



# MAIDSTONE BOROUGH COUNCIL

## COMPLAINT FORM –

### ALLEGATIONS OF BREACH OF MEMBER CODE OF CONDUCT

#### 1. YOUR DETAILS

Before you send us your complaint, you should be aware that whilst we will redact your address and contact details, we are unlikely to be able to keep your identity confidential from the person about who you are making the complaint. We will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish clerk (if applicable)
- the Independent Person

If you have serious concerns about your identity being released, please ensure you complete Section 3 below.

##### 1.1. Please complete the following contact information:

Title:	
First name:	
Last name:	
Address	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

1.2. 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)

**2. YOUR COMPLAINT**

Before you send us your complaint, you should be aware that, save possibly during the early stages of an investigation, we are unlikely to be able to keep the details of your complaint confidential. If you have serious concerns about a summary or details of your complaint being released, please ensure you complete Section 3 below.

2.1. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Borough, Town or Parish name

2.2. Please explain in this section (or on separate sheets) what the councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

## **WHAT YOU CAN COMPLAIN ABOUT**

You can complain about a Councillor who you consider has breached any provision in any part of their Council's Code of Conduct<sup>1</sup>. Whilst the detail is contained within the Council's Code of Conduct, in summary this can include:

- misusing the council's resources
- allowing the council's resources to be misused for the activities of a political party
- bullying and intimidation
- doing something to prevent those who work for the council from being impartial
- revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- damaging the reputation of their office or the Council
- using their position improperly, to their own or someone else's advantage or disadvantage
- failing to register a Disclosable Pecuniary Interest
- failing to disclose a Disclosable Pecuniary Interest or an Other Significant Interest at a meeting
- taking part in a meeting or making a decision where the councillor has a Disclosable Pecuniary Interest or an Other Significant Interest
- failing to register any gift, benefit or hospitality they have received in their role as a councillor, worth £100 or more

Further details can be found in the Council's Code of Conduct.

## **WHAT WE CANNOT INVESTIGATE**

There are some complaints that cannot be (or are unlikely to be) investigated. Whilst the detail is contained within the Maidstone Borough Council's Constitution (see Part D2 (Code Complaints))<sup>2</sup>, in summary this includes:

- complaints that are not in writing (using this complaint form)
- incidents or actions that are not covered by the Code of Conduct
- complaints about dissatisfaction with the Council's decisions and decision-making process, its policies and priorities

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<sup>1</sup> Each Council (Borough, Town and Parish Council) is required to adopt a code dealing with the conduct that is expected of members of the Council when they are acting in that capacity as a Councillor. Please go to the relevant Council's webpage to access this. Maidstone Borough Council's "Members' Code of Conduct" is contained in Part D1 of its Constitution (which can be accessed at the following link <https://ws.maidstone.gov.uk/docs/PDF%20Constitutions/Constitution%20July%202023.pdf>).

<sup>2</sup> Part D2 (Code of Complaints) can be accessed at the following link <https://ws.maidstone.gov.uk/docs/PDF%20Constitutions/Constitution%20July%202023.pdf>.

- complaints that are anonymous (unless supported by independent documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant)
- complaints where a Councillor is not named
- complaints which are the subject of ongoing court proceedings or police or other regulatory investigations
- complaints about person who is no longer a Councillor or Co-opted member or incidents that happened before a councillor/member was elected or co-opted
- acts carried out in a Councillor's private life when they are not acting as a councillor
- complaints that are a 'repeat complaint' (unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant)
- No or insufficient information/evidence to substantiate the complaint
- complaints that are malicious, trivial, politically motivated or 'tit-for-tat'
- complainants that are unreasonably persistent, malicious and/or vexatious;
- complaint that are relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Councillors' time
- where the circumstances have changed so much that there would be little benefit arising from an investigation or other action
- complaints that have been the subject of an investigation or other action and there is nothing more to be gained by further action being taken
- complaints where the alleged misconduct took place so long ago that the complaint should not be pursued
- complaints where an investigation is unlikely to come to a firm conclusion on the matter (e.g., where there is no firm evidence on the matter)
- complaints about deceased persons
- Complaints about a service the Council has provided. Such complaints can be made by using a separate complaints system.
- Complaints about people employed by local councils. Such complaints can be made by using a separate complaints system.
- Complaints about Council administration and procedures, the way in which the council conducts and records its meetings or how council employees have dealt with your concerns. Such complaints should be made direct to the relevant council.

**PLEASE NOTE:**

It is important that you provide all the information you wish to have considered by the Monitoring Officer for when he decides whether to take any action on your complaint. For example:

- You should specify what sections of the Code you believe have been breached and why.
- 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 and, where possible, supporting evidence.

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

- 2.3. In appropriate circumstances, Maidstone Borough Council's Constitution (Annex 1 to Part D2 (Code Complaints)) allows the Monitoring Officer, in consultation with the Independent Person, to consider informal resolution of a complaint. Please indicate whether you consider the matter could be satisfactorily resolved informally (e.g., by way of a suitable apology). Please give reasons.

Please provide us with your thoughts on a satisfactory outcome and reasons:

**NOTE:** If your complaint were investigated and a breach of the code of conduct was found, the range of possible sanctions available is set out in Paragraph 4 to Annex 3 of Part D2 of the Constitution.

### 3. **CONFIDENTIALITY**

**Only complete this section if you are requesting that your identity and/or the details of the complaint be kept confidential.**

Before you send us your complaint, unless the Monitoring Officer is of the opinion that it is in the public interest to do so, you should be aware that we are unlikely to be able to keep your identity and/or the details of the complaint confidential from the person about who you are making the complaint.

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 and the details of the complaint. In exceptional circumstances, it may be appropriate to keep your identity confidential or not disclose details of the complaint to the Councillor during the early stages of an investigation.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request. We will then contact you with a 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.

**Circumstances where identity/details of the complaints may be withheld:**

The Monitoring Officer may withhold your identity and/or details of the complaint if satisfied that there are reasonable grounds for believing that you or any other person (e.g., a witness):

- is either vulnerable or at risk of threat, harm or reprisal
- may suffer intimidation or be victimised or harassed
- works closely with the Councillor(s) and is afraid of the consequences, (e.g., fear of losing their job)
- suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this)
- may receive less favourable treatment because of the seniority of the person they are complaining about in terms of any existing Borough or Parish Council service provision or any tender/contract they may have with or are about to submit to the Borough or Parish Council.

OR where early disclosure of the complaint:

- may lead to evidence being compromised or destroyed
- may impede or prejudice the investigation
- would not be in the public interest.

Please provide us with details (and, where appropriate, evidence) of why you believe we should withhold your name and/or the details of your complaint:

#### 4. ADDITIONAL HELP AND INFORMATION

Complaints must be submitted in writing using the correct form. This includes printed and electronic submissions. 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. However, we recommend that you always try to find a friend or relative who can speak or read English to help you with your enquiry initially. This will help both you and us to deal with your needs more effectively.

Further information (including information on possible sanctions) can be found in the Councils "Complain about a councillor" webpage<sup>3</sup>.

If you need any support in completing this form, please email [LegalQueries@MidKent.gov.uk](mailto:LegalQueries@MidKent.gov.uk) or contact us on 01622 602100 or contact your local Citizens Advice Bureau, Law Centre or other advice centre.

Once you have completed the form, please return it, together with supporting documents, to [MonitoringOfficer@Maidstone.gov.uk](mailto:MonitoringOfficer@Maidstone.gov.uk) or you can return it to:

The Monitoring Officer  
Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
ME15 6JQ

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

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<sup>3</sup> <https://maidstone.gov.uk/home/primary-services/find-and-contact-us/additional-areas/complain-about-a-councillor>