

## **FORM CM10 - COMPLAINT AGAINST A COUNCILLOR**

**IMPORTANT: Does the Members' Code of Conduct apply to this complaint?**

Before you complete this form please read the following two questions carefully, to consider whether your complaint is covered by the Members' Code of Conduct.

1. Was the Councillor **conducting the business of their council?** YES/NO
2. Was the Councillor acting, claiming to act or giving the impression that they were **acting as a representative of their council, with references to their official capacity** being construed accordingly? YES/NO

If the answer to **both** questions above is **NO**, then the councillor cannot have breached the Code.

They must be performing their duties as a councillor, or giving the impression that they are performing their duties as a councillor.

If the answer to **either or both** questions is **YES**, please insert the meeting details below that the councillor was in attendance at, complete the rest of this form and return it to the Monitoring Officer, along with any information or evidence that you would like to be looked at when the complaint is assessed.

**If you do not supply sufficient evidence to support your complaint, your complaint will be returned to you.**

**It is your responsibility to provide copies of relevant meeting minutes or other supporting documents.**

**The Meeting that the Councillor was at when they allegedly breached the Code of Conduct (this section must be completed):**

Name of Meeting: \_\_\_\_\_

Date and Time of Meeting: \_\_\_\_\_

Location: \_\_\_\_\_

## **TABLE OF CONTENTS**

- 1. Details about the Subject Member and Complainant**
- 2. The Complaint**
- 3. Summary**
- 4. Other things to consider before you submit your complaint**
- 5. Where to send your completed form to**

1. **Details about the Subject Member you wish to complain about:**

First Name:

Last Name:

Which council were they representing?:

---

**Your details:**

Name:

Address:

Telephone Number:

Email address:

**What happens to any personal data provided to the Council?**

Please refer to our website ([www.arun.gov.uk/privacy-policy](http://www.arun.gov.uk/privacy-policy)) for more details. If you would prefer to receive a paper copy, please contact [Monitoring.Officer@arun.gov.uk](mailto:Monitoring.Officer@arun.gov.uk) or phone 01903 737601.

## 2. The Complaint

It is important that you identify which parts of the Code you consider have been broken. In order to do that please complete the following questions to the best of your ability. Each question relates to that paragraph in the Code.

Listed below are the 17 paragraphs of the Members' Code of Conduct. All councillors have signed up to agree to follow this Code. If you consider that the Councillor has broken any of these paragraphs please explain why, under that paragraph. You will also be given an opportunity at the end of this form (Part 3 –Summary) to summarise your complaint. In addition, any documentary evidence that you can provide to support your complaint is important and will be considered when the complaint is looked at.(e.g. meeting minutes, letters, emails etc)

### **Which of these paragraphs has the councillor failed to follow and how?**

A councillor must:

1. Champion the needs of residents – the whole community and in a special way their constituents, including those who did not vote for them – and putting the whole community's interests first.

Answer here:

2. Deal with representations or enquiries from residents, members of their community and visitors fairly, appropriately and impartially.

Answer here:

3. Not allow other pressures, including the financial interests of themselves or others connected to them, to deter them from pursuing constituents' casework, the interests of the district of Arun (or Parish/Town council if the complaint is against a parish or town councillor) or the good governance of the authority in a proper manner.

Answer here:

4. Exercise independent judgement and not compromise their position by placing themselves under obligations to outside individuals or organisations who might seek to influence the way they perform their duties as a member of their local authority.

Answer here:

5. Listen to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

Answer here:

6. Be accountable for their decisions and co-operate when scrutinised internally and externally, including by local residents.

Answer here:

7. Contribute to making their authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding themselves and other members to account but restrict access to information when the wider public interest or the law requires it.

Answer here:

8. Behave in accordance with all the legal obligations, alongside any requirements contained within their authority's policies, protocols and procedures, including on the use of the authority's resources.

Answer here:

9. Value their colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between them that is essential to good local government.

Answer here:

10. Always treat people with respect, including the organisations and public they engage with and those they work alongside.

Answer here:

11. Provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within their authority.

Answer here:

12. Within 28 days of any change of their circumstances they will notify the Monitoring Officer of any disclosable pecuniary interest, where that interest is theirs or their spouse's<sup>1</sup>, or non-pecuniary interest that is required by their authority, by completing and signing a Register of Interests Form, and returning that Register of Interests Form to the Monitoring Officer.

Answer here:

13. If they have a disclosable interest at a meeting, and that matter is not a 'sensitive' interest, and that interest has not been entered onto their Register of Interests Form, they will disclose that interest to the meeting of the authority at which they are present.

Answer here:

14. Following any disclosure of interest in paragraph 13 of the Members' Code of Conduct, they will notify the Monitoring Officer of the interest within 28 days beginning from the date of disclosure by completing and signing a new Register of Interests Form.

Answer here:

15. Unless dispensation has been granted, they will not participate in any discussion of, vote on, or discharge any function related to any matter in which they have a Pecuniary Interest as defined by regulations made by the Secretary of State.

Answer here:

16. They agree that, where they have a Pecuniary Interest in an item to be considered at a meeting, it is their responsibility to ask, before they leave the meeting, for it to be minuted that they are leaving the meeting for that item, so there is clear evidence that they did not take part in the debate or the vote.

Answer here:

17. They will observe the restrictions their authority places on their involvement in matters where they have a Pecuniary or non-Pecuniary interest as defined on their Register of Interests Form.

Answer here:

---

<sup>1</sup> or civil partner, or is the pecuniary interest of somebody with whom they are living with as if they were a spouse or a civil partner

### 3. Summary

In your own words, please provide an overall summary of what your complaint is about. Give as much history as possible, and don't forget that it is important to provide documentary evidence. [minutes from meetings, letters, emails etc].

Signature of person completing the form: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

#### **4. Other things to consider before you submit your complaint**

##### **a. Confidentiality**

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 summary of the complaint.

We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- You may be victimised or harassed by the councillor against whom you are submitting a complaint;
- or
- You may receive less favourable treatment from the local authority because of the seniority of the councillor against whom you are submitting a written complaint in terms of any existing local authority service provision or any tender/contract that you may have or are about to submit to the local authority

**Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will advise you of the decision in relation to your request for confidentiality. The substantive issue of your complaint will be considered by the Local Assessment Panel.**

If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint. However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation and disclose your name even if you have expressly asked us not to.

##### **b. Additional Help**

Complaints must be submitted on a Complaint Form. This includes electronic submissions. However, 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 let us know as soon as possible.

#### **5. Where to send your completed form to:**

The Monitoring Officer  
Arun District Council,  
Arun Civic Centre,  
Maltravers Road,  
Littlehampton,  
West Sussex  
BN17 5LF

Telephone: 01903 737610

Email: [monitoring.officer@arun.gov.uk](mailto:monitoring.officer@arun.gov.uk)