

A guide to making complaints about Members of Leeds City Council and Parish and Town Councils within Leeds.

You can complain about the behaviour of Councillors and co-opted members¹ of Leeds City Council, or any of the Parish and Town Councils in the Leeds area.

If you want to make a complaint you should submit a written complaint to the Standards Committee of Leeds City Council, addressed to the Council's Monitoring Officer.

There is a special form at the end of this guidance leaflet which you can use for this purpose.

The Standards Committee cannot consider complaints about a decision or action of the Council or one of its committees, or a service provided by the Council.

Complaints about the actions of people who work for the Council also do not fall within the jurisdiction of the Standards Committee.

You should refer any complaints of this nature to 'Compliments and Complaints' on 0113 222 44 05.

What is the Standards Committee?

The Standards Committee is a group of people appointed by the Council to help maintain and promote high ethical standards. The Standards Committee is made up of:

- Seven Leeds City Councillors (all political groups within the Council are represented);
- Four Independent Members (who are not Councillors or employees of the Council); and
- Three Parish Councillors.

The Standards Committee has set up two sub-committees to deal with complaints about Councillors.

¹ A co-opted member is a voting member of an authority or one of its committees, who was appointed to their position rather than elected.

The Assessment Sub-Committee receives and initially assesses any complaints to decide whether to:

- Refer the complaint to the Monitoring Officer of Leeds City Council for investigation or other action;
- Refer the complaint to Standards for England; or
- Take no action in relation to the complaint.

The Review Sub-Committee considers any appeals against decisions to take no action, and has a different membership from the Assessment Sub-Committee.

Both the Assessment Sub-Committee and Review Sub-Committee meet in private to consider these matters.

The Chair of the Committee is one of the Independent Members, as is the Chair of the Assessment Sub-Committee and Review Sub-Committee.

Who can you complain about?

Your complaint must be about one or more named members of the following authorities:

- Leeds City Council
- Aberford and District Parish Council
- Allerton Bywater Parish Council
- Alwoodley Parish Council
- Arthington Parish Council
- Bardsey cum Rigton Parish Council
- Barwick in Elmet & Scholes Parish Council
- Boston Spa Parish Council
- Bramham cum Oglethorpe Parish Council
- Bramhope and Carlton Parish Council
- Clifford Parish Council
- Collingham with Linton Parish Council
- Drighlington Parish Council
- East Keswick Parish Council
- Gildersome Parish Council
- Great and Little Preston Parish Council
- Harewood Parish Council
- Horsforth Town Council
- Kippax Parish Council

- Ledsham Parish Council
- Ledston with Ledston Luck Parish Council
- Micklefield Parish Council
- Morley Town Council
- Otley Town Council
- Pool-in-Wharefdale Parish Council
- Scarcroft Parish Council
- Shadwell Parish Council
- Swillington Parish Council
- Thorner Parish Council
- Thorp Arch Parish Council
- Walton Parish Council
- Wetherby Town Council

What types of behaviour can you complain about?

The Standards Committee cannot deal with complaints about behaviour that occurred before the Member was elected or appointed, which occurred before May 2002 (when the Code of Conduct came into force), or occurred after the Member had resigned or ceased to be a member of the Council.

You can complain about a member of the Council breaking any part of their Code of Conduct. Members of the Council are required to observe the Code whenever they are:

- Conducting the business of the authority;
- Conducting the business of the office to which they have been elected or appointed; or
- Acting as a representative of the authority.

You can complain about a Member doing any of the following:

- Failing to treat people with respect
- Conducting themselves in a manner which could reasonably be regarded as bringing his or her office or authority into disrepute
- Using, or attempting to use, their position as a member improperly to confer on or secure for him or her self or any other person, an advantage or disadvantage
- Doing something which may seriously prejudice their authority's ability to comply with any of its statutory duty under the equality law
- Bullying any person

- Intimidating or attempting to intimidate someone who is or is likely to be a complainant or witness in relation to an investigation
- Doing anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority
- Disclosing information given to them in confidence by anyone, or information acquired which he or she believes is of a confidential nature, except where:
 - They have the consent of a person authorised to give it; or
 - For professional advice, providing the advisor agrees to maintain the confidentiality; or
 - Where disclosure is reasonable and in the public interest, and this disclosure is made in good faith and in accordance with the Council's reasonable requirements².
- Preventing another person from gaining access to information to which that person is entitled to by law
- When using the authority's resources, or authorising their use by others:
 - Not acting in accordance with the authority's requirements; or
 - Allowing such resources to be used for political purposes; or
 - Not having regard to the Local Authority Code of Publicity.
- When taking decisions:
 - Failing to have regard to advice provided by the Chief Finance Officer and the Monitoring Officer³; and
 - Failing to give reasons for those decisions in accordance with any statutory requirements or additional requirements imposed by the Council.
- Failing to register their financial or other interests within 28 days of their election or appointment
- Failing to update their register of interests within 28 days of a change to their circumstances
- Failing to register any gifts or hospitality (and the source), that they have received in their role as a Member worth over £25
- Failing to declare a personal interest at a meeting
- Failing to declare a prejudicial interest at a meeting (an interest so significant that it is likely to affect their judgement)
- Taking part in the discussion or making a decision where they have a prejudicial interest⁴
- Improperly influencing a decision about a matter that they have a prejudicial interest in

² Set out in the "Access to Information Procedure Rules", in Part 4 of the Council's Constitution.

³ This part of the Code is not mandatory for Parish and Town Councils.

⁴ Please note that Councillors may make representations, give evidence or answer questions on a matter in which they have a prejudicial interest, if the public have a right to do so, and if their authority has adopted the relevant paragraph of the Members' Code of Conduct. However they may not take part in the discussion on the matter.

You can see a full copy of the Members' Code of Conduct in force at Leeds City Council on the Council's website. To view a copy of a Parish or Town Council's Code of Conduct, you will need to contact the relevant Clerk.

What happens once you submit your complaint?

When you first submit your complaint the Monitoring Officer will determine whether the complaint should be directed to the Assessment Sub-Committee or whether another course of action is appropriate. If you have indicated on your complaints form that you would be happy to explore informal resolution, the Monitoring Officer is likely to consider this option. If the complaint is clearly not about Member conduct, then the Monitoring Officer does not have to pass it to the Assessment Sub-Committee. If you make your complaint verbally, the Monitoring Officer will ask you whether you want to formally put the matter in writing to the Standards Committee. If you do not wish to do so, the Monitoring Officer should consider the options for informal resolution to satisfy you.

When your complaint is forwarded to the Assessment Sub-Committee we will write to you to let you know we have received it. The Assessment Sub-Committee will then meet to consider your complaint and decide whether it should be referred for investigation or other action. This will happen within an average of 20 working days of the date we received your complaint. Meetings of the Assessment Sub-Committee are 'closed', which means that you will not be able to attend, and neither will the member(s) you have complained about. It is therefore very important that you set out your complaint clearly and provide all the information you wish the Assessment Sub-Committee to consider.

The criteria that will be used to assess your complaint and decide whether it should be investigated are set out below:

- Complaints made anonymously will only be referred for investigation or other action if they are exceptionally serious or significant.
- If the information provided in the complaint is insufficient to make a decision as to whether the complaint should be referred for investigation, the Sub-Committee will take no further action on the complaint, unless or until further information is provided.
- The Sub-Committee may decide to take no further action because the complainant has not provided, and there is insufficient likelihood of, adequate evidence being found which might indicate a positive breach of the Code of Conduct to justify the use of resources involved in an investigation.
- If an alternative to investigation would provide an effective resolution to the matter, the Sub-Committee may refer the complaint to the Monitoring Officer to take alternative action. However if the alternative action is not successful, the case will no longer be open to investigation.

- Complaints which are considered trivial or not sufficiently serious may not be referred for further action.
- If a long period of time has passed since the alleged conduct occurred, it may be considered of little benefit to take any further action in relation to the complaint.
- The Sub-Committee may decide to take no further action because the complaint was made at least six months after the event unless the pattern of behaviour complained about has recently been repeated or the evidence relied upon is predominantly documentary.
- If the complaint appears to be malicious, politically motivated or tit-for-tat, the Sub-Committee may decide that further action is not warranted.
- If the matter complained of has already been subject to previous investigation or other action, or has been subject to investigation by another regulatory authority, and there is nothing to be gained by further action, the Sub-Committee may not refer the complaint for investigation or other action.
- Except in the most serious of cases, complaints that disclose a potential breach under the 2001 Code of Conduct but would not constitute a breach under the 2007 Code of Conduct are unlikely to be referred for investigation or further action.
- Where the Member is no longer a member of our authority but is a member of another authority, the complaint may be referred to that authority to consider.
- If investigation of the matter would serve no useful purpose for whatever reason, the Sub-Committee may not refer the matter for investigation.
- If the complaint is unsuitable for local investigation, the matter will be referred to Standards for England.

When the Assessment Sub-Committee has reached its decision we will notify you in writing whether your complaint has been referred for investigation or other action. At the same time we write to you, we will also write to the member(s) you have complained about (and the relevant Parish or Town Council Clerk, if applicable). We will aim to send these letters within five working days of the Assessment Sub-Committee reaching its decision. The decision of the Assessment Sub-Committee is made available for public inspection once the member the complaint is about has been given a summary of the complaint. In very limited situations the member may not be given this summary immediately and if so any public inspection will not happen until the member does get the summary.

What is meant by 'other action'?

The Assessment Sub-Committee may decide to refer your complaint for 'other action' instead of referring it for investigation. Other action is a deliberately broad term that may include options such as requiring the person you have complained about to undergo training or mediation. The Assessment Sub-Committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the Assessment Sub-Committee decides to refer your complaint for other action we will explain what this involves.

What happens if the Assessment Sub-Committee decide to take no action?

If the Assessment Sub-Committee decide to take no action on part or all of your complaint, you can ask the Review Sub-Committee to reconsider your complaint. You may also submit further information to support your complaint and explain why you believe the Assessment Sub-Committee have made the wrong decision.

You have thirty days following the decision notice being sent to you to request a review of the Assessment Sub-Committee's decision. The letter which explains the Assessment Sub-Committee's decision will give you a deadline for submitting your review request. Following your request, the Review Sub-Committee will have three months to meet to reconsider your complaint, although they will endeavour to meet within twenty working days where this is possible.

The Review Sub-Committee is made up of different members who sat on the Assessment Sub-Committee, but they will use the same criteria to decide whether your complaint should be referred for investigation or other action.

If the Review Sub-Committee decide that the Assessment Sub-Committee were correct in deciding to take no action on your complaint then there is no further right of appeal to the Council. However you will be entitled to complain to the Local Government Ombudsman or seek a judicial review.

How should you make your complaint?

Before making your complaint you may find it helpful to talk through the complaint and the complaints process with a member of the Corporate Governance Team. You can call the complaints helpline on 0113 39 50035.

In order to submit your complaint, you should fully complete the attached complaints form (or complete it electronically via the Council's website). It is very important that you set out your complaint fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish the Assessment Sub-Committee to consider, where possible. Especially as you will not be able to attend the meeting of the Assessment Sub-Committee.

How to complain about the behaviour of a Councillor



We recommend that you use our complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the member(s) complained about has breached the Code of Conduct.

You should submit your completed form or covering letter by post, email or fax using the contact details below:

Post: The Monitoring Officer
c/o The Corporate Governance Team
1st Floor West
Civic Hall
Leeds
LS1 1UR

Email: councillorconduct@leeds.gov.uk

Fax: 0113 39 51599

Additional Help

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.

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

If you wish to request support in making your complaint, or wish to discuss your complaint or the complaints process, you can contact us by:

Telephone: 0113 39 50035

Fax: 0113 39 51599

Email: councillorconduct@leeds.gov.uk

Post: The Monitoring Officer
c/o The Corporate Governance Team

How to complain about the behaviour of a Councillor



1st Floor West
Civic Hall
Leeds
LS1 1UR

COMPLAINT FORM – Councillors’ Code of Conduct

You can use this form to complain about Councillors and co-opted members⁵ of Leeds City Council, or any of the Parish and Town Councils in the Leeds area. However, please note that the Standards Committee can only consider complaints about the behaviour of individual Councillors or members, not about the Council as a whole or the people employed by it.

If you wish to make a complaint about the Council as a whole, or one of its services, please contact ‘Compliments and Complaints’ on 0113 222 44 05.

You should refer to the guidance leaflet “How to complain about the behaviour of a Councillor” for more information about the complaints process, the decisions the Assessment Sub-Committee can reach, and the criteria they will use to make these decisions.

Before you submit your complaint you should be aware that if the Assessment Sub-Committee decides to refer your complaint for investigation, you will be interviewed as part of this investigation, and may be called as a witness in any subsequent hearing. The investigation process should last around six months, and any hearing would take place within three months after this. However, these timescales are subject to change depending on the co-operation of the parties and the complexities of the case. If your complaint is referred for investigation we will send you further information at this time.

Your details

1. Please provide us with your name and contact details

| | |
|---------------------------|--|
| Title: | |
| First name: | |
| Last name: | |
| Address: | |
| Daytime telephone: | |

⁵ A co-opted member is a voting member of an authority or one of its committees, who was appointed to their position rather than elected.

| | |
|---------------------------|--|
| Evening telephone: | |
| Mobile telephone: | |
| Email address: | |

Your address and contact details will not usually be released unless necessary 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 or town clerk (if your complaint relates to a parish or town council member)

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 6 of this form.

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 specify: _____)

Informal resolution

3. Would you be happy for the Monitoring Officer to attempt to resolve your complaint informally, rather than forward your complaint to the Assessment Sub-Committee? Please note that if your complaint is resolved informally there is no possibility of the matter being investigated.

- Yes
- No

If yes, what type of action would satisfy you? For example, an apology from the Councillor concerned.

Making your complaint

4. 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 |
|-------|------------|-----------|---------------------------|
| | | | |
| | | | |
| | | | |
| | | | |

5. Please indicate which sections of the Code of Conduct you believe that the member(s) have breached:

- Failing to treat people with respect
- Conducting themselves in a manner which could reasonably be regarded as bringing his or her office or authority into disrepute
- Using, or attempting to use, their position as a member improperly to confer on or secure for him or her self or any other person, an advantage or disadvantage
- Doing something which may seriously prejudice their authority’s ability to comply with any of its statutory duty under the equality law
- Bullying any person
- Intimidating or attempting to intimidate someone who is or is likely to be a complainant or witness in relation to an investigation
- Doing anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority
- Disclosing information given to them in confidence by anyone, or information acquired which he or she believes is of a confidential nature, except where:
 - They have the consent of a person authorised to give it; or
 - For professional advice, providing the advisor agrees to maintain the confidentiality; or

- Where disclosure is reasonable and in the public interest, and this disclosure is made in good faith and in accordance with the Council's reasonable requirements⁶.
- Preventing another person from gaining access to information to which that person is entitled to by law
- When using the authority's resources, or authorising their use by others:
 - Not acting in accordance with the authority's requirements; or
 - Allowing such resources to be used for political purposes; or
 - Not having regard to the Local Authority Code of Publicity.
- When taking decisions:
 - Failing to have regard to advice provided by the Chief Finance Officer and the Monitoring Officer⁷; and
 - Failing to give reasons for those decisions in accordance with any statutory requirements or additional requirements imposed by the Council.
- Failing to register their financial or other interests within 28 days of their election or appointment
- Failing to update their register of interests within 28 days of a change to their circumstances
- Failing to register any gifts or hospitality (and the source), that they have received in their role as a Member worth over £25
- Failing to declare a personal interest at a meeting
- Failing to declare a prejudicial interest at a meeting (an interest so significant that it is likely to affect their judgement)
- Taking part in the discussion or making a decision where they have a prejudicial interest
- Improperly influencing a decision about a matter that they have a prejudicial interest in

6. 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.

You must provide the following information in your complaint, wherever possible:

⁶ Set out in the "Access to Information Procedure Rules", in Part 4 of the Council's Constitution.

⁷ This part of the Code is not mandatory for Parish and Town Councils.

- You should be specific 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. 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 documentary evidence (e.g. copies of emails or other correspondence) and any background information.

If you fail to provide some of the details listed above, your complaint may not be forwarded to the Assessment Sub-Committee for consideration.

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

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 reasonable grounds for believing that you will be at risk of physical harm if your identity is disclosed.
 - You are an officer who works closely with the subject member and you are afraid of the consequences to your employment or losing your job if your identity is disclosed.
 - You suffer from a serious health condition and there are medical risks associated with your identity being disclosed. In such circumstances, the Assessment Sub-Committee may wish to request medical evidence of your condition.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment sub-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:

8. Equality monitoring questions

We need to make sure that we provide a fair service to everyone, please put a tick in the boxes that apply to you.

Gender: Male Female

Are you a disabled person? Yes No

Ethnic Origin:

White

- British
- Irish
- Other

Black/Black British

- Caribbean
- African

Other

Chinese or other ethnic

Chinese

Other

Asian/Asian British

Indian

Pakistani

Bangladeshi

Kashmiri

Other

Mixed

White & Black Caribbean

White & Black African

White & Asian

Other

Please return your completed form to:

Fax: 0113 39 51599

Email: councillorconduct@leeds.gov.uk

Post: The Monitoring Officer

c/o The Corporate Governance Team

1st Floor West

Civic Hall

Leeds

LS1 1UR

Signed:.....

Date:.....

Please tell us how you found out how to complain about the behaviour of a Councillor:

- Leeds City Council website
- Standards for England website
- Leeds City Council Contact Centre
- Information in 'About Leeds' (the Council's newspaper)
- Information in the Yorkshire Evening Post
- Posters in a One Stop Centre, Library, Citizen's Advice Bureau or other Council building
- Other. Please specify: