

Report to: **Standards Committee**

Date of Meeting: 16th April 2019

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 7

Subject: **Councillor Code of Conduct complaint form**

Purpose of report: At its January meeting, the Committee discussed the benefit of using a standardised form for the making of complaints that councillors (both district and town / parishes) had breached the code of conduct. Other authorities do so and it was agreed that this was a sensible way to proceed. The Committee requested that the complaint form was brought back for review and agreement prior to being used.

Attached is a copy of the form which has been drafted, drawing on (the former) West Dorset form. It highlights where to find EDDC's code and also explains that town / parish councils may have their own version. It requires complainants to identify the relevant sections of the code which have been breached and to identify how a councillor was acting in official capacity and, when the councillor is dual-hatted, which official capacity. Details of the circumstances of the complaint are required to be provided in Section 5.

Given the paucity of sanctions available Section 5 requests the complainant to consider what they are looking to achieve from complaining and whether an apology would be sufficient. The intent is to make complainants think about whether complaining will give them the satisfaction they are after and if not, whether they want to make a complaint at all. Equally, by highlighting that an apology will suffice, this may facilitate early resolution of complaints.

The complaint form will sit on the councillor conduct page of the website (link in the background link section) and complaints will not be progressed unless a completed form is provided.

Recommendation: **That Members consider the complaint form and agree to its use following the May elections.**

Reason for recommendation: To enable a more robust complaint process to be administered.

Officer: Henry Gordon Lennox, Strategic Lead Governance and Licensing & Monitoring Officer hgordonlennox@eastdevon.gov.uk 01395 517401

Financial implications: There are no financial implications contained in the report

Legal implications: There are no legal issues arising.

Equalities impact: Low Impact

Risk: Low Risk



Links to background information:

- [Members' Code of Conduct](#)
- [Link to councillor conduct page of the website](#)

Link to Council Plan: Encouraging communities to be outstanding and Continuously improving to be an outstanding



Making a Code of Conduct complaint against a Councillor

Use this form to make a complaint about the behaviour of a parish, town or district councillor where you believe they have breached the councillor's Code of Conduct.

East Devon District Council's Code of Conduct is available online [here](#) or by telephoning 01395 516551. Complaints against parish / town councillors should reference the Code of Conduct for the councillor's town / parish council as it could be different from the district council's. Where a councillor is both a parish / town councillor and a district councillor you should identify which role they were acting in when the behaviour complained of occurred.

A link to the complaint process which will be followed can be found [here](#).

(for office use only)

Case reference number:

1. Your details

Please provide us with your name and contact details:

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

2. About you

Please tell us which of the following 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

- District council, town or parish council employee
- Other – please specify

Where you are an East Devon District councillor please tick the box to confirm that you have consulted the Monitoring Officer prior to making this complaint.

3. Details of subject member

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

First name	Last name	Council name

4. Details of complaint

Please explain in this section (or on separate sheets) what the councillor has done that you believe breaches their Code of Conduct. If you are complaining about more than one councillor 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. For example:

- You should identify what made you think the councillor was acting in official capacity (i.e. that he was acting as a councillor rather than as a private individual).
- 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 must specify which sections of the relevant Code of Conduct you consider have been breached.
- 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 including documents and correspondence if relevant to the complaint.

Details of complaint – continue on a separate sheet if necessary.

5. Remedy

The complaint process (link at the beginning of the form) details the sanctions available if a breach is found. Please consider them and indicate what action / outcome you are looking for or hoping to achieve in pursuing this complaint.

Details of remedy / outcome sought.

Please tick the box if you are willing to accept an apology from the councillor(s) who you are complaining about.

Only complete Section 5 if you are seeking for your identity to be kept confidential from the subject member.

5. Confidentiality

When we receive a complaint, the councillor who is being complained about will, in normal circumstances, be told who has complained about them. You can however ask for your identity to remain confidential.

If you ask for your identity to be kept confidential, the monitoring officer will consider your request before telling the councillor that a complaint has been made.

If the monitoring officer doesn't think it is appropriate to grant a request for confidentiality you will be offered the opportunity to withdraw the complaint rather than proceed with it.

Details of why we should withhold your name and/or the details of your complaint:

6. Please sign and date this form

Signed: _____

Date: _____

When you have completed this form, please return it to:

The Monitoring Officer
East Devon District Council
Blackdown House
Border Road
Heathpark Industrial Estate
Honiton
EX14 1EJ

Email: monitoringofficer@eastdevon.gov.uk

Data Protection

Any personal information which you provide will be held and used by East Devon District Council for the purpose of processing your complaint that a councillor has breached their Code of Conduct. Your information may also be shared within East Devon District Council for the purposes of carrying out our lawful functions. Otherwise your personal information will not be disclosed to anybody outside East Devon District Council without your permission, unless there is a lawful reason to do so, for example disclosure is necessary for crime prevention or detection purposes. Your information will be held securely and will not be retained for any longer than is necessary. There are a number of rights available to you in relation to our use of your personal information, depending on the reason for processing. Further detail about our use of your personal information can be found in the relevant Privacy Notice which can be accessed [here](#).