

**REPORT FOR: STANDARDS  
COMMITTEE**

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**Date of Meeting:** 14 December 2011

**Subject:** **INFORMATION REPORT –  
Standards Sub-Committees**

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

**Exempt:** No

**Enclosures:** None

**Section 1 – Summary**

This report sets out statistics in relation to the operation of the Assessment, Review and Hearing Sub-Committees, since first being introduced.

**FOR INFORMATION**

## **Section 2 – Report**

### Introduction

1. The current statutory framework in relation to dealing with complaints against Members is based on The Local Government and Public Involvement in Health Act 2007, which places obligations on the Standards Committee to deal with written allegations that a Member or Co-opted Member may have failed to comply with the Code of Conduct. These powers are in addition to the powers under Part III of the Local Government Act 2000.
2. At its meeting on 5<sup>th</sup> June 2008 the Standards Committee agreed its revised Terms of Reference. This included establishing the Assessment, Review and Hearing Sub-Committee for the purposes of considering complaints received on a possible breach of the Authority's Code of Conduct.
3. In summary, the complaints process against Members involves an Assessment Sub-Committee considering an initial complaint within 20 days. It decides if the complaint should be investigated, whether any other action is required (for e.g. speaking to the Councillor or extra training), referring the complaint to Standards for England if it is serious or decide no action is required.
4. If the complainant disagrees with the initial decision made by the Assessment Sub-Committee, they could ask a Review Sub-Committee to look at the complaint again. This Review Sub-Committee comprises of a different membership and has the same options available as the Assessment Sub-Committee.
5. If a case has been referred for investigation, it will initially be considered a Consideration Meeting of the Hearing Sub-Committee. This will look at whether there are any breaches of the code, identified in the Investigation Report, that need to be adjudicated on. If there are breaches of the Code identified, the Consideration Meeting can refer this to a final Hearing Sub-Committee or to Standards for England (SfE) if it is of a serious nature. If no breaches of the Code are identified, it could consider that a final meeting is not required.
6. At a final meeting of the Hearing Sub-Committee (if applicable), Members can then either find no breach or a breach of the Code and impose sanctions for example censure; suspension for a period not exceeding six months; a written apology in a form specified by the standards committee; undertaking training specified and participating in conciliation.
7. It is important to note that the current framework will be replaced by a new legislative framework contained in the Localism Act 2011, which received Royal Assent on 15 November 2011. Further details on the

specific proposals contained within this Act are being presented to the Committee at this meeting in a separate report.

#### Assessment Sub-Committee

8. There have been 36 complaints in total against Members, which have been initially considered by the Assessment Sub-Committee.
9. Of these complaints, 19 have been submitted by other Councillors whilst the remaining 17 have been submitted by members of the public or other organisations.
10. In terms of outcomes of complaints heard by the Assessment Sub-Committee, 23 of the complaints heard resulted in no further action. 13 of those complaints resulting in no further action had been submitted by other Councillors and 10 from members of the public other organisations.
11. 3 complaints were referred for other action. Additionally 5 complaints, which were found to have not breached the Code of Conduct included in the figures in paragraph 10, also resulted in suggestions for other action. 1 complaint included in the figures in paragraph 10, which was found to have breached the Code of Conduct, was also referred for other action. All of these complaints were submitted by other Councillors.
12. 9 complaints heard by the Assessment Sub-Committee were referred for formal investigation. Out of these, 3 complaints had been submitted by Councillors and 6 from members of the public / other organisations.
13. One complaint was formally reported to the SfE from the Assessment Sub-Committee. SfE found that there was no evidence of failure to comply with the Code. This complaint was submitted by a member of the public.

#### Review Sub-Committee

14. 7 complaints proceeded to the Review Sub-Committee Stage. Of these, in 6 cases the decision of the Assessment Sub-Committee for no further action was upheld. In one case the decision of the Assessment Sub-Committee was reversed resulting in an investigation taking place.
15. Out of the 7 complaints progressing to the Review Sub-Committee, 2 were raised by other Councillors and 5 from members of the public. The one request for a review, where the decision of the Assessment Sub-Committee was reversed, was submitted by a member of the public.

## Hearing Sub-Committee

16. Out of the complaints referred for further investigation, there have been 3 Consideration Meetings and 3 final Hearing Sub-Committees. These have dealt with a total of 5 complaints, as in some cases they have related to the same Member and issues. The remaining complaints are currently being progressed.
17. At all 3 of the consideration meetings, it was determined that the breaches of the Code of Conduct identified in the Investigation Report should be referred to a final meeting of the Hearing Sub-Committee for determination.
18. At all 3 Hearing Sub-Committees, breaches of the Code of Conduct have been found. Sanctions imposed have involved:
  - submitting an apology;
  - submitting an apology by an agreed date or facing suspension for a month;
  - formal training to be conducted.

## **Section 3 – Further Information**

19. Information contained in this report may also be useful for the Working Group looking at the future of the Standards Regime

## **Section 4 – Financial Implications**

20. There are no financial implications associated with this report. All costs relating to complaints made have been met from the provision for legal fees.

## **Section 5 - Equalities implications**

21. There are no equalities implications associated with this report.

## **Section 6 – Corporate Priorities**

22. A transparent complaints process based on the statutory requirements contributes towards the corporate priority of:
  - United and involved communities: A Council that listens and leads.

Name: Jessica Farmer



on behalf of the  
Monitoring Officer

Date: 5 December 2011

Name: Steve Tingle



on behalf of the  
Chief Financial Officer

Date: 30 November 2011

## **Section 7 - Contact Details and Background Papers**

**Contact:** Vishal Seegoolam, Senior Democratic Services Officer, 020 8424 1883

### **Background Papers:**

The Local Government Act 2000

The Local Government and Public Involvement in Health Act 2007

The Localism Act 2011