Complaints about Councillors

You can make a complaint about a Councillor if you consider that the Councillor has acted in a way that breaches the Code of Conduct for Members.

What is the Member Code of Conduct?

The Code is a local document agreed by the Borough’s Standards Committee on 12 July 2012, and adopted by full Council on 23 October 2012. It sets out the standards of moral and ethical conduct that are expected from a Member.

Councillors are the elected Members of the Borough Council. The Code will also apply to any co-opted Members of Council Committees.

Under the Localism Act 2011, all local authorities have a duty to promote and maintain high standards of conduct by Councillors and co-opted Members of the authority. To do this, they must adopt a code setting out the conduct expected from their Members when they are acting as a Councillor or co-opted Member.

All Reading Councillors, when they are elected, are asked to sign to say that they will faithfully fulfil their duties as a Councillor to the best of their judgement and ability.

The Code of Conduct says that Councillors should DO the following things:

- Follow the Code when they are representing the Council
- Follow other local codes and protocols
- Treat others with respect
- Comply with the Bribery Act 2010
- Declare any disclosable pecuniary (financial) interests they have in the business of the authority
- Register their personal interests in the Council’s Register of Members Interests, and keep their entry up-to-date. The Register can also be found on the Council’s website, please see the link at the top right of this page.
- Register gifts and hospitality received in their role as a Councillor, worth more than £25
The Code of Conduct says that Councillors should NOT DO the following things:

- Breach any of the equality enactments (ie discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age;
- Bully any person
- Compromise the impartiality of people who work for the Council;
- Use their position improperly for personal gain or to advantage other people
- Disclose confidential information, other than in exceptional circumstances;
- Prevent anyone from getting information they are entitled to.
- Make vexatious or malicious complaints against somebody else
- Use the Council’s resources improperly for party political purposes;
- Attend meetings or be involved in decision making or voting where they have a disclosable financial interest - except when speaking when the general public are also allowed to do so.

The Code of Conduct applies to Councillors when they are:

- Carrying out Council business;
- Carrying out ward business;
- Carrying out the business of an office to which they have been elected or appointed by the Council (eg Leader, Chair);
- Acting as a representative of the Council.

The Code does not apply to Councillors’ personal life.

**What are Interests?**

Councillors will have a disclosable Pecuniary (Financial) Interest in an item of business being considered by the Council where a decision on a matter would affect the financial position of:

- The Councillor and/or their spouse or partner
- A body employing any of those persons
- Any corporate body in which such persons hold shares above £25,000 in nominal value
- To a greater extent than other people in the ward affected by the decision.

**How do I Complain?**

If you have evidence that a Councillor has acted in a way that breaches the Code of Conduct, you can complain to the Council’s Monitoring Officer:

In writing: Reading Borough Council, Civic Offices, Bridge Street, Reading RG1 2LU

By Email: committee.services@reading.gov.uk

Online: www.reading.gov.uk/councillors

Your complaint must specify:

- Name of Councillor
- When the breach occurred
- Details of breach - ie the thing you are complaining about
- The redress you are seeking - ie what would you like the Councillor to do about it?
What will happen when I complain?

Firstly, the Monitoring Officer will acknowledge receipt of your complaint. He may also contact you to clarify any aspects of the complaint.

The complaint will then follow a complaints process which has an initial filter and then up to three stages.

**Initial Filter**

At this stage, the Monitoring Officer will consider whether the complaint provides evidence to suggest that a Councillor may have acted in a way that has breached the local Code of Conduct whilst carrying out the business of the Council. The Monitoring Officer may do one of three things:

1. **Reject the complaint on one of the following grounds:**
   - There is no evidence of any action which breaches the Member Code of Conduct
   - The complaint is about the Councillor’s private life;
   - The complaint has been made anonymously
   - The complaint is about actions that occurred more than 12 months before;
   - The complaint is about comments made in the cut and thrust of political debate;
   - The complaint is trivial, vexatious, malicious, politically motivated or made on a tit-for-tat basis - unless these suggest a more deep-seated problem;
   - The complaint is similar to a previously investigated complaint where there is nothing further to be gained from an investigation;
   - The complaint gives insufficient information to justify an investigation, or where an investigation is unlikely to be able to come to a firm conclusion on the matter

2. **Explore the complaint informally with you, and the Councillor who is the subject of your complaint, to see whether there is any scope for settling the complaint informally;**

3. **Where the Monitoring Officer considers that the complaint may suggest that a serious breach of the Member Code of Conduct may have occurred, and there does not appear to be scope for an informal local settlement, he will refer the complaint to the Leader of the political Group of which the Councillor is a member, to be investigated under the Group’s disciplinary procedure.**

**Stage 1**

Where the Monitoring Officer refers the complaint for investigation under the disciplinary procedure of the Councillor’s Group, the Group Leader will be responsible for ensuring that you receive written confirmation of receipt of the complaint, and the process and timescale the Group will follow to look into it.

At the end of the process, the Group Leader will write to you again to set out the findings of the Group investigation, and the action, if any, that the Group intends to take with regard to the Councillor.

The Group Leader will also copy this response to the Monitoring Officer. Apart from this, this stage of the complaints process will be confidential to yourself and the political Group.
If you are not satisfied with the response you receive from the Group Leader, you may refer your complaint back to the Monitoring Officer.

**Stage 2**

The Monitoring Officer will consider whether your complaint should now be investigated through a formal Council process.

In doing this, the Monitoring Officer will share your complaint with the Council’s Independent Person. The Independent Person is somebody that every local authority has to appoint, and whose views must be sought and taken into account before the authority makes a decision on the outcome of any investigation that it undertakes formally.

The Monitoring Officer will seek the Independent Person’s views on:

- the merits of the complaint
- whether it should be subject to a formal Council investigation process
- if so, the process and timescale to be followed.

The Monitoring Officer will then write to you to explain the process and timescale to be followed, if any; and to request any further information that he considers necessary to assist the process.

When the investigation is complete, the Monitoring Officer will share the investigation report with the Independent Person and discuss its findings and possible courses of action.

(10) The Monitoring Officer will then write to you to set out the results of the formal investigation and, where appropriate, the views of the Independent Person.

**Stage 3**

If the Monitoring Officer and Independent Person agree with any finding in an investigation report that there has been a serious breach of the Member Code of Conduct, which requires the application of a sanction available to the Standards Committee to address, the Monitoring Officer may decide at this stage to put the findings directly to the local Standards Committee for their consideration.

The Monitoring Officer will tell you if he decides to do this.

When this happens, the Committee will consider a report from the Monitoring Officer outlining the results of the previous stages and decide whether any further investigation or information was needed before it arrived at its own conclusions.

The decision to refer a complaint to the Standards Committee will be for the Monitoring Officer, having regard to the views of the Independent Person. You will not have a right to require a complaint to be considered by the Standards Committee, or to appeal against a decision of the Monitoring Officer not to proceed to this stage.

Tina Barnes, Chair,
Standards Committee October 2012