

# **GOVERNANCE, AUDIT, RISK MANAGEMENT AND STANDARDS COMMITTEE MINUTES**

## **29 JANUARY 2015**

**Chair:** \* Councillor Antonio Weiss

**Councillors:** \* Barry Macleod-Cullinane \* Nitin Parekh  
\* Kairul Kareema Marikar (3) \* Primesh Patel  
\* Amir Moshenson \* Bharat Thakker

\* Denotes Member present  
(3) Denotes category of Reserve Member

### **41. Standards Complaints Procedure**

The Committee considered a report which set out proposals to revise the procedure relating to complaints against Councillors.

The Head of Legal Services presented the report and made the following points:

- the Council had a statutory obligation to have a Code of Conduct for Councillors and a procedure for dealing with complaints against Councillors;
- as part of the proposal looking at achieving efficiencies for Committee and its processes, it had been proposed to streamline the complaints process against Councillors;

- the new proposals involved a strengthening of the filter processes by extending the power to rule out complaints which were frivolous and which were more than 6 months old;
- the Assessment and Hearing Working Groups and the Assessment and Hearing Review Sub-Committees would be abolished and replaced by a Standards Working Group which would make recommendations to the Monitoring Officer. The Standards Working Group would retain an Independent Person as its Chair;
- where there was a disagreement between the recommendations from the Standards Working Group and the Monitoring Officer following a local hearing, this would be referred to the Committee for determination;
- the Independent Persons of the Committee had been consulted on the proposals and were in agreement with them.

During the discussion on this item, the Head of Legal Services responded to a number of issues raised and reported the following:

- the punctuation correction would be made;
- the term 'Political Group' would be clarified within the proposed model procedure;
- there were very few sanctions available to the Standards Working Group if a Member was found to have breached the Code of Conduct;
- it was a local decision as to whether local hearings were conducted in public or not. Under the previous legislative regime, the presumption was that these meetings were held in public;
- if Independent Persons were to be retained as chairing meetings to deal with complaints, these had to be in a format of working groups. Independent Persons were not able to make formal decisions under the current legislation. This is why in order to retain this structure, the Monitoring Officer made formal decisions having considered the recommendations of the Working Group. It was important to note that under the current system, the Monitoring Officer had not yet disagreed with recommendations from the Assessment and Hearing Working Groups;
- there was no objection if the Committee wished for a report to be presented back to it in circumstances where the Monitoring Officer disagreed with recommendations made by the Standards Working Group;
- the terms of reference for the Standards Working Group would be presented to a future meeting of the Committee;

- investigations into complaints were usually conducted by officers, but could also be performed by individuals external to the Council if appropriate.

A Member proposed that the report be deferred until the next meeting of the Committee to allow some of the changes requested to be made and for the Terms of Reference to be presented to the Committee. This was not agreed.

It was then proposed that the recommendations be delegated to the Chair and Vice-Chair for determination. The Head of Legal Services clarified that delegations could only be made to an Officer in consultation with the Chair. This proposal was not agreed.

**Resolved to RECOMMEND:** (to Full Council)

That

- (1) the new procedure for dealing with complaints against Councillors, as amended by the Committee and contained in Appendix 1 to these minutes be agreed;
- (2) a new Standards Working Group be established;
- (3) the Assessment Working Group and the Hearing Working Group be disbanded;
- (4) the Assessment Sub-Committee and Hearing Review Sub-Committee be disbanded;
- (5) the delegations to the Monitoring Officer, as contained in Appendix 2 to these minutes be agreed;
- (6) the Constitutional amendments contained in Appendix 2 to these minutes be agreed.