

**REPORT FOR: STANDARDS
COMMITTEE**

Date of Meeting: 4 December 2012

Subject: **INFORMATION REPORT –
Sanctions Under The New Standards
Regime**

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

Exempt: No

Enclosures: None

Section 1 – Summary

This report sets out the sanctions which four other London boroughs have chosen to include in their 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

The Localism Act 2011 is silent on what sanctions may be taken against a member who it has found has breached an authority's code of conduct.

At the meeting of the Committee on 29 February members expressed interest in having the option of withholding members' allowances as a sanction for breach of the Code of Conduct. Counsel's opinion was sought and reported to the meeting held on 9 May. The conclusion was that the Council currently did not have power to withdraw allowances as a result of a finding that a member had breached the code of conduct.

A new standards regime for the Council was agreed at Council on 5 July 2012. This included an amended code of conduct and a set of arrangements for dealing with complaints that a member had breached the code. The sanctions available in Harrow to the Hearings Review Sub-Committee and the Monitoring Officer are:

- Report its findings to the Standards Committee and then Council for information and place them on the Council's website;
- Inform the Group Leader (or in the case of an independent member, Council) of its recommendation that a member be removed from any or all Committees or Sub-Committees, or outside body appointments;
- Inform the Group Leader of any recommendations that the member be removed from the Cabinet, or removed from particular portfolio responsibilities;
- Remove the member from outside body appointments;
- Instruct the Monitoring Officer to arrange training for the member;
- Where the breach involves inappropriate use of facilities, withdraw such facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- Exclude the member from the Council's offices or other premises, with the exception of meeting rooms necessary for attending Council, Committee and Sub-Committee meetings; or
- Censure the member for the breach, in which case the Monitoring Officer will be asked to write to the Member and a press report will be issued.

The available sanctions adopted by four other London Boroughs are set out below for comparative purposes.

Newham

A complaint is heard by a Hearings Panel which may do one or more of the following:

- Report its findings to Council for information;
- Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Mayor that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
- Recommend the Monitoring Officer to arrange training for the member;
- Recommend removing from all outside appointments to which he/she has been appointed or nominated;

- Recommend withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- Recommend excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;
- Recommend the member to contact the Council via specified point(s) of contact;
- Write to the member with their advice on their conduct.

Lambeth

A complaint is heard by the Standards (Hearings) Sub-Committee who may impose one or more of the following sanctions:

- Censure or reprimand the member;
- Recommend that full Council censure or reprimand the member;
- Recommend to the member's group leader that he/she be removed from any or all committees;
- Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Instruct the monitoring officer to arrange training for the member;
- Recommend to Cabinet and/or full Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority;
- Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.

Enfield

The following sanctions are available to Enfield's Councillor Conduct Committee In the event of a finding of a breach of the Code of Conduct:

- Reporting the findings to full Council
- Recommending to the relevant Group Leader that the councillor be removed from relevant meetings of the Authority of which they are a member
- Recommending to the Leader of the Council that the member be removed from the Cabinet or from particular portfolio responsibilities
- Withdrawing facilities provided to the member by the Council – such as computer access and/or e mail or internet access
- Excluding the member from the Council's offices or other premises for a defined period of time – with the exception of meeting rooms as necessary for the purpose of attending meetings of the Authority of which they are a member
- Publishing the findings in the local media.

Hillingdon

Complaints are heard by the Standards Committee who may impose one or more of the following sanctions:

- Censure the Subject Member. The Council or a Committee of the Council, can issue a formal censure through a motion;

- Issue a press release or otherwise publicise a decision that the Subject Member has breached the Members' Code of Conduct;
- Send the Subject Member a formal letter;
- Remove the Subject Member from a Committee of the Council provided that this decision is made by the Council itself following agreement from the relevant Party Group and not by a Committee of the Council.

The conclusion is that currently we have not found any councils that are using sanctions different to those used in Harrow.

Section 3 – Financial Implications

There are no financial implications.

Section 4 - Equalities implications

Was an Equality Impact Assessment carried out? /No (delete as appropriate)
This is not relevant to this report.

Section 5 – Corporate Priorities

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

Name: Steve Tingle

on behalf of the
Chief Financial Officer

Date: 22/11/12

Section 7 - Contact Details and Background Papers

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

Background Papers: None