

# Selwyn District Council

## Complaints made by a member of the public about an elected member

June 2024

[selwyn.govt.nz](http://selwyn.govt.nz)

## Purpose

1. The primary purpose of the Complaints Made by a Member of the Public About an Elected Member Policy is to direct the way in which complaints about elected member behaviour received from members of the public, are managed.

## Background

2. The residents of the Selwyn District have elected a diverse team of Councillors who hold a range of personal views on many matters – as is expected in any well-functioning democracy.
3. Individual residents are perfectly entitled to disagree with elected member views (and advise them of that disagreement), although the ultimate accountability is at the ballot box every three years.
4. Members of the public can make informal complaints to the Council about the behaviour of an elected member, but only the Mayor, Councillors or Chief Executive may lodge formal complaints under the Mayor and Councillors' Code of Conduct.

## Process — informal complaints from members of the public

5. Where the Council receives a complaint about elected member behaviour from a member of the public, the Chief Executive and Mayor, will assess the complaint to determine whether it warrants further consideration. Having done so, the Chief Executive and Mayor's options will be to:
  - a. Determine no response is needed.
  - b. Seek to resolve the matter informally, perhaps through a conversation with the elected member who is the subject of the complaint and/or the Mayor.
  - c. Refer the complaint to the Panel.

## Elected Members Complaints Panel

6. Where a complaint is referred to the Complaints Made by the Public Panel, the Panel should meet as soon as practicable to consider the matter. The Panel may seek further information from the parties involved if it considers that would be helpful but is not obliged to do so.
7. Where the Complaints Panel seeks further information from the elected member who is the subject of the complaint, it will typically need to inform that member about the substance of the complaint, including the complainant's identity (unless this is irrelevant to the complaint). The Panel should not provide contact details for a complainant without that complainant's consent.
8. The Panel may make any of the following determinations:
  - a. Take no further action.
  - b. Resolve the matter informally, such as by providing the elected member who is the subject of the complaint with an opportunity to apologise to the complainant (although the Panel cannot require a member to apologise) or by referring the complaint to an appropriate third party.
  - c. Nominate one of its members to lay a formal complaint under the Mayor and Councillors' Code of Conduct where the Complaints Panel considers that the complaint is sufficiently serious to warrant investigation under that Code.
9. Once a determination has been made, the Panel should nominate a member(s) to advise the complainant of the outcome. They should also advise the member who is the subject of the complaint and share the substance of the complaint with them also if that has not already occurred.



## Members of the Panel:

- a. Deputy Mayor
- b. Independent Chairperson of the Audit and Risk Sub-Committee
- c. Chief Executive

### 10. Exceptions regarding membership

- a. Should a member of the complaints panel be unavailable they will assign an alternate on a case-by-case basis.
- b. Where a complaint relates to the Deputy Mayor or the Independent Chairperson of the Audit and Risk Sub-Committee, the other complaints panel members will identify an appropriate alternative elected member.

## Limitations

### 11. Status

- a. The Complaints Made by the Public Panel is an informal group of individuals. It is not a committee of the Council, or any other type of entity. As such, the Panel does not have any delegated decision-making powers.

### 12. For clarity, the Panel cannot undertake any of the following actions. This is a non-exhaustive list:

- a. Censure of an elected member(s)
- b. Require an elected member(s) apologise to the complainant
- c. Remove responsibilities (such as committee chairmanships)
- d. Express a vote of no-confidence in an elected member
- e. Suspend an elected member from committees or other bodies to which the member has been appointed.
- f. Invite an elected member(s) to consider resigning from the Council.

### 13. Final determination

- a. The Panel's determination on informal complaints from members of the public is final and no correspondence in relation to these determinations will be entered into.
- b. Complainants who consider that the Complaints Panel's determinations were unreasonable or unfair may make a complaint to the Ombudsman. know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect The Council from potential civil liability.

