

## COMPLAINT FORM – MEMBERS

This form is for complaints against Members of Wiltshire Council and Members of Town/Parish/City Councils within the Wiltshire Council Unitary Authority area, in accordance with the arrangements set out in [Protocol 11](#) of the Wiltshire Council Constitution and the Localism Act 2011.

***Complaints must relate to the behaviour of a Member of a Council when on official business, and that behaviour considered to be in breach of that Council’s Code of Conduct for Members.***

In accordance with Paragraph 4.6 of Protocol 11, the Monitoring Officer may decide not to take any further action on a complaint where, on the available information, it appears to be trivial, vexatious, malicious, politically motivated or ‘tit for tat’, and it would not be in the public interest, including particularly the efficient use of resources

If you have any questions relating to completion of this form or the complaints process, please email [governance@wiltshire.gov.uk](mailto:governance@wiltshire.gov.uk) or write to Governance, County Hall, Trowbridge, BA14 8JN or Tel : 01225 718400

### Your details

|                   |  |
|-------------------|--|
| Date of complaint |  |
| Title             |  |
| First name        |  |
| Last name         |  |
| Address           |  |
| Daytime phone     |  |
| Evening phone     |  |
| Mobile            |  |
| e-mail address    |  |

We will not disclose your contact details to anyone unless it is necessary to do so in order to process and resolve your complaint.

However, we will tell the following people that you have made a complaint:

- The Member you have complained about (“The Subject Member”);
- The clerk of the parish council (if applicable)

- The Monitoring Officer and other officers supporting the arrangements for processing and resolving complaints;
- The Independent Persons;
- Those Members of the Wiltshire Council Standards Committee considering the complaint.

An Independent person means a person appointed under Section 28(7) of the Localism Act 2011 whose views must be sought and taken into account before a decision is made on an allegation of Member misconduct under these arrangements, or who may be consulted by the Member about the complaint. An Independent Person consulted by the Member about the complaint would not be the same Independent Person whose views were sought before a decision is made.

Please indicate the box that best describes you:

|   |  |
|---|--|
| Member of the public                    |  |
| Elected or co-opted Member of a Council |  |
| Member of Parliament                    |  |
| Wiltshire Council Employee              |  |
| Other (please specify)                  |  |

### Subject Member

Please give us the name of the Member you believe to have breached their Council's Code of Conduct, and the name of the council they belong to. If you wish to complain about more than one Member, please complete a separate form for each Member.

| First name | Last name | Council |
|------------|-----------|---------|
|            |           |         |

### Code of Conduct and Guidance for Submission of a Complaint

Every local council has its own Code of Conduct. Members of a Council only have to comply with the Code of Conduct relevant to the Council of which they are a Member. Codes are often accessible from the relevant Council website, if they have one, or otherwise upon request from the Clerk of that Council. If someone is a Member of several Councils, they may be subject to multiple Codes.

In all cases, the Code of Conduct **ONLY** applies when the Member is acting in their capacity as a Member and does not apply to their private lives or when they are acting in other capacities. However, it is possible that someone could be acting in multiple capacities simultaneously.

If, having read the relevant Code, you believe that the Member has breached their local Code, please enclose a copy of that Code with your complaint. Please also provide an explanation of which elements of the code you believe to have been breached and how.

It is important that you provide us with all the information you want to be taken into account. This is because the Council's Assessment Sub-Committee will need to decide on the basis of information as submitted whether there is sufficient evidence to proceed to an investigation. If insufficient information is included, it may determine not to proceed.

For example, please make sure you tell us:

- Exactly what you are alleging the Member said or did. For instance, instead of just saying that the Member failed to act in the public interest in the conduct of their duties, please also state exactly what they said or did to lead you to that conclusion.
- You should give the date of the alleged incident(s) wherever possible. Where you cannot do so you must at least provide a general timeframe.

This is particularly important as a complaint will not be referred for investigation when it is made more than 20 working days after the date upon which the Complainant became, or ought reasonably to have become, aware of the matter giving rise to the complaint.

In any event, the Monitoring Officer may decide not to refer a complaint for investigation where, in their opinion, the length of time that has elapsed since the matter giving rise to the complaint means that it would not be in the interests of justice to proceed.

- You should let us know whether there were any witnesses to the alleged incident(s) and provide their names and contact details if possible.
- You should provide any relevant background information.

The assessment criteria used for consideration of complaints can be found on the council's website [at this link](#).

## **Decision Notices**

When a final decision is made in relation to your complaint, whether it is to take no further action or, following an investigation and hearing, it is determined that the Member complained of is in breach of a relevant Code, a decision notice will be prepared. As the Complainant you will receive a copy of the decision notice ahead of its publication on the Council's website. You will have an opportunity to make representations if you believe that personal details should be excluded from that decision notice, but must do so within five days of receiving the draft decision notice.

If such representations are made, the Monitoring Officer will give consideration to redacting parts of the decision notice or publishing a summary of the decision.

### **Privacy Notice**

Wiltshire Council holds and processes personal data in accordance with all current legislation relating to data protection and complies with the Data Protection Regulation 2016. By completing this form, you are giving your consent for us to process the information. Your details will be processed strictly in accordance with that legislation.

**Details of Complaint**

Write down the details of your complaint here. Continue on a separate sheet if there is not enough space on this form.

A large empty rectangular box intended for writing the details of a complaint.

**Only complete this section if you are asking us to keep your identity confidential**  
Confidential from Subject Member

In the interests of fairness and natural justice, we believe that Members who are complained about have a right to know who made the complaint. We will provide them with a copy of this complaint form. We will not withhold your identity or details of your complaint unless there is good reason to believe that releasing that information would result in:

- You or your witnesses being unlawfully bullied or intimidated or;
- The destruction of information or evidence that would seriously hamper an investigation of the complaint.

We will not automatically agree to a request to keep your identity or the substance of your complaint confidential. Your request and your reasons for asking for confidentiality will be considered by the Monitoring Officer. If they decide that your identity and information about your complaint must be released to the Member you are complaining about, we will let you know. Normally we would then allow you to withdraw your complaint if you wish to do so.

Provide us with details of why we should withhold your identity from the Member about whom you are complaining:

Confidential (general)

As detailed previously a summary of the details of the complaint, including names of the parties, will become public once the matter has been concluded. If for any reason you believe that there is justification for personal details set out in the complaint confidential once the matter is concluded please indicate these below.

Provide us with details of why personal details and/or identity should be kept confidential in relation to this complaint.