

CODE OF CONDUCT FOR COUNCILLORS COMPLAINT FORM

(Before completing this form please read the attached Guidance and 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.

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 to deal with your complaint.

The following people will see this form:

- Members of the Standards Advisory Committee
- Monitoring Officer of West Somerset Council
- the Town/Parish Clerk (if applicable)

Your complaint is also likely 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 of concern 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
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

B. Making your complaint

The sanctions available to the West Somerset Council are governed by law and were significantly reduced by the Localism Act 2011. For a brief summary of sanctions available and other information about the process and timescales, please refer to the attached 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

4. Please explain in this section (or on separate sheets) what the councillor has done that you believe breaches the 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 the Code of Conduct. As a result of the Localism Act 2011 local authorities were given the power to adopt their own form of code of conduct so the content particularly amongst town and parish councils may vary significantly. Previous to this there was essentially a single statutory code that applied to all authorities.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer in consultation with the Standards Advisory Committee when a decision is made 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 a copy of the 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).

Please note that requests for confidentiality or requests for suppression of complaint details will only be granted in exceptional circumstances. The Monitoring Officer in consultation with the Standards Advisory 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 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 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 West Somerset Council.**

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

E. Additional information

6. Complaints must be submitted in writing. This includes fax and electronic submissions.
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.

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Killick Way
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Somerset
TA4 4QA

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Signed Date

Sanctions available to the Council

The change on the law introduced by the Localism Act 2011 means that the Council no longer has the power to suspend a member from acting as a councillor for up to 6 months. **The only sanctions now available to the Council are as set out below.** In relation to the town and parish councils in our area we can only recommend a particular sanction to them but we do not have the power to enforce compliance.

- Report its findings to Council or Town/Parish Council for information;
 - Recommending to the member's Group that he/she be removed from any or all Committee or Sub-Committees of the Council;
 - Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio/Lead Member 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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