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| Committee: STANDARDS (ADVISORY) COMMITTEE | Date: 24 October 2013 | Classification: Unrestricted | Report No. | Agenda Item No. |
| Report Of: Interim Monitoring Officer | | Title: Code of Conduct for Members – Complaints and Investigation Monitoring | | |
| Originating Officer: Mark Norman | | Wards Affected: N/AI | | |

1. SUMMARY AND BACKGROUND

- 1.1 The Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members provide for the Monitoring Officer to report quarterly (or less frequently if there are no complaints to report) to the Advisory Committee on the number and nature of complaints received and action taken as a result.
- 1.3 The arrangements as revised by full Council on 18 September 2013 also provide that in cases where the Monitoring Officer has extended the time period of investigations into complaints from two months to three months, s/he provide a report on the reasons to the Advisory Committee for noting.

2. RECOMMENDATIONS

- 2.1 That Members of the Advisory Committee note the complaints and investigation monitoring information contained in this report.

**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

Mark Norman 020 7364 4800

3. NEW COMPLAINTS

- 3.1 **(Ref IDSC/06/2013)** Since the last monitoring report to the Advisory Committee in June 2013, one new complaint has been received alleging a failure to comply with the Code of Conduct for Members. The complaint is anonymous and was referred by a Councillor to a Deputy Monitoring Officer on 6 September 2013.
- 3.2 The Council's arrangements for dealing with complaints about Member conduct provide that complainants must provide their name and postal address when submitting a complaint. The only exception to this requirement is if the Monitoring Officer decides after consultation with the Independent Person that the complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity.
- 3.3 The Interim Monitoring Officer has considered the nature and circumstances of the complaint in consultation with the Independent Person (IP) and informed the Councillor referring the anonymous complaint that in order for the complaint to be investigated, they would need to inform the person making the allegations that they would have to be interviewed as part of any investigation process and their anonymity could not be guaranteed at any later stages.

4. ON-GOING COMPLAINTS

- 4.1 **(Ref: IDSC/01/2012)** This complaint was made by a Councillor alleging potential bullying and disrespect by another Councillor. Following consultation with the IP the complaint was referred for investigation and the outcome of the investigation was considered by a Deputy Monitoring Officer (David Galpin) in consultation with the IP. His decision agreed consultation with the IP was to accept the investigation findings of no breach of the Code of Conduct. This decision was reported to the Investigation & Disciplinary Sub-Committee (of the Advisory Committee) on 29 August 2013 and the sub-committee concurred with that decision. The complaint has therefore now been closed.
- 4.2 **(Ref: IDSC/01/2013)** This complaint was received from a Councillor and alleges 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 which was commenced by Mark Norman in May 2013. The investigation has been delayed due to the need to seek specialist external legal advice and the need to appoint an alternative investigator following the appointment of Mr Norman as Interim Monitoring Officer on 18 September 2013. An external investigator was appointed on 25 September 2013 in order to conclude the investigation as soon as possible.

- 4.3 **(Ref: IDSC/02/2013)** This complaint was made by a Councillor and alleges potential bullying and disrespect by another Councillor. The allegations have been considered by a Deputy Monitoring Officer (Jill Bell) who following initial consultation with the IP sought to facilitate an informal resolution to the complaint. It has not been possible to resolve the complaint on an informal basis and the Deputy Monitoring Officer will now refer the matter to the Investigation & Disciplinary Sub-Committee (of the Advisory Committee) for advice about whether to refer the complaint for investigation.
- 4.4 **(Ref IDSC/03/2013)** This complaint was made by a Councillor and alleged the potential improper use of Council resources by another Councillor. The allegation was considered by a Deputy Monitoring Officer (David Galpin) in consultation with the Independent Person (IP). His 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 on 29 August 2013 and the sub-committee concurred with that decision. The complaint has therefore now been closed.
- 4.5 **(Ref: IDS/04/2013)** This complaint was received from a member of the public and alleged potential bullying by a Councillor. The 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) on 29 August 2013 and the sub-committee concurred with that decision. The complaint has therefore now been closed.
- 4.6 **(Ref IDSC/05/2013)** This complaint was received from a Councillor and alleges five potential failures of the Code by another Councillor:
- Failure to treat others with respect
 - Bullying
 - 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
 - Improper use of Council resources.

These allegations were considered by a Deputy Monitoring Officer (David Galpin) in consultation with the IP. In mid August 2013 Mr Galpin agreed in consultation with the IP to refer the complaint for investigation to Mark Norman. Following the appointment of Mr Norman as Interim Monitoring Officer on 18 September 2013, an external investigator was appointed on 25 September 2013 to conduct the investigation.

4.7 **(Ref ASC01/2012)** This complaint arose under the previous statutory standards procedure which applied up until 1 July 2012. The complaint was made by two Councillors about another Councillor. The complaint concerns three alleged breaches of the Code:

- 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

A Hearings Sub-Committee of the Advisory Committee is to be convened to consider the outcome of an investigation into the complaint and associated procedural issues.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

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

6. LEGAL SERVICES COMMENTS

6.1 This report has been prepared by the Interim 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 CONSIDERATIONS

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

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no specific crime and disorder reduction implications arising out of this report.

11. EFFICIENCY STATEMENT

11.1 This report is not concerned with proposed expenditure, the use of resources or reviewing/changing service delivery and an efficiency statement is not therefore required.