


<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>Thursday, 4 February 2021</p>		 <p>TOWER HAMLETS</p>
<p>Report of: Corporate Director, Governance and Monitoring Officer</p>		<p>Classification: Open (Unrestricted)</p>
<p>Code of Conduct for Members - Complaint Monitoring</p>		
<p>Originating Officer(s)</p>	<p>Janet Fasan – Divisional Director – Legal & Deputy Monitoring Officer</p>	
<p>Wards affected</p>	<p>(All Wards)</p>	

Executive Summary

This report updates the Advisory Committee on the quarterly monitoring information for complaints and investigations relating to alleged breaches Council's Code of Conduct for Members.

Recommendations:

The Standards (Advisory) Committee is recommended to:

Note the content of this report and the information contained in Appendix 1.

Note the proposed amendments to the Arrangements for dealing with complaints of breach of the Code of Conduct for Members to allow the Monitoring Officer from a different authority to undertake an investigation where there is a conflict of interest. (see paragraph 3.3)

1. REASONS FOR THE DECISIONS

- 1.1 The Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members (paragraph 11) 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.
- 1.2 To address recommendation 13 of the Committee on Standards in Public Life (CSPL) best practice recommendations i.e. to have procedures to address conflicts of interest on the part of the Monitoring officer in respect of member conduct investigations.

2. ALTERNATIVE OPTIONS

2.1 Not applicable.

3. DETAILS OF REPORT

3.1 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.

3.2 The Advisory Committee last considered a monitoring report at its meeting on 30th July 2020. Since the last report to Committee there have been 7 new complaints of alleged breach of the Code of Conduct, 5 of which have been closed. 22 Of the complaints have occurred in the current municipal year.

3.3 To address recommendation 13 of the Committee on Standards in Public Life (CSPL) best practice recommendations, it is proposed to amend the Arrangements for dealing with complaints by adding a sentence at the end of paragraph 9 to read as follows:

'The Monitoring officer may refer a complaint for investigation by the Monitoring Officer in a different authority where he/she has a conflict of interest'.

4.0 EQUALITIES IMPLICATIONS

4.1 There are no specific equalities implications arising from this report.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 The Council's arrangements for dealing with complaints of breach of the Code of Conduct for Members were revised in December 2016 to improve the transparency and efficiency of the process.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 This report details the framework used by the Monitoring Officer to provide quarterly reporting of Members complaints via the Advisory Committee and the number and nature of complaints, as per para 1.1

6.2 There are no financial implications arising from this report. However in the event that the Council agrees further action in response to this report, then approval for any further resources will need to be approved using existing financial regulatory rules prior to the making of any financial commitment.

7. LEGAL COMMENTS

7.1 The principal statutory provisions relating to standards of conduct are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.

7.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.

Linked Reports, Appendices and Background Documents

Linked Report

NONE.

Appendices

Appendix 1 Complaints and investigation monitoring information

Local Government Act, 1972 Section 100D (As amended)

List of "Background Papers" used in the preparation of this report

NONE

Officer contact details for documents:

N/A