

REPORT FOR: STANDARDS COMMITTEE

Date of Meeting: 11 September 2012

Subject: INFORMATION REPORT
The Standards Regime – arrangements made by other boroughs for dealing with member complaints

Responsible Officer: Hugh Peart, Director of Legal and Governance Services

Exempt: No

Enclosures: None

Section 1 – Summary

This report sets out arrangements in some other London boroughs who have agreed new arrangements to deal with complaints against councillors who it is alleged have breached the Council's code of conduct.

FOR INFORMATION

Section 2 – Report

Background

New arrangements for dealing with complaints against members were agreed at Council on 5 July following changes to the previous standards regime introduced by the Localism Act 2011.

Officers considered that it may be helpful for the Standards Committee to be informed about the sorts of arrangements which have been adopted in some other London boroughs.

Arrangements in other boroughs

Summaries of arrangements in five other boroughs are set out below.

Brent

The recommendation to Council on 9 July was that the Monitoring Officer should have delegated power to decide detailed arrangements for complaints. However, the terms of reference for the Standards Committee make it clear that it will be responsible for deciding whether a complaint should be investigated and for holding hearings in respect of complaints.

At the time of writing, the minutes for Council were not available on the website and so it cannot be confirmed whether the recommendation and terms of reference were agreed.

Hillingdon

New arrangements were approved by the Council on 5 July 2012.

Under Hillingdon's new system, the Standards Committee itself will both assess and hear complaints against Members and co-opted members. The membership of the Standards Committee is to be reduced from 9 to 5 members.

There is a protocol which is designed to try and resolve the complaint informally through the Whips' office. If this is not successful the formal process operates as follows:

Assessment – the Standards Committee considers whether investigation should be carried out. At this stage it can decide not to take any action. If it decides that investigation is warranted, the Monitoring Officer arranges investigation and then arranges for meeting to be convened to consider the investigation.

Consideration – the Standards Committee can decide that there has been no failure to comply with the Code or that the complaint should proceed to hearing.

Hearing – the Standards Committee hears the complaint and decides on sanction if appropriate.

Newham

Newham's arrangements were approved by Council on 17 May 2012.

An Initial filtering stage is carried out by Monitoring Officer in consultation with the Independent Person. He/she can make the decision to arrange investigation but if he/she does not wish to make that decision he can refer it to a Standards Advisory Committee.

If an investigation is to be carried out, the Monitoring Officer will arrange this or do it him/herself.

If the investigation finds no breach, the Monitoring Officer closes the matter.

Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, may seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Advisory Committee.

Where such local resolution is not appropriate or not possible the Monitoring Officer reports the investigation findings to a Hearings Panel of the Standards Advisory Committee for hearing and recommendation.

A Hearings Panel may if it considers appropriate having heard the matter impose one of a range of sanctions.

There is no right of appeal. If the complainant submits additional information, the Monitoring Officer will consider and decide if it warrants further consideration, in which case it will be considered as a fresh complaint. A complainant can also access the Council's Complaints Procedure.

Lambeth

Lambeth's arrangements were agreed by Council on 20 June 2012.

There is an initial filtering stage carried out by the Monitoring Officer in consultation with the Independent Person and, where appropriate, the whip of the member's group. At this stage, the monitoring officer may seek to resolve the complaint informally.

If the monitoring officer decides that the complaint warrants investigation, he/she will appoint an investigating officer.

When the investigating officer has produced the report, the monitoring officer will review it, in consultation with the independent person and, if appropriate, the whip of the member's group and decide either that:

1. no further action should be taken;
2. the matter should be heard by the Standards (Hearing) Sub-Committee; or
3. an attempt to resolve the matter without a hearing should be made.

If option 3 is taken and is successful, the outcome of the matter will be reported to the Standards Committee but no further action will be taken.

If the matter proceeds to the Standards (Hearing) Sub-Committee the monitoring officer carries out a pre-hearing process which includes asking the member and complainant to review the report and identify areas of agreement and contention so that the evidence and witnesses necessary for the hearing can be identified.

At the hearing, the Sub-Committee will conclude whether or not the complaint should be upheld. If it does find that there was a breach, it has the power to impose sanctions.

Enfield

Enfield's arrangements were agreed at Council on 4 July 2012.

There is an initial filtering stage by the monitoring officer in consultation with the independent person.

If the complaint is not filtered out, the Monitoring Officer may seek to resolve it, including by the use of mediation. He/she may also decide that it should be investigated or to refer it to the Councillor Conduct Committee if he/she feels it inappropriate to make a decision.

If the complaint is investigated, the Monitoring Officer may, if appropriate, refer the report to the Councillor Conduct Committee who will decide if there has been a breach of the code. If it decides that there has been a breach, it can impose a sanction.

Financial Implications

There are no financial implications.

Risk Management Implications

There are no risk management implications.

Equalities implications

Was an Equality Impact Assessment carried out? No (not relevant).

Corporate Priorities

United and involved communities: A Council that listens and leads.

Section 3 - Statutory Officer Clearance

Name:	Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date:	29/08/12		
Name:	Matthew Adams	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date:	29/08/12		

Section 4 - Contact Details and Background Papers

Contact: Caroline Eccles, Senior Assistant Lawyer – Employment and Governance, 0208 424 7580

Background Papers: None