

## **Appendix 1**

### **Review of standards framework: some issues for Tower Hamlets to consider**

#### **1. Initial assessment**

##### **Current situation**

MO makes decision whether or not to investigate. Must send non-referrals to committee for ratification. He may also consult other persons

##### **Suggestions**

- a) Add 3<sup>rd</sup> possible outcome – investigate, not investigate, seek to resolve informally
- b) No need for non-referrals to be ratified by committee – allow MO discretion OR require all decisions to be ratified by committee. Our preferred option is not to seek ratification as it slows down process and is not necessary for majority of cases
- c) Seek the views of the subject member before reaching a decision unless there are exceptional circumstances not to. This can speed up the process and allow greater early resolution.

#### **2. Informal resolution**

##### **Current situation**

MO can seek to resolve a matter informally once a matter is under investigation or once an investigation has been completed. Can only be resolved 'to the complainant's satisfaction'.

##### **Suggestions**

- a) Allow for earlier informal resolution (see above)
- b) While complainant's views are important, they should not be allowed a veto – lack of sanctions means they may often not be satisfied anyway so if MO and IP satisfied with outcome of informal resolution the case should be halted

#### **3. Investigations**

##### **Current situation**

Should be completed within one month – need to consult committee if extension needed. MO may seek local resolution during investigation 'to satisfaction of complainant'

## **Suggestions**

- a) See above re local resolution
- b) Ensure investigation timelines are enforced – month may be too short but, for example, three month target should be achievable in nearly all cases. Extensions to be agreed with chair and IP rather than need for committee to consider.

### **4. Finding – no breach of Code of Conduct**

#### **Current situation**

MO needs sub-committee to ratify finding of no breach.

#### **Suggestions**

As above – we see no need for sub-committee ratification unless MO thinks it is necessary.

### **5. Finding – breach of Code of Conduct**

#### **Current situation**

MO may seek local resolution in consultation with IP ‘to satisfaction of complainant’. Otherwise goes for hearing

#### **Suggestion**

We support local resolution at this stage but see comments above about need to satisfy complainant.

### **6. Hearing, sanctions and appeals**

#### **Current situation**

If committee find breach will recommend sanction to full council

Member may make representations to council on sanction within 5 days

Member and complainant may both appeal within 15 days to appeals sub-committee – appeal on facts or defective procedure

#### **Suggestion**

- a) Sanctions be delegated to the committee wherever possible. Avoids delay, risk of politicisation and ‘re-trial’
- b) Confusing rights of appeal. We recommend no need for appeal is allowed – sanctions do not remove from councillor to office, so are lighter touch and do not need to be HRA-compliant. Appeals delay process.

## **7. Composition of standards committee**

Councillor membership reflects political balance of authority, but has number of lay members and must be chaired by a lay member

### **Suggestion**

Composition seems fair and reflects political reality of council, as well as signalling to public its non-partisan nature insofar as legislation allows. Ensure hearing sub-committees do not look over-dominated by one political group.

## **8. Code of Conduct**

### **Current situation**

First part of Code – ‘behaviours’ based around old Code. Second part – ‘interests’ – draws language from old Code but interpolates statutory requirements around Disclosable Pecuniary Interests

### **Suggestions**

Code doesn't set out rules for members on what to do if they have interests other than a DPI, though they are covered by the Code. Also, there is duplication between the list of ‘other interests’ and categories of DPIs. The interests provisions should be re-written to provide greater clarity.

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