

Councillor complaints

Breaches of the Member Code of Conduct complaints procedure

Members of the Council, and of Parish / Town Councils, are required to follow a statutory [Code of Conduct](#). If you feel that a member has acted in breach of this Code, you may submit a complaint. The Monitoring Officer has the responsibility for considering complaints, conducting investigations, and making reports to the Council's Standards Committee where a complaint is made against a Councillor.

Anyone who believes that a member of the Council may have breached the Code of Conduct can make a complaint to the Monitoring Officer via Governance Services (see below). Each complaint will be assessed by the Monitoring Officer to establish whether it falls within the Standards Committee's jurisdiction. A decision will be made on whether any action should be taken either by way of investigation or alternative measure. If such action is taken it does not mean that the Monitoring Officer has reached a conclusion about the allegation, it means they have concluded that the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct.

The only types of complaint within the Standards Committee's Jurisdiction are those which involve an alleged breach of the Code of Conduct which include where a member has:

- Caused the Council to breach any of the equality enactments, bullied or failed to treat people with respect, or done something to prevent those who work for the authority from being unbiased;
- Intimidated any person involved in any investigation or proceedings about a member's alleged misconduct;
- Revealed information that was given to them in confidence, or stopped someone getting information that they are entitled to by law;
- Damaged the reputation of their office or authority bringing their office or the council into disrepute;
- Used their position improperly, to their own or someone's else's advantage or disadvantage;
- Misused the authority's resources including using them improperly for political purposes;
- Failed to register financial or other interests;
- Failed to follow the rules relating to disclosure of a personal interest at a meeting;
- Taken part in a meeting or made a decision where they have an interest that is so significant that it is likely to affect their judgement (a "prejudicial interest");
- Improperly influencing a decision about a matter that they have a prejudicial interest in

How Submit a Complaint

If you believe that the Code of Conduct has been breached and you want to complain about the conduct of a member of Trafford Council or a member of one of our parish or town councils, you must submit a complaint in writing. This can be done via hand written submission through the post (see the address below) or by email to member.complaints@trafford.gov.uk. For clarity and to ensure that your complaint will be handled in the quickest and most efficient manner it is advised that you use the [Members Code of Conduct Complaint Form](#) as a template for your submission.

Hand written complaints should be returned to:

Members Complaints
Governance Services
Trafford Town Hall
Talbot Road
Stretford
M32 0TH

Please mark the envelope "Confidential"

Complaints submitted through email should be sent to:

member.complaints@trafford.gov.uk

All submissions to the Members Complaints inbox shall be treated as confidential.

Please note that your identity and details of your complaint will normally be disclosed to the subject matter. This information will only be withheld in exceptional circumstances and at the discretion of the Standards Committee. If you consider that the information should be withheld, please indicate the reason(s) on the form.

How Your Complaint Will Be Processed

An acknowledgement of receipt of a complaint will be sent within five working days of receiving it. Following receipt the Monitoring Officer will review the complaint and, following consultation with the Independent Person, take a decision (initial assessment) as to whether it merits investigation, or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

The complaint will be rejected if;

- The complaint is not against one or more named members or co-opted members of the council or a parish or town council within its district;
- The subject member was not in office at the time of the alleged conduct.
- The complaint, if proven, would not be a breach of the Code of Conduct under which the subject member was operating at the time of the alleged misconduct.

If the complaint has not been rejected on any of these grounds the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected;

- Whether a substantially similar allegation has previously been made by the complainant to Standards for England, or the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and
 - i. The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations and
 - ii. Whether in all the circumstances there is no overriding public benefit in carrying out an investigation.
- Whether the complaint appears to be malicious, vexatious, politically motivated or tit for tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the subject of the allegation is relatively inexperienced as a member or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether training or conciliation would be the appropriate response.

The Monitoring Officer will consult with the Independent Person and then give his/her decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to a sub-committee of the Standards Committee.

About the Standards Committee

The [Standards Committee](#) is responsible for promoting and maintaining high standards of conduct by members of the Council. This responsibility extends to members of the parish and town councils in Trafford. The Standards Committee's Membership includes a number of Independent Members who have no affiliation with the Council.