



COMPLAINT FORM:

CODE OF MEMBERS' CONDUCT

(Please read the 'GUIDANCE FOR POTENTIAL COMPLAINANTS' before completing this form).

You can fill in the form online and then attach it to an e-mail or you can print the form and complete it in paper format. If filling in the paper copy please use black ink as it photocopies better.

A. Your details

1. Please provide us with your name and contact details.

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	

Please be aware that your name and the details of your complaint may be made public in accordance with the provisions of the Localism Act 2011 and any regulations made there under.

Personal information will be held in accordance with the Data Protection Act 1998 and processed for the purposes of handling your complaint (which includes supplying information to statutory regulators).

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

- A member of the public
- An elected or co-opted Member of a Council (specify _____)
- An independent member of a Standards Committee
- A Member of Parliament
- A Monitoring Officer
- Other council employee, contractor or agent of the Council
- Other (_____)

B. The details of your complaint

3. Please provide us with the name of the Member(s) you believe have breached the relevant council's Code of Members' Conduct:

Title	First name	Last name	Specify Council

4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have 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, with dates and witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence you wish to have taken into account by the Monitoring Officer when he decides whether or not to take any action on your complaint.

- 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 he or she said or did to insult you.
- 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).
- You should specify which paragraphs of the relevant Code of Members' Conduct which you think the Member has breached.
- If the incident(s) about which the allegation(s) are being made occurred over 28 days ago, clearly explain why the complaint was not made during that period of time.

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

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

C. Openness

5. In the interests of fairness and in compliance with the rules of natural justice, we believe Members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him/her.
6. Your name and a summary of your complaint may be sent to the Member and the clerk of the parish council (where the Member is a parish councillor). Your name and the details of your complaint may be withheld if you can demonstrate very exceptional circumstances.
7. Very exceptional circumstances are where to disclose would be contrary to the public interest or would prejudice a person's ability to investigate the allegation and may include, for example:-
 - where you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
 - where you believe you may receive less favourable treatment from the Council because of the seniority of the Member 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; or
 - you are an officer who works closely with the Member against whom the allegation is made and have a reasonable belief that you may be adversely affected in your employment if your identity is disclosed.

8. If you wish us to consider a request for withholding your name and/or the details of your complaint please complete information below.

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

D. Remedy sought

9. The remedies available to the Standards Committee in the event of an allegation being proven are limited but include the issuing of a formal letter, a formal reprimand, a recommendation that the Member be removed from any or all committees or sub-committees or Cabinet or sub-committee of Cabinet, restriction of the Member's access to the premises of the relevant authority and the Member's use of the resources provided that any such restrictions imposed upon the Member (a) are reasonable and proportionate to the nature of the breach, and (b) do not unduly restrict the Member's ability to perform his or her functions as a member, the issue of a press release or other relevant publicity. In addition with the agreement of the Member concerned the Standards Committee may also require the Member to undertake training, participate in conciliation or submit an apology. There is no power to suspend a Member, impose a financial penalty, award compensation or make an award of costs. Remedies in relation to a parish councillor complaint will be by way of recommendation to the relevant Parish Council. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.

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

E. What to do next

10. Have you:

- Completed all the sections on this form?
- Signed the form?
- Enclosed all the relevant documents?

11. When you have completed this form send it together with all your supporting documents either in paper form or electronically to:

Monitoring Officer (Local Assessment)
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

e-mail: standards@horsham.gov.uk

F. What happens next

12. We will acknowledge receipt of your complaint and give you a reference number which you should quote on all correspondence.

13. Once a valid complaint relating to an alleged breach of the relevant Code of Members' Conduct has been received by the Monitoring Officer, the views of the Independent Person and the Parish Representative, as appropriate will be sought. It will then be considered by the Monitoring Officer. The Member will be notified that a complaint has been made and asked to submit any written observations. Unless and until the Monitoring Officer has considered your complaint, the nature of your complaint remains confidential to the Monitoring Officer and those consulted.

14. The Monitoring Officer may in his absolute discretion refer the matter to the Local Assessment Sub-Committee who have the same powers and responsibilities to assess any complaint made as the Monitoring Officer. If the Monitoring Officer decides to refer the matter to the Local Assessment Sub-

Committee, you and the Member against whom the complaint has been made will not be allowed to attend. The matter will be considered in private as the meeting is likely to consider confidential personal information. The matter will not be open to the press and public.

15. The Monitoring Officer or the Local Assessment Sub-Committee may resolve to:

- i. take no further action on your complaint, with reasons;
- ii. ask you for additional information, with reasons;
- iii. refer your complaint for investigation;
- iv. refer your complaint for other action (i.e. informal resolution); or
- v. refer your complaint to the Police or other regulatory agencies if the complaint identifies criminal conduct or breach of other regulation by any person.

16. You will be notified after the decision and given information on any further stage(s) in the process at that time.

G. Help

17. The procedures for assessing complaints by way of allegations against Members and for subsequently handling such allegations are regulated by the Localism Act 2011 and any regulations made there under by the Secretary of State

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

19. Complaints are assessed on the basis of the information supplied by you, it is, therefore, important that the information is full and complete.


20. In line with the requirements of the Equality Act 2010 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.

21. If you need any help in completing this form or want information on the progress of your complaint, please contact the Monitoring Officer.

22. This document is available in alternative formats. Please call 01403 215478.

23. The Monitoring Officer can be contacted at:

Sharon Evans
Monitoring Officer
Horsham District Council
Parkside, Chart Way
Horsham
West Sussex
RH12 1RL

 01403 215538

 standards@horsham.gov.uk