



## **MEMBERS' CODE OF CONDUCT COMPLAINT FORM**

**Please read the Fair Processing Notice at 11 below.**

### **Your details**

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

<b>Title</b>	
<b>First name</b>	
<b>Last Name</b>	
<b>Address</b>	
<b>Daytime telephone</b>	
<b>Evening telephone</b>	
<b>Mobile telephone</b>	
<b>E-mail address</b>	
<b>Date complaint submitted</b>	

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

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the Standards Committee
- Member of Parliament
- Local Authority Monitoring Officer
- Other council officer or Authority employee
- Other (please state)

3. Equality Monitoring Form – please fill in the attached form (optional).

## **Making your complaint**

4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct and the name of their Authority:

<b>Title</b>	<b>First name</b>	<b>Last name</b>	<b>Council or Authority</b>

5. Please explain in this section (or on separate sheets) what the Member has 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 that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account before a decision is taken as to whether or not any action on your complaint is to be taken. For example:

- 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 they said.
- 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.

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

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

6. In the interests of fairness and natural justice, we believe Members 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 we consider there are exceptional circumstances to do so.

To allow us to give full consideration to a request for confidentiality, we require you to please provide us with an explanation of the reason why you think your details should be kept confidential. Any request for confidentiality should be made in the space below.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. Your request will be considered alongside the substance of your complaint. We will then contact you with the decision. 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 or other action and disclose your name even if you have expressly asked us not to.

Please provide us with the details of why you believe we should withhold your name and/or the details of your complaint:

## **Informal Resolution**

7. It is often possible to resolve complaints without recourse to formal investigation and hearing. In such cases it is important that appropriate action to seek to achieve resolution of the matter is undertaken without delay.

Please advise if you are NOT willing for attempts to be made to seek early informal resolution of your complaint. If you do not so indicate, we will endeavour to seek resolution of your complaint prior to it being submitted to the assessment sub-committee of the Standards and Appeals Committee. To assist us in doing this it would be helpful if you could describe what remedy you are seeking / what action you think would be appropriate to resolve your complaint.

Please provide us with details of what remedy you are seeking / what action you think might provide a satisfactory resolution to your complaint:

## **Additional Help**

8. Complaints must be submitted in writing. This includes electronic submissions. However, 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. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible (see paragraph 10 for details).

Please note that frivolous, vexatious and politically motivated tit for tat complaints are likely to be rejected.

## **Returning this form**

9. When you have completed this form, please send it to:

The Standards and Appeals Committee  
C/o the Monitoring Officer  
Amber Valley Borough Council  
Town Hall  
Ripley  
Derbyshire  
DE5 3BT

10. The contact details for the Monitoring Officer are:

Mr. Ifty Ali  
Interim Monitoring Officer  
Amber Valley Borough Council  
Town Hall  
Ripley  
Derbyshire  
DE5 3BT

Telephone: 01773 841397  
Email: [ifty.ali@ambervalley.gov.uk](mailto:ifty.ali@ambervalley.gov.uk)

## 11. **Fair Processing Notice**

This notice describes how and why we collect, store, protect, process and share the data you give to us.

We collect personal data to help us exercise the statutory jurisdiction given under the Localism Act 2011 and under all other powers in relation to complaints alleging any breach of the relevant Members' Code of Conduct relating to the Borough Councillors, town councillors and parish councillors, including in order to decide whether or not to investigate, to investigate, to make decisions and to provide responses to such complaints.

### **About the Organisation**

The Council of the Borough of Amber Valley ('Amber Valley Borough Council') is a district council which operates in a two-tier principal authority area of Derbyshire. The Council is the Data Controller. This means that it is ultimately responsible for the data it holds about you.

Contact Address:

Amber Valley Borough Council  
Town Hall  
Ripley  
Derbyshire  
DE5 3BT

ICO Registration Number Z6454428  
<https://ico.org.uk/ESDWebPages/Entry/Z6454428>

### **The Data Protection Officer**

The Data Protection Officer for Amber Valley Borough Council is:

Mark Griffiths

He can be contacted through the above address or by e-mail on [dpo@ambervalley.gov.uk](mailto:dpo@ambervalley.gov.uk)

## **What data will we collect about you?**

In order to process your complaint, we will need to collect the following:

- Your full name
- Your contact details (email (if any), telephone number (if any), postal address)
- Details of your complaint
- Your role (for instance, whether you are complaining as a member of the public, a Monitoring Officer, a Local Authority employee or an elected councillor)
- Other supporting information which will assist in handling your complaint

## **What will we use your data for?**

We use the data you give us only to review and (if appropriate) investigate and provide a response to the complaint.

We need to know your role in making the complaint as this will affect how we investigate, if it proves appropriate, and may have an influence on whether we can accept your complaint anonymously.

## **Who will see your data?**

Your data will be seen by:

- the Council's Monitoring Officer (or their deputy)
- the Council's Independent Person/s (a person appointed under section 28 of the Localism Act 2011 who is not a member or officer of the relevant authority)
- the person who has been complained about and their professional legal advisers (unless exceptionally the Monitoring Officer has granted permission for your identity to remain confidential)
- the Democratic Services Officer (Regulatory & Standards) or in their absence the Democratic Services Officer allocated to cover
- if appropriate, the town/parish clerk where the complaint relates to that town/parish council
- if appropriate, by an Independent Investigator appointed by or on behalf of the Council and Members of the Standards and Appeals Committee and its Sub-Committee.

If an investigation is undertaken and a breach of the relevant Members' Code of Conduct is identified, your data and the complaint itself will, in whole or in part, be included in the report that is presented to the Standards and Appeals Committee or its Sub-Committee.

The data we collect may be referred to the Director of Public Prosecution (the DPP) or the police where it is suspected that some form of criminal conduct has occurred in relation to interests that have not been disclosed.

## **Why do we do this?**

The Council is required to make statutory arrangements in accordance with section 28 (6) of the Localism Act 2011 under which allegations are investigated and under which decisions on allegations can be made. The Council also undertakes pre-investigation enquiries which it is, by law, entitled to do. The Council has, therefore, to provide the means for handling and responding to complaints made against elected members and voting co-opted members under the Localism Act 2011. The data you give to the Council to handle complaints is processed in the interests of discharging this.

In the interests of fairness and in compliance with the rules of natural justice, the Borough Councillor(s), town and parish councillors who are complained about have a right to know who has made the complaint and what the complaint is about if the complaint is to be duly investigated and heard by the Standards and Appeal Committee or its Sub-Committee.

Complainants can request that their identity is not revealed, and the Monitoring Officer, in consultation with the Independent Person, will review this request. Requests for anonymity will be considered on a case-by-case basis and may be accepted, but usually only in exceptional circumstances.

### **How long will your data will be kept?**

Your data will not be kept any longer than necessary – please see <https://www.ambervalley.gov.uk/council/data-protection/> .

### **How is your data stored and processed?**

Your data will be held on electronic databases and networked storage with restricted access, and will be protected from unauthorised access using up-to-date technical and organisational security measures. Any paper-based data will be stored securely with restricted access.

### **Transfer overseas**

Your data will not be stored or sent outside of the UK.

### **Your rights**

You have a number of rights when it comes to the data we hold about you – please see <https://www.ambervalley.gov.uk/council/data-protection/> .

### **Complaints**

If you've already told us we need to do something, but we haven't responded in a way you're satisfied with, you can complain to the Information Commissioner's Office (the ICO) if it relates to matters within the ICO's jurisdiction.

The ICO's contact details can be accessed by clicking on the following link <https://ico.org.uk/global/contact-us/> .

It's easiest to do this online via the ICO website, but you can also do so in writing to:

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

### **12. Dissatisfaction about the outcome of the complaint about breach of the Members' Code of Conduct**

There is no right of appeal against the Council's decision on the outcome of your complaint under the Members' Code of Conduct.

If, however, you believe that the Council has not properly followed its due process leading up to the Council's decision, you may complain to the Local Government and Social Care Ombudsman (the LGSCO).

The LGSCO's contact details can be accessed by clicking on the following link  
<https://www.lgo.org.uk/contact-us> .

It's easiest to do this online via the LGSCO website, but you can also do so in writing to:

The Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

## **Submission of Complaint**

I have read and understood the above and give express consent to the use of my personal data for the purpose of handling the above complaint which I am now submitting to the Council.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_

## **Version Control Sheet**

Title of Document:	Members Code of Conduct Complaint Form
Version Number:	2019/2.0
Owner:	C Potter
Approved by:	Monitoring Officer
Approval Date:	30 January 2020
Status:	Final
Review Frequency:	As needed (but at least annually in any event)
Next review date:	By 30 January 2021
Classification:	Confidential/Restricted Access
Reason for Classification:	To protect personal data from unauthorised disclosure

## **Document History**

Version No.	Date	Author	Approval	Comments (if any)
2019/1.0	9/01/2019	C Potter	C Potter	
2020	30/01/2020	C Potter	C Potter	
2020/2.0	16/10/2020	R Smith		edit to Monitoring Officer name

**END**