Councillor Complaints Form

Please use this form if you believe that a Councillor or Co-opted Member of the Council has failed to comply with the Hammersmith & Fulham Member Code of Conduct and would like the matter investigated.

1. **YOUR DETAILS**

Please provide us with your name and contact details.

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| --- | --- |
| **Title:** |  |
|  |  |
| **First name:** |  |
|  |  |
| **Last name:** |  |
|  |  |
| **Address:** |  |
|  |  |
| **Mobile telephone:** |  |
|  |  |
| **Email address:** |  |

***Notes:***

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

However, we will your name and a summary of the complaint to:

* the Councillor or Co-opted Member(s) you are complaining about
* the Council’s Monitoring Officer

If you have serious concerns about your name and a summary or details of your complaint being released, please complete section 6 of this form.

1. **ABOUT YOU**

Please tick the box which best describes you:

[ ]  Member of the public

[ ]  An elected or co-opted member of an authority

[ ]  Member of Parliament

[ ]  Local authority monitoring officer

[ ]  Other council officer or authority employee

[ ]  Other – please provide more information in the box below

| More information |
| --- |
|  |

1. **THE COMPLAINT**

3.1 Please provide us with the name of the Councillor or Co-opted Member(s) you believe have breached the Code of Conduct and the name of their authority (i.e. LBHF):

|  |  |  |
| --- | --- | --- |
| First name | Last name | Council |
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3.2 Please explain on the following pages (or on separate sheets if you need more space) 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.

***Notes:***

In order to be investigated a complaint must either (PTO):

1. Reveal a continuing pattern of behaviour that is significantly and unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation.
2. *Or, it must comply with all of the following criteria:*
* The complaint raises matters which would be a breach of the Code
* The complaint is sufficiently serious to warrant investigation
* The complaint is not 'tit for tat'
* The complaint appears not to be politically motivated
* It is about somebody who is still a Councillor or Co-opted Member of the Council
* The Complaint has been received within three months of the alleged failure to comply with the Code unless there are exceptional circumstances for the delay and the delay does not mean that it would be difficult for a fair investigation to be carried out
* The same or similar complaint has not already been investigated
* It is not an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code
* The Councillor complained about has not already apologised and/or admitted making an error
* If the complaint reveals a criminal offence and a complaint has been made to the Police, that the Police investigation and any proceedings have concluded or the Police have confirmed that no proceedings will be issued

 It is important that you provide all the information you wish to have taken into account by the Audit, Pensions and Standards (Complaints) Sub-Committee when it decides whether to take any action on your complaint. 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.

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

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| If you are enclosing any documents to support your claim, please list them here. |

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| --- |
| If there is anybody who can help us with information about this matter please give their name(s) and contact details here. |

1. **CONFIDENTIALITY**

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

***Note:***

The Monitoring Officer will normally pass a copy of your complaint to the Councillor complained about so that they can comment. It is also in the interests of fairness and natural justice that a Councillor complained about should have the right to know who has made the complaint and what it is.

In very exceptional circumstances, the Monitoring Officer may agree to withhold your name and address. They would only do this if they have a good reason to believe that to give your name or address to the Councillor would be contrary to the public interest or would prejudice any investigation.

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.

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

1. **ADDITIONAL HELP**

Complaints must be submitted in writing. This includes submissions by email. However, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

Please let us know if this is the case (see contact details below or ask to speak to the Monitoring Officer by calling the Legal Services Department on 020 8753 2700

**Please sign and date this form**

|  |  |
| --- | --- |
| **Signature:** |  |
|  |  |
| **PRINT full name:** |  |
|  |  |
| **Date:** |  |

Please send the completed form to:

The Monitoring Officer

Hammersmith Town Hall

Hammersmith

London

W6 9JU

or by email to: rhian.davies@lbhf.gov.uk

**What Happens Next**

The Monitoring Officer will acknowledge receipt of your complaint within five working days and will keep you informed of progress throughout the process.

On the basis of the information received, the Monitoring Officer will decide whether your complaint merits formal investigation.

The Monitoring Officer will consult with the ‘Independent Person’ (an individual otherwise unconnected with the Council who is appointed specifically to provide advice and guidance in such matters) and will normally decide whether to investigate within 28 days. They will inform you of their decisions and the reasons for it. In some cases they may decide to seek to resolve the matter informally. This might, for instance, involve the Councillor concerned agreeing to offer an apology or to amend their entry in the Register of Interests. Where a complaint relates to the alleged failure of a Councillor or Co-opted Member to comply with requirements to register or declare pecuniary interests (but not other types of interests) the Monitoring Officer will refer the matter to the Police for investigation.

**How the Investigation is Conducted**

If the Monitoring Officer decides that your complaint merits investigation they will either conduct the investigation themselves or appoint an appropriate person to do so on their behalf. The Investigating Officer may need to meet or speak with you to better understand the detail of your complaint. They will inform the Councillor concerned of the complaint against them and ask them to provide their explanation of events.

At the end of the investigation both yourself and the Councillor concerned will be sent copies of the Investigating Officer's draft report in order to have the opportunity to correct any factual inaccuracies. The Monitoring Officer will then review the report and either write to you to confirm that there is no further action required or arrange for the Audit, Pensions and Standards (Complaints) Sub-Committee to consider the report.

If the Audit, Pensions and Standards (Complaints) Sub-Committee considers the report it will also receive the written opinion of the Independent Person and any written representations from the Councillor concerned before deciding whether they have failed to comply with the Code and, if so, what action should be taken. If the Sub-Committee decides that a Councillor has failed to comply with the Code it may:

* Censure the Councillor
* Report its findings to a meeting of the Council for information
* Recommend to the Council that the Councillor be issued with a formal censure
* Recommend to the Councillor’s Group Leader that they be removed from any or all of the Committees or Sub-Committees of the Council
* Recommend to the Leader of the Council that the Councillor be removed from the Cabinet, or removed from particular portfolio responsibilities

As soon as possible after the meeting the Monitoring Officer will write to you to confirm the decisions taken.

**Appeals**

Where a Councillor is dissatisfied with the decision of the Audit, Pensions and Standards (Complaints) Sub-Committee they may appeal within 14 days of the meeting to an Audit, Pensions and Standards (Appeals) Sub-Committee. The Appeals Sub-Committee will comprise a different membership to the original Sub-Committee and can either endorse the previous decision or conclude that there is no breach and dismiss the complaint.

All interested parties will be informed of the decision as soon as possible after it has been made.

If you have any queries, please contact Rhian Davies: rhian.davies@lbhf.gov.uk