



**North Tyneside Council**

# **Code of Conduct for Members and Co-opted Members of North Tyneside Borough Council**

## **COMPLAINT FORM**

This form can be either completed by hand and posted or faxed to the Monitoring Officer, or completed on a computer. If it is completed on a computer it can either be e-mailed to the Monitoring Officer, or printed and then posted or faxed. Address details are found at the end of the form.

### **What this form is for**

This form is for registering a complaint that an Elected Member or Co-opted Member of North Tyneside Council has breached the Code of Conduct as adopted by the Authority with affect from 1 July 2012. This form can be found on the Standards Committee page of the North Tyneside Council website ([www.northtyneside.gov.uk](http://www.northtyneside.gov.uk)).

The points listed below will help you decide whether this is the correct form to use when making your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the Council, or after they have resigned or otherwise ceased to be a member, cannot be considered.
- The Code of Conduct came into effect on 1 July 2012. If your complaint concerns matters that occurred before this date you should contact the office of the Monitoring Officer before making your complaint.
- Your complaint must be about one or more named members of North Tyneside Council.
- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct.
- Complaints about dissatisfaction with a decision or action of the Authority or one of its committees, a service provided by the Authority or the Authority's procedures do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the Authority also do not fall within the jurisdiction of the Standards Committee.

If your complaint does not meet these criteria you should make use of the Council's Corporate Complaints Procedure by contacting:

Customer and Member Liaison Office  
Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY  
Tel: 0191 643 2280  
customerliaisonoffice@northtyneside.gov.uk

### **Explanation of the Complaints Process**

Complaints against Members of the Council are the responsibility of the Authority's Standards Committee. Complaints must be made in writing to the Monitoring Officer.

The first stage of the process is that normally within 28 days of receipt the Authority's Monitoring Officer will consider your complaint. It is not the task of the Monitoring Officer to consider whether or not the Member concerned has broken the Code of Conduct. Rather, he/she will decide whether the matter warrants referral for investigation or other action. Only if the matter is referred for investigation will the substance of the complaint be considered and a decision made about whether or not the Code has been breached.

The Monitoring Officer will decide:

1. whether the allegation, if proven, would constitute a failure to observe the Code of Conduct;
2. if it would constitute such a failure, whether the allegation is to be investigated. This decision will be guided by the Council's Assessment Criteria. The Assessment Criteria are available from the Monitoring Officer;
3. where the decision is not to investigate the allegation, whether to direct the Monitoring Officer to pursue an alternative course of action such as training for the Member concerned or conciliation between the complainant and the Member.

The Monitoring Officer will produce a summary of his decision, and to send it to the complainant and to the Member concerned unless to do so would in his/her opinion prejudice a subsequent investigation.

If an allegation is considered to require investigation, the matter will be referred by the Monitoring Officer for the investigation of the allegation.

Following the completion of an investigation into an allegation, unless the complaint can be resolved informally, the Council's Standards Committee will meet to consider the allegation and the findings of the investigation.

If the allegation is upheld and a breach of the code of conduct is found the Standards Committee have a range of sanctions available to them.

Any queries regarding the Complaints process should be directed to the Monitoring Officer at the address at the end of this form.

## Making Your Complaint

1. Please provide us with your name and contact details

<b>Title:</b>	Councillor
<b>First name:</b>	Tommy
<b>Last name:</b>	Mulvena
<b>Address:</b>	53 Benton Road West Allotment Newcastle upon Tyne Tyne & Wear NE27 0EP
<b>Daytime telephone:</b>	0191 2701103
<b>Evening telephone:</b>	0191 2701103
<b>Mobile telephone:</b>	07801 584479
<b>Email address:</b>	t4mul@btinternet.com

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 Member(s) you are complaining about
- the Council's Independent Person(s) with whom the Monitoring Officer must consult before deciding whether the matter warrants referral for investigation or other action.
- the Standards Committee

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

- X An elected or co-opted Member of an authority
- Member of Parliament
- Monitoring Officer
- Other council officer or authority employee
- Other ( )

3. Please provide us with the name(s) of the Member(s) of North Tyneside Council whom you believe has breached the Code of Conduct:

Title	First name	Last name
Cllr	David	Ord

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 very important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she 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. Continue on a separate sheet if there is not enough space on this form.

Meeting of the Full Council on the 27<sup>th</sup> November 2014

First issue was during the questions to the Chair of the Independent Remuneration Panel ( Mr J Anderson), Cllr Ord's behaviour was argumentative and less than professional. At one point saying it was mindless crap, He then went on to give the finger to a fellow Councillor (Cllr F Lott), at this point he was warned about his behaviour and it was made clear what the consequences would be if he did not curb his behaviour. However he then decided to disrupt the Mayor's comments in a manner that is less than acceptable at this point I asked him to leave. Initially, He failed to do so and continued however after using the gavel he did leave, at which point he made what I can only describe as a Fascist Salute and left the meeting

It is my believe that Councillor Ord failed to treat others with respect, under the general obligations of the code of conduct and may have brought the council into disrepute with his finger gesture and most certainly with his salute as he left the meeting

All of the above was witnessed by members of the public, press, members and officers of the Council present at the meeting

**Only complete Section 5 if you are requesting that your identity be kept confidential.**

5. In the interests of fairness and natural justice, we believe Members who are complained about should be informed of who has made the complaint and be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint other than in exceptional circumstances.

The Monitoring Officer will consider the request for confidentiality as a preliminary matter before 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. Fax and electronic submissions are permissible. However, in line with the requirements of equalities legislation, we can make reasonable adjustments to assist you if you have an impairment that prevents you from making your complaint in writing.

We can provide information in other languages and in different formats, such as large print. An interpreter/translator service is also available if English is not your first language. If you have any problems in reading or writing, or need any support in completing this form, let us know. We can also help you find independent advice if needed.

If this applies to you please contact the office of the Monitoring Officer at the address given below.

### **The completed form should be sent to:**

The Monitoring Officer  
North Tyneside Council  
Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY

Email: [standardscommittee@northtyneside.gov.uk](mailto:standardscommittee@northtyneside.gov.uk)

Faxes should be marked 'For the attention of the Monitoring Officer' and sent to 0191 643 2451.