

Committee: <b>STANDARDS (ADVISORY) COMMITTEE</b>	Date: <b>18 June 2013</b>	Classification: <b>Unrestricted</b>	Report No.	Agenda Item No.
Report Of: <b>Assistant Chief Executive (Legal Services)</b>		Title: <b>Code of Conduct for Members – Complaints Monitoring and Proposed Revisions to the Arrangements for Dealing with Complaints</b>		
Originating Officer: <b>Isabella Freeman</b>		Wards Affected: N/AI		

## **1. SUMMARY AND BACKGROUND**

- 1.1 The Standards (Advisory) Committee replaced the statutory Standards Committee on 1 July 2012 following implementation of the Localism Act 2011. Also from 1 July 2012 new arrangements (agreed by the Council on 18 June 2012) were implemented for dealing with complaints about alleged failures to comply with the Code of Conduct for Members.
- 1.2 The new arrangements (attached as appendix A) provide for the Monitoring Officer to report quarterly (or less frequently if there are no complaints to report) to this Advisory Committee on the number and nature of complaints received and action taken as a result.
- 1.3 This report contains information relating to complaints that have been dealt with about alleged failures to comply with the Code of Conduct for Members since the Advisory Committee last considered monitoring information at its meeting on 17 October 2012. The report also identifies proposed revisions to arrangements for dealing with complaints in light of experience of operating the new arrangements over the past year.

## **2. RECOMMENDATIONS**

The Standards (Advisory) Committee is recommended to:

- 2.1 Note the complaints monitoring information contained in this report.
- 2.2 Consider and comment on the proposed revisions to arrangements for dealing with complaints, prior to the Monitoring Officer submitting proposals to full Council for approval.

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**LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D  
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

Tick if copy  
supplied for register

If not supplied, name  
and telephone number  
of holder

Standards (Advisory) Committee file

Isabella Freeman 020 7364 4800

### **3. COMPLAINTS REVIEW**

3.1 Since 17 October 2012 five new complaints have been received alleging failures to comply with the Code of Conduct for Members.

3.2 In November 2012, a complaint (Ref: IDS/02/2012) was received from a member of the public alleging five potential failures of the Code by a Councillor:

- Lack of objectivity.
- Causing the authority to breach an equality enactment.
- Bringing the Authority or the office of Councillor into disrepute.
- Using or attempting to use the position as a Member to improperly secure an advantage/disadvantage.
- Failure to have regard to the Local Authority Code of Publicity.

These allegations were considered by a Deputy Monitoring Officer (Jill Bell) in consultation with the Independent Person (IP). Her decision agreed in consultation with the IP was not to refer the complaint for investigation. This decision was reported to the Investigation & Disciplinary Sub-Committee (of the Advisory Committee) and the sub-committee concurred with that decision.

3.3 In March 2013, a complaint (Ref: IDS/01/2013) was received from a Councillor alleging six potential failures of the Code by another Councillor:

- Failure to treat others with respect
- Bullying
- Acting in a way which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- Disclosure of confidential information
- Bringing the Authority or the office of Councillor into disrepute
- Using or attempting to use the position as a Member to improperly secure an advantage/disadvantage

These allegations were considered by a Deputy Monitoring Officer (David Galpin) in consultation with the IP. His decision agreed in consultation with the IP was to refer the complaint for investigation and that investigation is currently on going.

3.4 A complaint (Ref: IDS/04/2013) received at the end of April 2013 made by a member of the public alleges potential bullying by a Councillor. This complaint is currently being assessed and will be subject to consultation with the IP.

3.5 Two separate complaints were received in May 2013. Both complaints were made by Councillors about the conduct of other Members. One complaint (Ref: IDS/03/2013) alleges the potential improper use of

Council resources. The other complaint (Ref: IDS/02/2013) alleges potential disrespect and bullying. Both complaints are currently being assessed and will be subject to consultation with the IP.

#### **4. PROPOSED REVISIONS TO THE ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT MEMBER CONDUCT**

- 4.1 The new arrangements for dealing with complaints of breach of the Code of Conduct (Appendix A) have now been operating for almost a year. During this time it has become apparent that the following provisions contained in the new arrangements require revision:

**Paragraph 8:** This provides that an investigation should be completed within one month of the decision to refer the matter for investigation.

However, it has not been possible to complete investigations in this relatively short timescale. It is often the case that Members, officers and other witnesses involved in an investigation have competing diary requirements so that all necessary interviews cannot be completed within one month. Also the investigator is often required to verify disputed facts and will require time to produce an investigation report. In the circumstances, it is proposed to recommend to full Council that generally investigations should be completed within three months of the decision to refer a complaint for investigation.

**Paragraph 9:** This provides that the Monitoring Officer may, during the course of the investigation, seek local resolution of the matter to the satisfaction of the complainant before the investigation is concluded.

Attempts at local resolution are often most appropriately carried out before a complaint is referred for formal investigation. It is therefore proposed to recommend to full Council that this provision be extended to enable the Monitoring Officer (or any deputy of hers) to seek local resolution of a complaint before the complaint is referred for investigation but subject to a four week time limit.

**Paragraph 10:** This provides that where an investigation concludes that there is no evidence of failure to comply with the Code, the Monitoring Officer shall within ten working days consult with the IP and the Investigation & Disciplinary Sub-Committee (IDSC) to confirm that the matter should be closed without further hearing.

In practice, this time frame is often too short to obtain mutually convenient dates for consultation with the IP and to enable convenient dates to be obtained for a meeting of the IDSC. It is therefore proposed to recommend to full Council that the time frame is extended to four weeks.

#### **5. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

5.1 There are no immediate financial implications arising out of this report.

**6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)**

6.1 This report has been prepared by the Assistant Chief Executive (Legal Services) who is also the Council's Monitoring Officer and incorporates legal comments.

**7. RISK MANAGEMENT IMPLICATIONS**

7.1 The provision of quarterly reports relating to the number and nature of complaints assists the Advisory Committee in exercising its oversight role in terms of promoting and maintaining high standards of conduct.

**8. ONE TOWER HAMLETS IMPLICATIONS**

8.1 There are no specific anti poverty or equal opportunity implications arising out of this report.

**9. SAGE IMPLICATIONS**

9.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.