



CODE OF CONDUCT FOR COUNCILLORS COMPLAINT FORM

(Before completing this form please read the attached Guidance & Process Notes)

A. Your details

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

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|---------------------------|--|
| 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.

The following people may see this form:

- Members of the Standards Committee
- Independent Persons
- Monitoring Officer of the South Somerset District Council
- the Town/Parish Clerk (if applicable)

Actual details of your complaint will also usually to be shared with the councillor(s) you are complaining against. If you have serious concerns about your name and details of your complaint being released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

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

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

B. Making your complaint

The sanctions available to a Standards Committee should it find a breach of the code of conduct has occurred are governed by law and details are attached. For other information about the process and time scales, please refer to the Guidance Notes.

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

| Title | First name | Last name | Council or authority name |
|-------|------------|-----------|---------------------------|
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4. Please explain in this section (or on separate sheets) what the councillor has done that you believe breaches the council's Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual person has done (with dates / witnesses) that you believe breaches their Code of Conduct. Each council has adopted their own code and you should look at the relevant code to see whether it covers the behaviour you wish to complain about.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or Standards 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 councillor said or did. For instance, instead of writing that the councillor 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 or other relevant documentary evidence to support your allegation(s).

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

C. Confidentiality of complainant and the complaint details

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 councillors 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

details of your complaint. We are unlikely to withhold your identity or the details of your complaint unless you have a very good reason to believe that you have justifiable grounds, for example:-

- to believe you may be threatened, victimised or harassed by the councillor(s) against whom you are submitting a written complaint (or by a person associated with the same); or
- may receive materially less favourable treatment from the Council because of the seniority of the councillor against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of complaint details will only be granted in exceptional circumstances. The Monitoring Officer 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 allow you the option of withdrawing your complaint.

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

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

(Continue on separate sheet(s), as necessary)

D. Remedy sought

Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint. **Please first see overleaf for details of the only sanctions available to the Standards Committee.**

(Continue on separate sheet(s), as necessary)

E. Additional information

6. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, trivial, vexatious and politically or personality motivated tit-for-tat complaints are likely to be rejected by the Monitoring Officer. Similarly any technical or minor breaches of the code will usually result in no further action being taken.
7. 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 contact the Monitoring Officer as soon as possible.

Ian Clarke, Solicitor to the Council & Monitoring Officer
South Somerset District Council
The Council Offices
Yeovil
Somerset.
BA20 2HT

Tel: 01935 462462
Fax: 01935 462666
E-mail: ian.clarke@southsomerset.gov.uk

Signed

Date

Sanctions available to Standards Committees

As a consequence of changes introduced by the Localism Act 2011 the Standards Committee no longer has the power to suspend a member from acting as a councillor. **The only sanctions now available to the Standards Committee are as set out below.** In relation to the Town & Parish Councils in our area it is important to appreciate that we can only recommend a particular sanction to those councils; we do not have the power to enforce or require compliance.

- Report its findings to Council or Town/Parish Council for information;
 - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee) ;
 - Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
 - Instructing the Monitoring Officer to arrange training for the member;
 - Removing from all outside appointments to which he/she has been appointed or nominated by the authority;
 - Withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - Restricting contact to named officers or requiring contact be through named officers; or
 - Excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
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