



MEMBER CONDUCT: COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

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

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

However, 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)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section 5 of this form.

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

- XXXXX 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 ()

Making your complaint

3. 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	Council or authority name
	Mark	Barnes	Melton Borough Council

4. 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. 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.

Please see the attached statement

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 members who are complained about have a right to know who has made the complaint and the detail of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there is good reason to do so.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer/Governance Committee will consider the request 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 details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

5. Complaints must be submitted in writing. This includes fax 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 by providing translation services.

If you need any support in completing this form, please let us know as soon as possible.

Should you have any queries or questions regarding the completion of this form please contact Angela Tebbutt, Monitoring Officer on 01664 502461.

Statement of Complaint under Part 4 of the Complaint Form:

The Code of Conduct of Melton Borough Council includes inter alia:

Principle 1 – Selflessness

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

Principles 5 and 6 – Openness and Honesty

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 3 of this Code.

Definition of Personal Interest

9. (1) You have a personal interest in any business of the authority where either:-
(b) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

Disclosure of Interests

11. (1) Subject to sub-paragraph (2) where you have a personal interest in any business of your authority and where you are aware or ought reasonably to be aware of the existence of the personal interest and you attend a meeting of the authority where the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.

On 18th October 2012, the MBC Development Committee considered Application 11/00913/FUL by Mr Mark Gale for the erection of a wind turbine at Baytree Farm, Stygate Lane, Pickwell. Despite strong objections from the residents of Pickwell, Mr Mark Barnes, the Ward Councillor, spoke in favour of the application despite having spoken against a similar application at Thorpe Satchville at an earlier Development Committee meeting. Councillor Barnes did not declare any personal interest in the matter at the 18th October meeting.

I now understand that, on or about 2nd October, 2012, 16 days before the above mentioned Development Committee meeting, Councillor Barnes and his wife had submitted a planning application for the erection of a wind turbine in Somerby.

Having successfully opposed the wind turbine application at Thorpe Satchville, approval of the application for one at Baytree Farm, Pickwell, might be very helpful for an application in the neighbouring village of Somerby. My complaint is that Councillor Barnes failed to declare an interest on 18th October 2012 before speaking in favour of Application 11/00913/FUL and so breached Principles 1, 5 and 6 and paragraph 11 of the Melton Borough Council Code of Conduct. The Minutes of the Development Committee Meeting on 18th October 2012 confirm that no interest was declared by Councillor Barnes.

A statement by Councillor Barnes was read out at a public meeting held on 12th March 2013 in Somerby Village Hall to consider his application for a turbine in Somerby. In that statement Councillor Barnes was quite open that the reason for his application was to generate a new form of income for his farm. Does that statement bring the issue within paragraph 9 (1) (b) of the Code of Practice?

Signed

Print ALAN F SMITH

Date 2nd APRIL 2013

