Our ref: STDS/20 /

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###### RE: CODE OF CONDUCT FOR MEMBERS OF CHICHESTER DISTRICT COUNCIL OR A PARISH COUNCIL IN THE DISTRICT

All councillors and co-opted members (with voting rights) of Chichester District Council or of the parish councils in Chichester District are required to comply with a Members‘ Code of Conduct which has been adopted by each council.

The Code mainly applies when the member is acting in his or her capacity as a member.

The principal requirements of the Code of Conduct are:

1 Treat others with respect, do not breach equalities laws, and do not bully anyone.

2 Respect confidentiality but do not obstruct lawful provision of information.

3 Do not bring your position or council into disrepute.

4 Do not abuse your position for personal gain.

5 Consider advice from the council’s finance and legal officers.

6 Declare personal and prejudicial interests at meetings.

7 Put in a public register certain financial and other interests.

If you reasonably believe that a member has breached their code of conduct you may complete this complaint form and send it to Mr Nicholas Bennett, the Legal & Democratic Services Manager and Monitoring Officer Chichester District Council East Pallant House 1 East Pallant Chichester West Sussex PO19 1TY *or* by fax to 01243 776766 *or* by e-mail to [nbennett@chichester.gov.uk](mailto:nbennett@chichester.gov.uk) (The Monitoring Officer is responsible for Chichester District Council and the parish councils in Chichester District)

**A Your Details**

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

|  |  |
| --- | --- |
| **Title** |  |
| **First name** |  |
| **Last name** |  |
| **Address** |  |
| **Contact telephone** |  |
| **E-mail address** |  |
| **Signature** |  |
| **Date of complaint** |  |

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

A member of the public

An elected or co-opted member of a council (please specify      )

An independent Person

A Member of Parliament

A monitoring officer

An employee of the council concerned

Other (      )

# B The Details of Your Complaint

1. Please state the name of the member(s) you believe have breached the relevant council’s code of conduct for members:

|  |  |  |  |
| --- | --- | --- | --- |
| Title | First name | Last name | Name of Council |
|  |  |  |  |
|  |  |  |  |

Is that person still a member of the council (Parish or District)?

1. 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 – and, if possible, identify the paragraph(s) of the code you consider to have been breached.

Please include the dates and details of the alleged misconduct eg what was said or done by the accused member, details of any witnesses and any relevant background papers or information.

## Details of the Complaint

*continue on a separate sheet if there is not enough space on this form*

# C Openness

1. 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 them.
2. A copy of this form and any supporting documents that you provide will be sent to the member(s) who is/are the subject of your complaint. However, your name and address may be kept confidential if there are very exceptional circumstances.
3. Very exceptional circumstances are for example:

(a) The complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed or

(b) The complainant is an officer of the council who works closely with the accused member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed or

(c) The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed.

1. If you wish us to consider a request for withholding your name and address please give your reasons below.

|  |
| --- |
| *continue on separate sheet(s) as necessary* |

# D Remedy Sought

1. The remedies available to the Hearing Sub Committee in the event of an allegation being proven include:

* Publish its findings in respect of the member’s conduct
* Write a formal letter of censure to the member found to have breached the code
* Report its findings to the Councilmeeting for information
* Recommend to the member’s group leader (or, in the case of un-grouped members, recommend to Council) that he/she be removed from any or all committees or sub-committees of the Council
* Recommend to the Leader of the Council that the member be removed from the Cabinet or be removed from particular portfolio responsibilities
* Recommend training or conciliation / mediation or other appropriate remedy for the member
* Accept the written apology of the member

The Standards Committee and Hearing Sub Committee cannot impose financial penalties, award compensation or make awards of costs. 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*

Are you prepared to accept an apology from the member to resolve this matter?

Are you prepared to meet with the member for a conciliation / mediation meeting to resolve this matter?

**E What to Do Next**

1. Have you:

Completed all the sections on this form?

Signed the form?

Enclosed all the relevant documents?

1. When you have completed this form send it together with all your supporting documents either in paper form or electronically to any of the addresses shown on the front of this form.

**F What Happens Next**

1. We will acknowledge receipt of your complaint and give you a reference number which you should quote on all correspondence.
2. Once a valid complaint relating to an alleged breach of the relevant code of members’ conduct has been received by the Monitoring Officer, it will be presented to a meeting of the Assessment Sub-Committee for consideration. Until the Assessment Sub-Committee has considered your complaint, the nature of your complaint is likely to remain confidential to the Assessment Sub-Committee and the Monitoring Officer. You and the member against whom the complaint has been made will not be allowed to attend the meeting of the Assessment Sub-Committee as the matter will be considered in private.
3. The Assessment Sub-Committee may resolve to:

* + 1. refer your complaint to the Monitoring Officer for investigation;
    2. refer your complaint to the Monitoring Officer for other action, for example attempt conciliation / mediation, or refer the complaint to another authority if applicable;
    3. ask you for additional information;
    4. take no action on your complaint.

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

# G Help

1. Complaints should be submitted in writing. This includes fax and electronic submissions.
2. Complaints are assessed on the basis of the information supplied by you, it is, therefore, important that the information is full and complete.
3. In line with the requirements of the Disability Discrimination Act 2005 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.
4. If you need any help in completing this form or want information on the progress of your complaint, please contact the Monitoring Officer.
5. A full copy of the code of conduct for members of Chichester District Council can be obtained from the Monitoring Officer or can be viewed on the Council’s website at [www.chichester.gov.uk/memberscode](http://www.chichester.gov.uk/memberscode). A full copy of the code of conduct for parish councils can be obtained from the town or parish clerk or from the Monitoring Officer.
6. A copy of the procedures for dealing with complaints can be obtained from the Monitoring Officer or viewed on the District Council’s website at

[www.chichester.gov.uk/memberscode](http://www.chichester.gov.uk/memberscode).