must submit enough initial information to satisfy the Sub Committee that the complaint should be referred for investigation.
 - (2) If the complaint is about someone who is no longer a member of the authority but is a member of another authority the Sub Committee may refer the complaint to the Monitoring Officer of that other authority.
 - (3) Complaints that have already been the subject of an investigation or other action relating to the Code of Conduct, or been the subject of an investigation by other regulatory authorities will not normally be referred for investigation or other action unless there is something to be gained by further action being taken.
 - (4) If the complaint is about something that happened so long ago that there would be little benefit in taking action now, the complaint will not be referred for investigation or other action.
 - (5) Trivial complaints will not be referred for investigation or other action.
 - (6) Complaints that appear to be simply malicious, politically motivated or in response to a complaint made or other action taken by the member complained of will not be investigated.
 - (7) Anonymous complaints will not be referred for investigation or other action unless they include documentary or photographic evidence indicating an exceptionally serious or significant matter.
24. The Assessment Sub Committee is required to reach one of the following decisions:-
- (a) Referral of the complaint to the Council's Monitoring Officer for:-
 - i) local investigation
 - ii) other action (Monitoring Officer must be consulted before this decision is made).
 - (b) Referral to the Standards Board for England.
 - (c) No action be taken.

25. Wherever possible, the Assessment Sub Committee will deal with a matter in a pro-active way that does not involve investigation, particularly in less serious matters. Other action can be the simplest and most cost effective way of getting a matter resolved, helping the Council to work more effectively and avoiding similar complaints in the future.
26. It is not possible to set out all the circumstances where other action may be appropriate, but an example is where the councillors appear to have a poor understanding of the Code and authority procedures. Evidence for this may include:
 - A number of members failing to comply with the same paragraph of the Code.
 - Officers giving incorrect advice.
 - Inadequate or incomplete protocols for use of authority resources.
27. Other action may also be appropriate where a breakdown in relationships within the Council is apparent, evidence of which may include:
 - A pattern of allegations of disrespect, bullying or harassment.
 - Factionalised groupings within the authority.
 - A series of 'tit-for-tat' allegations.
 - Ongoing employment issues, which may include resolved or ongoing employment tribunals, or grievance procedures.
28. In most cases, the Council will be able to deal with the investigation of complaints concerning our own Council. However, there will sometimes be issues in a case, or public interest considerations, which make it difficult for the Council to deal with the case fairly and speedily. In such cases, the Assessment Sub Committee may wish to refer a complaint to the Standards Board to be investigated by an ethical standards officer.
29. The Assessment Sub Committee can decide that no action is required in respect of a complaint. For example, this could be because it does
30. not consider the complaint to be sufficiently serious to warrant any action.
31. Where no potential breach of the Code of Conduct is disclosed by the complaint, no matter what its source or whoever the subject member, no action can be taken by the Assessment Sub Committee in respect of it. The matter of referral for investigation or other action therefore does not arise.

32. The Monitoring Officer will write to relevant parties informing them of the Assessment Sub Committee's decision and, if appropriate, advise who will be responsible for conducting the investigation.

Referral for Local Investigation

33. The investigation will be undertaken by the Council's Monitoring Officer or another person that they nominate.
34. For serious matters, the investigation may be carried out by an ethical standards officer of the Standards Board for England.
35. If the Assessment Sub Committee refers the complaint to the Monitoring Officer or to the Standards Board for England, a summary of the complaint will be sent to the relevant parties.
36. The summary will state what the allegation was and what type of referral it made, for example, whether it referred the complaint to the Monitoring Officer or to the Standards Board for investigation. The decision notice will explain why a particular referral decision has been made.
37. After it's decision, the Assessment Sub Committee does not have to give the subject member a summary of the complaint, if it decides that doing so would be against the public interest or would prejudice any future investigation, for example, where it is considered likely that the subject member may intimidate the complainant or the witnesses involved. It could also happen where early disclosure of the complaint may lead to evidence being compromised or destroyed. In making this decision the Assessment Sub Committee will seek the advice of the Council's Monitoring Officer.
38. The Monitoring Officer will carry out an assessment of the potential risks to the investigation. This is to determine whether the risk of the case being prejudiced by the subject member being informed of the details of the complaint at that stage may outweigh the fairness of notifying the subject member. An example of this is allowing the subject member to preserve any evidence. The Monitoring Officer will then advise the Assessment Sub Committee accordingly.
39. The Assessment Sub Committee can use its discretion to give limited information to the subject member if it decides this would not be against the public interest or prejudice any investigation. Any decision to withhold the summary will be kept under review as circumstances change.
40. At the end of the investigation, the report of the Monitoring Officer (or other person they nominate) will be referred to either the Standards Committee or the Adjudication Panel for England.
41. The Standards Committee will then decide whether a full Hearing is required, or whether it should go to the Adjudication Panel for England.

Referral for Other Action

42. If the Assessment Sub Committee considers it is not in the interests of good governance to undertake or complete an investigation into an allegation of misconduct, but that other action to an investigation should be taken by the Monitoring Officer. The Assessment Sub Committee will consult its Monitoring Officer before reaching a decision to take other action.
43. This decision will be made wherever complaints that the Code has been breached lends itself to being resolved this way, including when it is indicative of a wider problem in the Council.
44. The Assessment Sub Committee will consider other action on a practical basis, taking into account the needs of the Council. Everyone involved in the process will be informed of the decision and that the purpose of other action is not to find out whether the Code has been breached – other action is an alternative to investigation. All parties will be informed that no conclusion has been reached on whether the subject of the complaint failed to comply with the Code.
45. Complaints that have been referred to the Monitoring Officer for other action cannot be referred back to the Standards Committee if the other action is perceived to have failed. This would be unfair to the subject councillor, and a case may be jeopardised if it has been discussed as part of a mediation process. The fact that the decision to take no action closes the opportunity for investigation will be communicated clearly to all parties.
46. The Assessment Sub Committee will require the parties involved to confirm in writing that they will co-operate with the process of other action proposed. The Monitoring Officer will write to the parties outlining:
 - What is being proposed.
 - Why it is being proposed.
 - Why they should co-operate.
 - What the Standards Committee hopes to achieve.
47. The following are some examples of alternatives to investigation:
 - Arranging for the subject member to attend a training course.
 - Arranging for that member and the complainant to engage in a process of conciliation.
 - Instituting changes to the procedures of the authority if they have given rise to the complaint.

Referral to Standards Board for England

48. If the Standards Board for England declines to investigate, the Assessment Sub Committee will consider the matter again. It will aim to do this within 20 working days of receiving the decision.

Decision to Take No Action

49. If the Assessment Sub Committee decides to take no action over a complaint, then within 5 working days of making the decision it will give notice in writing of the decision and set out clearly the reasons for that decision. Where no potential breach of the Code is disclosed, the Assessment Sub Committee will explain in the decision notice what the allegation was and why they believe this to be the case. This notice will be given to the relevant parties, to the complainant and the subject member.
50. The complainant will be advised of their right to ask for a review of a decision to take no action. They will be told that they can exercise this right by writing to the Standards Committee with their reasons for requesting a review. The complainant will also be advised of the date by which their review request should be received by the Standards Committee which is 30 working days after the initial assessment decision is received.

Reviews of no action decisions by the Assessment Sub Committee

51. If a review is requested following a decision of no action, the Review Sub Committee will carry out its review within a maximum of three months of receiving the request (usually within 20 working days). All relevant parties will be notified when a review request is received.
52. The Review Sub Committee will apply the same criteria used for initial assessment. The Review Sub Committee has the same decisions available to it as the Assessment Sub Committee.
53. Further information might be made available in support of a complaint that changes its nature or gives rise to a potential new complaint. In such cases, the Review Sub Committee should consider carefully if it is more appropriate to pass this to the Assessment Sub Committee to be handled as a new complaint. In this instance, the Review Sub Committee will still need to make a formal decision that the review request will not be granted.
54. For example, a review may be more appropriate if a complainant wishes to challenge that:
 - Not enough emphasis has been given to a particular aspect of the complaint.
 - There has been a failure to follow any published criteria.
 - There has been an error in procedures.

55. However, if more information or new information of any significance is available, and this is not merely a repeat complaint, then a new complaint rather than a request for a review may be more suitable.
56. If the Review Sub Committee decides that no action should be taken on the complaint, a decision notice will be sent out within 5 working days of the decision being made to the complainant and the subject member. This will include reasons for the decision.
57. If it is decided that the complaint should be referred to the Monitoring Officer or to the Standards Board for England, the relevant parties will be informed in writing which will include a summary of the complaint. The decision notice will not explain why that particular referral decision has been made as it might prejudice the investigation or other action.

Access to Meetings and Decision Making

58. Initial assessment decisions, and any subsequent review of decisions to take no further action on a complaint, will be conducted in closed meetings. These are not subject to the notice and publicity requirements under Part 5 of the Local Government Act 1972.
59. A Standards Sub Committee undertaking its role in the assessment or review of a complaint is not subject to the following rules:
 - Rules regarding notices of meetings.
 - Rules on the circulation of agendas and documents.
 - Rules over public access to meetings.
 - Rules on the validity of proceedings.
60. Following an Assessment or Review Sub Committee has considered a complaint a written summary will be produced which will include:
 - The main points considered.
 - The conclusions on the complaint.
 - The reasons for the conclusion.
61. The summary may give the name of the subject member unless doing so is not in the public interest or would prejudice any subsequent investigation.
62. The written summary will be made available for the public to inspect at the council offices for six years after it has been sent to the subject member.
63. In limited situations, a Standards Committee can decide not to give the written summary to the subject member when a referral decision has been made. If this is the case the written summary will be given to the town or parish council at the same time the summary is given to the subject member during the investigation process.

Withdrawing Complaints

64. There may be occasions when the complainant asks to withdraw their complaint prior to the Assessment Sub Committee having made a decision on it.
65. In these circumstances, the Assessment Sub Committee will decide whether to grant the request. They will consider the following:
- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
 - Is the complaint such that action can be taken on it, for example an investigation, without the complainant's participation?
 - Is there an identifiable underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured by the subject member, or an associate of theirs to withdraw the complaint?

Multiple and Vexatious Complaints

66. If a number of complaints about the same matter are received, the Assessment Sub Committee will consider them at the same time. The summary report will draw together all the relevant information and will highlight any substantially different or contradictory information. However, there will be a decision on each individual complaint and the notification procedure for each complaint will be followed.
67. The Assessment Sub Committee must consider every new complaint received in relation to the Code of Conduct. However, if it has already dealt with the same complaint by the same person the Monitoring Officer can decide it does not need to be considered if there is no new evidence.

Case History

68. Records of complaints and outcomes, including decisions not to investigate, will be retained in accordance with the Council's file retention policy and in accordance with the principles of data protection.

Confidentiality

69. As a matter of fairness and natural justice, a member should usually be told who has complained about them. However, there may be instances where the complainant asks for their identify to be withheld. Such requests will only be granted in exceptional circumstances and at the discretion of the Assessment Sub-Committee. The Assessment

Sub-Committee will consider the request for confidentiality alongside the substance of the complaint itself.

70. Requests will be judged on the following criteria:
- The complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed.
 - The complainant is an officer who works closely with the subject member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed.
 - The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed. In such circumstances, medical evidence may be requested of the complainant's condition.
71. In certain cases, such as allegations of bullying, revealing the identity of the complainant may be necessary for investigation of the complaint. In such cases the complainant will also be given the option of requesting a withdrawal of their complaint.
72. When considering requests for confidentiality, the Assessment Sub-Committee will also consider whether it is possible to investigate the complaint without making the complainant's identity known.
73. If the Assessment Sub-Committee decides to refuse a request by a complainant for confidentiality, it will offer the complainant the option to withdraw, rather than proceed with their identity being disclosed. In certain circumstances, the public interest in proceeding with an investigation may outweigh the complainant's wish to have their identity withheld from the subject matter. The Assessment Sub-Committee will decide where the balance lies in the particular circumstances of each complaint.

Members with Conflicts of Interest

Note: *this section does not deal with any interests which may arise under the Code of Conduct, which members must also keep in mind and deal with as appropriate.*

74. A member of the Standards Sub-Committee who was involved in any of the following decisions **can** be a member of the committee that hears and determines the complaint at the conclusion of an investigation:
- The initial assessment decision.
 - A referral back for another assessment decision.
 - A review of an assessment decision.

75. The assessment decision relates only to whether the complaint discloses something that needs to be investigated or referred for other action. It does not determine whether the conduct took place or whether it was a breach of the Code.
76. The Standards Sub-Committee hearing the case will decide on the evidence before it as to whether the Code has been breached and, if so, if any sanction should apply.
77. The assessment process will be conducted with impartiality and fairness. There may be cases where it will not be appropriate for a member to be involved in the process, even if not disqualified from doing so by law. Any member who is a complainant or one of the following should not participate in the assessment process:
 - Anyone closely associated with.
 - Someone who is a complainant.
 - A potential witness or victim relating to a complaint.
78. In certain situations, a Standards Sub-Committee member might initially be involved with the initial assessment of a case that is then referred to the Standards Board for England or to the Council's Monitoring Officer. The case might then be referred back to the Standards Committee to consider again. In such circumstances, the member may continue their participation in the assessment process. However, a Standards Sub-Committee member who is involved at these assessment stages of the process, either initially or following a referral back from the Standards Board or Monitoring Officer, will not participate in the review of that decision.

Officers with Conflicts of Interest

79. An officer who has previously advised a subject member or who has advised the complainant about the issues giving rise to a complaint should consider whether they can properly take part in the assessment process. The officer should also consider whether they should stand aside due to their prior involvement, which has been such that others involved may view them as biased. If the officer has taken part in supporting the assessment or hearing process then they should not be involved in the investigation of that matter.
80. The Monitoring Officer will act as the main adviser to the Standards Sub-Committee unless the Monitoring Officer has an interest in a matter that would prevent them from performing the role independently.
81. If the Monitoring Officer is unable to take part in the assessment process, their role will be delegated to another appropriate officer of the Council, such as the Deputy Monitoring Officer. Similarly, the role of any other officer who is unable to take part in the assessment process should be taken by another officer.

Personal Conflicts

82. Members and officers should take care to avoid any personal conflicts of interest arising when participating in the consideration of a complaint that a member may have breached the Code of Conduct. The provisions of the authority's Code relating to personal and prejudicial interests apply to Standards Committee members in meetings and hearings.
83. These may include consideration of the following:
- The complaint is likely to affect the wellbeing or financial position of that member or officer or the wellbeing or financial position of a friend, family member or person with whom they have a close association.
 - The member or officer is directly or indirectly involved in the case in any way.
 - A family member, friend or close associate of the member or officer is involved in the case.
 - The member or officer has an interest in any matter relating to the case. For example, it concerns a member's failure to declare an interest in a planning application in which the member or officer has an interest. This is despite the fact that the outcome of any investigation or other action could not affect the decision reached on the application.
84. Anyone who has a prejudicial interest or who is involved with a complaint in any way should not take part in the assessment or Review Sub-Committee. Decisions made in an assessment or Review Sub-Committee should not be influenced by anything outside the papers and advice put before the members in that committee. The members should not discuss complaints with others who are not members of the committee which deals with the assessment or review. Discussions between members should only take place at official meetings.
85. Complaints about members of more than one authority (dual-hatted member).
86. Where a complaint has been received about a dual-hatted member, the Monitoring Officer will check if a similar allegation has been made to the other authority on which the member serves.
87. The Assessment Sub-Committee will decide, in consultation with the other authorities Standards Committee, which authority should consider the complaint. The Council will encourage a cooperative approach, including sharing knowledge and information, to ensure resources are used effectively.

Complaints Form attached

MEMBERS' CODE OF CONDUCT

Introduction

1. The Code of Conduct applies to all members of the Council, and all members are required to sign up to it as part of their declarations of office.
2. The Ten General Principles of Public Life define the standards that members should uphold, and serve as a reminder of the purpose of the Code of Conduct.

The Ten General Principles of Public Life

Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They

should respect the impartiality and integrity of the authority's statutory officers and its other employees.

Duty to uphold the law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

The Model Code of Conduct

Part 1

General provisions

1. Introduction and interpretation

- (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
 - "meeting" means any meeting of—
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - "member" includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

2. Scope

- (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- (1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—

- (i) a complainant,
- (ii) a witness, or
- (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7.

- (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,where that officer is acting pursuant to his or her statutory duties.
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

8. Personal interests

- (1) You have a personal interest in any business of your authority where either—
 - (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

(i) any employment or business carried on by you;

(ii) any person or body who employs or has appointed you;

(iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(vii) any land in your authority's area in which you have a beneficial interest;

(viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(ix) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the

well-being or financial position of a relevant person to a greater extent than the majority of—

- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

9. Disclosure of personal interests

- (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

10. Prejudicial interest generally

- (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

12. Effect of prejudicial interests on participation

- (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

- (a) you must not exercise executive functions in relation to that business; and

- (b) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

13. Registration of members' interests

- (1) Subject to paragraph 14, you must, within 28 days of—
 - (a) this Code being adopted by or applied to your authority; or
 - (b) your election or appointment to office (where that is later),register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.
- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

14. Sensitive information

- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.



COUNCILLORS CODE OF CONDUCT

Complaint Form

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the councillor(s) you are complaining about
- the monitoring officer of the Council

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- 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
- Other

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

First Name	Last Name

4. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the 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 to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Use a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity is kept confidential.

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the summary of your complaint unless you have good reason to believe that:
- (1) There are reasonable grounds for believing that the complainant will be at risk of physical harm if identity is disclosed.
 - (2) The complainant is an officer who works closely with the member and is afraid of the consequences to employment or of losing job if identity is disclosed.
 - (3) The complainant suffers from a serious health condition and there are medical risks associated with identity being disclosed. In such circumstances, medical evidence of the condition may be required.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000 we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible, through contact details below.

Return the Form to:-

Steve Goddard
Democratic Services
Norwich City Council
City Hall
NORWICH
NR2 1NH

Please mark envelope confidential

Enquiries: Tel: 01603 212491 Email: stevegoddard@norwich.gov.uk