

DONCASTER METROPOLITAN BOROUGH COUNCIL

COMPLAINT FORM – ALLEGATION OF A BREACH OF THE MEMBER’S CODE OF CONDUCT

Are you using the correct form?

This form should only be used for complaints which involve an alleged breach of the Code of Conduct for Members (i.e. misconduct by Parish Councillors or Borough Councillors). Please see guidance attached at Appendix 1 to assist you in deciding whether this is the correct form to use when making your complaint.

You can access the Council’s Code of Conduct for Members by visiting the Council’s website www.doncaster.gov.uk.

Further information can be found in our guidance for complainants which sets out the procedure that will be followed in handling a complaint, which can be viewed at <http://new.doncaster.gov.uk/services/the-council-democracy/how-to-complain-about-a-councillor> by accessing: ‘Complaint Handling Procedure’.

Please send the completed form together with any supporting documents to:

The Monitoring Officer
Civic Office
Waterdale
Doncaster
DN1 3BU

Email: TheMonitoringOfficer@doncaster.gov.uk

1. Please provide us with your name and contact details

Title:	Councillor
First name:	Susan
Last name:	Durant
Address:	48 Durham Avenue Thorne
Daytime telephone:	██████████
Evening telephone:	██████████
Mobile telephone:	██████████
Email address:	████████████████████

Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress.

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

In normal circumstances, we will tell the following people that you have made this complaint:

- the Member(s) you are complaining about
- the Independent Person (a person appointed under the Localism Act 2011 to assist the Monitoring Officer in dealing with complaints against Members)
- the Parish Clerk (if your complaint concerns a Parish Councillor)

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/or details of your complaint being released, please complete section 7 of this form, in which case we will give consideration to the merits of protecting your identity. The Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

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

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Local authority employee
- Other ()

3. Please provide us with the name of the Member(s) you believe has/have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
Councillor	Michael	Hennessey	Thorne & Moorends Town Council
Mr	Jeremy	Sherlock	Clerk Thorne & Moorends Town 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 by the Monitoring Officer and the Independent Person in deciding 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. In the case of complaints about statements made or alleged to have been made by a Member, the Monitoring Officer needs a minimum level of information about each of the statements complained of. This information consists of:
 - 1) When the statement is alleged to have been made, published or broadcast;
 - 2) Where the statement is alleged to have been made, published or broadcast;
 - 3) If it was not published or broadcast, who the statement was made to and who is alleged to have heard it;
 - 4) The words used in the statement which are complained of, and if the exact words cannot be supplied by the complainant, the gist of those words;
 - 5) Why those words are considered by the complainant to be a cause for complaint.
- 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 or other relevant documentary evidence to support your allegation(s).
- **If the alleged incident occurred more than 28 days ago, clearly explain why the complaint was not made during that period of time. Please note that if a period of 3 months or more has passed since the date of the alleged incident, complaints will not be considered by the Monitoring Officer, unless there are exceptional circumstances.**

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

The Thorne & Moorends Town council meeting was scheduled Tuesday 8th December 2015. On the agenda was an item of interest which could possibly save a community building from being sold, the agreed sale of the building had seen members of the local community come together to try and save this building. The sale process had been challenged and voted against by Labour Councillors and a motion to rescind the sale was on the agenda with an expected turnout of over 100 members of the public which also included a coach picking up the public to take to the meeting. (we had asked previously for a larger building to be used and this was refused). I had asked the Clerk Jeremy Sherlock to open the room from 6 pm to allow members of the public in, especially as some of those wishing to attend were older more vulnerable members of the public. I was outside the Assembly Rooms when Cllr Hennessey arrived, he went to go into the meeting room and I shortly followed as this person is very volatile and always verbally attacks Annie Farrand. On entering the room Cllr Hennessey was shouting at her to get out, she wasn't allowed in and if she didn't move he would physically throw her out. I informed him he would do not such thing and he told me to get out! I stated that I am a councillor that I have every right to be there and that I had seen Jeremy to allow members of the public in from 6

pm. Cllr Hennessey continued to shout and threaten Annie Farrand and that he would physically remove her and went towards her in an aggressive manner. I went to pass Cllr Hennessey and he turned towards me, grabbed both my forearms and pushed me against the back wall. I was very unnerved by this, I told him to get off me and managed to get one arm free to try and push by him but he then used the physical force of his body to prevent me getting by. The only way I can think to describe this as stated to the police was the he "belly bounced" me. Annie Farrand asked Jeremy to call the police and he said NO!!. I managed to get past Cllr Hennessey and called 999, Cllr Hennessey continued to shout and berate at Annie and I. I informed Jeremy I would expect him to make a statement, he then left the room and Cllr Hennessey slammed the door, (Cllr Hennessey also stated it would be "No comment") this was as Cllr Holbrook's was coming into the room and therefore slammed in his face and would not let anyone in or out. I went to the door as someone knocked and I thought it was Cllr Houlbrook but it was my daughter Rachel Durant, the door opened and Rachel put her foot in the door and so did I but Cllr Hennessey tried stopping it opening and again had hold of my left arm and pushed the door shut. He stated no-ones coming in, whilst this was happening Annie opened the emergency exit which meant there was no point in keeping this door locked. Cllr Houlbrook told Cllr Hennessey never to slam a door in his face, I made sure that my mother (Annie Farrand) was ok. I then sat at the bottom end of the table as far away from Cllr Hennessey as possible and asked Cllr Houlbrook to join me as I was very shaken and frightened at this person's behaviour. Cllr Houlbrook came and sat next to me and asked if I was ok as I looked upset and I explained why I had asked him to sit next to me. I then phoned my husband to come down, I did not leave the meeting until the very end and made sure that Cllr Hennessey had left the room before leaving as there were pink papers which meant my husband was waiting outside for me with my daughter.

I am very disappointed with the clerk Jeremy Sherlock, he did explain that he had been asked for the room to be open for the public from 6 pm and did not ask Cllr Hennessey to refrain from the attacks and threats, he refused to call the police and when asked by my daughter if he was going to doing anything said he wasn't getting involved. This is shocking behaviour which not only allowed Cllr Hennessey to threaten, bully and intimidate a councillor but also a member of the public. To actually Man-handle me and then lock us into the room without our consent and against our will.

5. Making your complaint

- The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it.
- The Monitoring Officer will determine whether your complaint falls within the scope of the Members' Code of Conduct and, if so, will assess the complaint in consultation with the Independent Person. Having consulted with the Independent Person, the Monitoring Officer will take a decision as to whether the complaint merits formal investigation, or whether an alternative course of action (if any) should be taken. The Monitoring Officer will aim to do this within 20 working days of receipt of your complaint and you will then be notified in writing of his decision.
- The Monitoring Officer (in consultation with the Independent Person) may decide:-
 - that no further action should be taken regarding the allegation.
 - to seek to resolve the complaint informally without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the Authority, such as training for the Member.
 - to forward the complaint to the relevant Group Leader/Political Group for informal resolution (or Parish/Town Council if applicable).
 - to arrange for an investigation to be undertaken in relation to the circumstances of the allegation that has been made, the findings of which will be referred to the Audit Committee's Hearings Sub-Committee for determination, where a breach of the Code is identified.
- Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.
- If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.
- The Monitoring Officer's decision will be communicated to the person(s) making the complaint, the Member who is the subject of the allegation and the Clerk of the Parish Council if the complaint is about the behaviour of a Parish Councillor.
- The types of behaviour covered by the Code of Conduct which you can complain about and those that are unlikely to be investigated further are set out at the end of this form.
- Any queries relating to how a complaint is being handled should be directed to the Monitoring Officer (see contact details on front page of this form).

6. Informal resolution

The Monitoring Officer will normally try to resolve your complaint informally, where practicable. To assist in this process, please give details of the remedy or outcome you are seeking or the action you think might provide a satisfactory resolution to your complaint.

Since Cllr Hennessey became a councillor in May nearly every meeting has been brought into disrepute regarding his behaviour, the manner in which he speaks to members of the public and fellow councillors with his aggressive and threatening behaviour. At least one member of the public has attended every meeting of the council to complain about this Cllr. This was not acceptable then and is not acceptable now. He has gone from verbal threats and intimidation, to man handling me which I have reported to the police (I have been provided with a crime reference number and investigations regarding a charge of assault without injury is ongoing). I have said I am willing to attend court and the Police will be speaking with Cllr Hennessey, the clerk and others with reference to this incident (if they have not already).

Cllr Hennessey is not fit to be a councillor, he ignores the code of conduct and the NOLAN principles, he has no respect for others and does not value anyone's opinions but his own.

The only remedy I can see would be to remove him as a councillor, suspend him and for him to attend training courses regarding

- Code of conduct
- Discrimination
- Bullying, intimidation and harassment
- Threatening behaviour
- Debate & Negotiation
- People skills

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

7. 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 you have good reason to believe that:

- Disclosure of your identity and information on the nature of the complaint could result in evidence being compromised or destroyed or
- Where there is a possibility of you or potential witnesses being intimidated by the Member concerned.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. In consultation with the Independent Person, the Monitoring Officer 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

8. Complaints must be submitted in writing. 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.

Alternative formats and languages can be made available upon request.

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