MEMBERS CODE OF CONDUCT

# The ethical framework

Local authorities are required to adopt a code of conduct, which sets out rules governing the behaviour of their Members and satisfies the requirements of the Localism Act 2011. All elected, co-opted and independent members of local authorities, including parish councils, are required to abide by their own, formally adopted, code. The code of conduct seeks to ensure that members observe the highest standards of conduct in their civic role.

The code is intended to be consistent with the seven principles:

## Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

## Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards or benefits, holders of public office should make choices on merit.

## Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

## Openness

Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

## Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

## Leadership

Holders of public office should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Each parish councillor has agreed to observe the code of conduct.

Further details relating to the Code of Conduct can be found on <https://www.legislation.gov.uk/uksi/2001/3576/article/2/made>

# Breach in Code of Conduct

## Information for Potential Complainants

Read making a complaint about district or parish councillor, before you report a breach of the code of conduct, if you suspect either a district councillor or a parish councillor of breaking the code of conduct.

## Reporting a Breach of the Code of Conduct

Anyone may report a breach of the Code of Conduct by a Councillor. A complaint about a breach of the Code of Conduct now may be made to our Monitoring Officer.

A complaint in writing must be made to the Monitoring Officer by email or by completing the downloadable complaint form at the bottom of this page.

The complaint must relate to a District Councillor, or anyone of the Parish Councils in the District.

The complaint should set out what the Councillor has done wrong, and state who the Councillor is, the Council concerned and your name and contact details. You should set out sufficient detail in your complaint to identify clearly the facts, as you see them, and what the breach of the Code of Conduct is.

The complaint is considered by a panel of three drawn from the ???? Committee.

The panel decides whether the complaint should be investigated, or if no further action should be taken. You will be notified of this decision. The decision will be made within twenty working days.

If no further action is proposed, you will be notified and informed why.

If the complaint is to be investigated, you will be notified of this. You will be contacted by the person who will carry out the investigation on behalf of the Monitoring Officer. It will be intended that all relevant individuals will be contacted during the investigation.

The investigator will prepare a report. You will be given the opportunity to comment on the draft report.

The report will be presented to the ???? Committee at a special meeting. You will be invited to attend the meeting and may make representations. The Councillor who is the subject of the complaint will be invited to the meeting too.

The ???? Committee will make a decision on the information presented to it and decide what action to take, if any, or penalty to impose.

# Complaint Form - Code of Conduct for Councillors

(Please read the ‘INFORMATION FOR POTENTIAL COMPLAINANTS’ before completing this Form).

# Your details

Please provide your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

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| --- | --- |
| **Title** |  |
| **First Name** |  |
| **Surname** |  |
| **Address** |  |
| **Contact Telephone Number** |  |
| **Email Address** |  |

Your address and contact details will not usually be released unless this is necessary to deal with your complaint.

The following people will see this form:

* The Members of the Assessment Panel
* The Monitoring Officer of the District Council
* The Parish/Town Clerk (if applicable)

**A copy of your complaint will be shared with the Councillor(s) about whom you are complaining.**

If you have serious concerns about your name and a summary or details of your complaint being released, please complete **Section C** of this Form and discuss your reasons or concerns with the Council’s Monitoring Officer.

Please indicate whether you are:

* A member of the public
* An elected or co-opted Member of the Council A Member of Parliament
* A Monitoring Officer
* A Council employee, contractor or agent of the Council or
* Other

Making your Complaint

The sanctions available to the Council are governed by law. For a brief summary of sanctions available, please see the information at the end of this Form.

Please state the name of the Councillor you believe has breached the Council’s Code of Conduct: (or if it is a Town or Parish Councillor within the District the details of that Councillor and the Town or Parish Council).

|  |  |  |  |
| --- | --- | --- | --- |
| **Title** | **First Name** | **Surname** | **Council** |
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Please explain in this section (or on separate sheet(s)) what the Councillor is alleged to have done that you believe is in breach of the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual has done, with dates and witnesses to substantiate the alleged breach.

It is important that you provide all the evidence you wish to have taken into account when it is decided 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 he/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).
* If the allegation(s) being made occurred more than 28 days ago clearly explain why the complaint was not made at an earlier date during that period of time.

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| Details of Complaint |

# Confidentiality of complainant and the complaint details

**Only complete this next section if you are requesting that your identity is kept confidential**

1. In the interests of fairness and natural justice, a Councillor who is complained about has a right to know who has made a complaint and the substance of the allegation(s) made against him/her. Your personal details or the details of your complaint are unlikely to be withheld unless there are justifiable grounds to do so, for example:
- you may be victimised or harassed by the Councillor(s) against whom you are submitting a written complaint (or by a person associated with him/her) and there are reasonable grounds for this view; or
- 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 relation to any existing Council service provision or any tender you are submitting or contract you have with the Council.
2. Please note that requests for confidentiality or requests for the suppression of the personal or complaint details will not be granted automatically. The Assessment Panel will consider the request along with your complaint and the Monitoring Officer will contact you with the decision. If your request for confidentiality is not granted, usually you will be allowed the opportunity, if you so wish, of withdrawing your complaint.
3. However, it is important to understand that - in exceptional circumstances, where the matter complained of is serious - an investigation (or other action) may proceed and there may be no choice but to disclose your personal and complaint details, in view of the allegation(s) made, even if you have expressly asked us not to.

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| --- |
| Please provide us with details of why you believe your name and/or the details of your complaint should be withheld |
|  |

(please continue on a separate sheet, if necessary)

## Additional Information

1. Complaints must be submitted in writing, including by fax and electronic submissions. Frivolous, vexatious and politically motivated complaints are likely to be rejected.
2. In accordance with the Equality Act 2010, reasonable adjustments can be made to assist you if you have a disability that prevents you from making your complaint in writing. Assistance can be made available if English is not your first language.
3. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

## What happens next?

1. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be presented to a meeting of the Assessment Panel for initial consideration. You and the Councillor against whom the complaint has been made will not be allowed to attend a meeting of the Panel as the initial assessment will be made in private.
2. The Panel may resolve to:
- dismiss your complaint, with reasons;
- ask you for additional information, with reasons;
- refer your complaint to the Monitoring Officer for investigation (or other action).
3. You will be notified after the meeting and informed of the decision and what will happen.