

**COMPLAINT FORM -  
Councillors' Code of Conduct**



This form is required to be used to make an allegation that a Councillor of Portsmouth City Council has failed to comply with the Councillors' Code of Conduct. It should not be used if the concern relates to dissatisfaction with a Council decision.

**1. Your details**

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>Email address:</b>	

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

If you do not wish details of your name to be released, please complete section 6 of this form.

**2. The complaint process**

Once you have submitted your complaint, it is considered by the Monitoring Officer who will decide on the next steps. The Monitoring Officer will meet with the Initial Filtering Panel ("the IFP") to enable the Monitoring Officer to consider and determine the complaint as soon as reasonably practicable after the complaint has been received

When reaching a decision, the Monitoring Officer meets with the IFP and also a person unconnected with the Council, known as an Independent Person. The IFP shall comprise three Councillors from the membership of the committee which may include independent Councillors and will include those groups represented, insofar as practicable. The availability of Councillors may be affected by any conflicts of interest which may preclude them from being involved in the complaint process.

Any member of Governance and Audit and Standards Committee including Standing Deputies may be requested to sit on an IFP.

On the basis of your written submission the IFP will assess whether your allegation, if investigated, is likely to amount to a breach of the Councillors' Code of Conduct. The Monitoring Officer may then:-

1. Refer the complaint for investigation.
2. Decide that what has been alleged does not come within the requirements of the Code of Conduct and even if investigated could not amount to a breach of the Code of Conduct. (See Local Assessment Criteria <https://www.portsmouth.gov.uk/ext/documents-external/cou-complaints-assessment-criteria.pdf>).
3. Decide on alternative action being taken e.g. mediation or an apology being given.
4. Defer a decision and request further information or clarification from the complainant in respect of the complaint.

If it is decided that your complaint is not to be investigated you may, within 30 days of notification of the decision, ask for that decision to be reconsidered. This will be undertaken by a Governance and Audit and Standards Assessment Sub-Committee which consists of three different Councillors from those who originally considered your complaint. The Assessment Sub-Committee will have the same range of options available to it as the Monitoring Officer.

If it is decided to investigate your complaint, the Monitoring Officer or someone appointed by them will be instructed to undertake the investigation. You will be given further information at that time should an investigation be necessary.

**3. Please provide us with the name of the Councillor(s) you believe have breached the Code of Conduct:**

Title	First Name	Last Name

**4. Please explain in this section (or on separate sheets) what the Councillor has done that you believe breached the Code of Conduct.**  
(You should give sufficient information to show that what is alleged could amount to a breach of the Code of Conduct).

If you are complaining about more than one Councillor you should clearly explain how you believe each individual councillor has breached the Code of Conduct.

A copy of the Councillors Code of Conduct can be found here:

<https://www.portsmouth.gov.uk/ext/the-council/councillors-and-mps/complaining-about-a-councillor.aspx>

Please mark in the table below which part of the Code you believe to have been breached:

	General obligations of member	<u>Tick below obligation you consider has been breached</u>
1.	You must not bully a person.	
2.	You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved in a complaint about you.	
3.	You must not do anything which compromises the impartiality of of the Authority's officers.	
4.	You must not disclose confidential information (other than in limited circumstances permitted by law and following consultation with the Authority's Monitoring Officer).	
5.	You must not prevent a person from gaining access to information to which they are entitled.	
6.	You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.	
7.	You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.	
8.	You must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements and ensure that the resources are not used improperly for political purposes.	
9.	When reaching decisions, you must have regard to the relevant advice from the Authority's officers and give reasons for decisions.	

10.	You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or otherwise.	
11.	You should not lobby other members where you have a disclosable pecuniary interest in a matter.	

Please detail in the box below how the part of the Code you have indicated above has been breached.

- 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 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 and the desired outcome from this complaints process. Continue on a separate sheet if there is not enough space on this form.

Signature.....

Date.....

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

In the interests of fairness and natural justice, we believe Councillors 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 copy of the complaint. **We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify that we do so.**

Please note that requests for confidentiality are unlikely to be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. The Monitoring Officer will then contact you with their 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 details of why you believe we should withhold your name and/or the details of your complaint:

**6. Additional Help**

Complaints must be submitted in writing on this form. It will assist the processing of your complaint if this is submitted electronically. However, in line with the requirements of the Disability Discrimination Act 2000 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 let us know as soon as possible.

This complaint should be submitted to the Monitoring Officer by email to: [michael.lawther@portsmouthcc.gov.uk](mailto:michael.lawther@portsmouthcc.gov.uk)

