

Public Document Pack

Your Ref:

Our Ref:

All Members



Date 24 January 2017

Dear Member

Standards Committee – 25 January 2017

I am now able to enclose, for consideration at the next meeting of the **Standards Committee**, the following reports that were unavailable when the agenda was printed.

Complaints Form – highlighted in the report at page 22.

Yours sincerely

Julia Stuckey
Member Services Officer

Available in other languages and formats on request
Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

To contact your local Councillor, his/her name and address can be obtained by visiting our website or telephoning Customer First on 01884 255255

This page is intentionally left blank

MEMBERS' CODE OF CONDUCT

COMPLAINT FORM



Please read the following guidance before completing this form. It is important that you give us all the information we need to make a reasoned and informed decision on your complaint. You may also like to refer to the document entitled "Procedure for the assessment and determination of allegations of breaches to the Members Code of Conduct" available on the website.

Code of Conduct Complaint Form Guidance Notes

1. The detail of your complaint

In order to help the Monitoring Officer make an initial assessment of your complaint please make sure you have:

- Included your contact details in case any clarification or explanation is required relating to your complaint.
- Identified one or more councillors by name as the focus of your complaint, we cannot accept complaints about a Council as a whole or about employees of a Council, this does not include the clerks as they are not covered by the Code of Conduct for councillors.
- Identified from the tick box list in the form in this document the relevant areas of Code you think might apply to your complaint.
- Explained the circumstances and nature of the complaint in detail, including whether you think the councillor was acting in an official capacity and, if so, why you think that. You will need to demonstrate via the information provided how each of the areas of the Code that you have identified has been breached.
- Supply any documentation relevant to your complaint.
- Identified where there are any witnesses or not, and if so, their names and contact details if you know them. It may be helpful if you could obtain consent of anyone identified to being a witness in support of your claim.
- Indicated whether you have complained about this issue before and, if so, to whom and the outcome.
- Completed the section relating to confidentiality.

2. Your details

In normal circumstances when a complaint is received details of the complaint and the name of the complainant, (but not their address or other contact details) will be passed to the councillor against whom the complaint has been made (who we will

refer to as the subject member) so that they are able to provide a response to the complaint as there is a need to consider both sides in making a decision; this accords with the rules of natural justice.

If you do not want your identity to be disclosed to the subject member you may request confidentiality in line with section 3, below.

3. Confidentiality

If you have serious concerns about your identity or details of your complaint being released, please complete the section of the form marked 'Confidentiality'.

We believe it is fair that members who are complained about have the right to know who has made the complaint and to be provided with the details of the complaint so that they may respond to the complaint. We are unlikely to withhold your identity or the details of your complaint unless we consider that you have demonstrated that it is appropriate to do so. Any request for confidentiality will be considered by the Council's Monitoring Officer or his nominee.

Each request for confidentiality will be considered on its own merits and in determining such a request the following will be considered:

- Whether you reasonably believe that you, or those connected to you, will be at risk of harm if your identity is disclosed;
- That you are reasonably concerned about the consequences to your employment, or those connected to you, if your identity is disclosed;
- That you suffer, or somebody closely connected to you suffers from a medical condition and there is evidence of medical risks associated with your identity being disclosed or confirmation from an appropriate medical professional if that is the case;
- The public interest; in some cases the public interest in proceeding with the complaint may outweigh the complainant's wish to have their identity withheld.

Requests for confidentiality will not automatically be granted. If confidentiality is granted the subject member will be advised of the fact and the reasons why, but not so as to indirectly disclose the complainant's identity. Your request will be considered alongside the substance of your complaint. If your request for confidentiality is not granted, we would usually allow you to withdraw your complaint, unless the matter is seen to be of a serious nature and we may decide that it is in the public interest to take any appropriate action.

Further information regarding submitting your claim, timescales and what decision can be made on a complaint are all available in the 'Procedure for the assessment and determination of allegations of breaches of the members' Code of Conduct'.

COMPLAINT FORM

Your Details

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

Are you

- ☐ Member of the public
- ☐ An elected or co-opted member of an authority
- ☐ Member of Parliament
- ☐ Local authority monitoring officer
- ☐ Other council officer or authority employee
- ☐ Other ()

The Member(s) you are complaining about

Title	First name	Last name	Name of Council

What part(s) of the Code of Conduct do you think have been breached?

The details you are asked to give below should support and explain your choices here. We may come to a different conclusion on what paragraphs of the Code may have been breached, if any. For more details you can view the Code of Conduct via the following link: <http://www.middevon.gov.uk/CHttpHandler.ashx?id=17917&p=0>

Please tick against the appropriate part(s) of the Code:

Failed to treat others with respect	
Lawfully discriminated	
Bullying	
Intimidated or attempted to intimidate others	
Conducted themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct.	
Has accepted a gift or hospitality that could be seen by the public as likely to influence the member's judgement in relation to any matter that they deal within their official capacity	
Has compromised or attempted to compromise the impartiality of anyone who works for or on behalf of the council	
Improperly disclosed confidential information	
Prevented someone from getting information to which they are entitled by law	
Bringing their office or Council into disrepute	
Improperly using their position to confer an advantage or disadvantage on themselves or another	
Improperly using the resources of their Council	
Failure to have regard to the advice of the Monitoring Officer, Chief Financial Officer or local clerk	
Has participated in the scrutiny of a matter on which the person has previously made a decision	
Has failed to correctly register interests as set out in the Code	
Has, at a meeting or when making a decision, failed to disclose a registered interest	
Has made a decision when they should not have done so because of an interest that they had at the time.	

Has failed to absent themselves from the room or chamber where a matter in which they have an interest in is being discussed, whether or not they have disclosed the interest.	
--	--

Your complaint

Having regard to the guidance notes, please provide us with the full details of your complaint. Continue overleaf and then on a separate sheet if there is not enough space on this form.

Your complaint – please continue here if there is insufficient space on the previous page.

Witnesses to the alleged conduct

Please provide details of witnesses to the alleged conduct and their contact details.

Title	First Name	Last Name	Address and telephone number

Previous action you have taken about this complaint

We need to know whether you have previously referred this complaint to another body. Please complete the tablet I indicate to whom you have referred the complaint.

Another Council	Yes/No
Local Government Ombudsman	Yes/No
Other (please specify below)	Yes/No

If you have answered 'yes' to any of the above, please confirm in the box which organisation you have referred this matter to, when it was referred and any reference number you may have



Confidentiality

Only complete this section if you are requesting that your identity is to be confidential.

Please give details of why you believe we should withhold your name and /or details of your complaint

Signature.....

Date.....

Additional help

Complaints must always be submitted in writing. However, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint or makes it difficult for you to submit your complaint in writing. We can also help if English is not your first language.

All forms should be sent or delivered to:

The Monitoring Officer
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

Email monitoringofficer@middevon.gov.uk
Telephone 01884 234246