



City of Westminster

Standards Committee

Date: 15 March 2018

Classification: For General Release

Title: Member Complaints – Annual Report and Response to Consultation on Standards in Public Life

Report of: Director of Law

Financial Summary: There are no financial implications

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1. Executive Summary

- 1.1 This report is the Annual report to the Committee setting out, in summary, details of 2 complaints against members of the Council. The report also advises the Committee of a consultation being undertaken by the Committee on Standards in Public Life.

2. Recommendations

- 2.1 That the Council's "Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct" be amended as shown in paragraph 3.2 and paragraph 4.3 (8) of Appendix 1.
- 2.2 That the Committee discuss the questions asked by the Committee on Standards in Public Life in Appendix 2 set out for ease in Appendix 3 and provide any comments for a reply to the consultation which will be co-ordinated by the Director of Law in consultation with the Chairman.

3. Ethical governance at Member-level

- 3.1 Over the past twelve months the Monitoring Officer has received three complaints about Member conduct. One of the complaints was service related and so not pursued for investigation whilst, at the time of writing, another complaint is being considered as to whether it merits investigation. The third complaint was received on 1 March 2018 and is being considered by the Monitoring Officer.

- 3.2 One of the complaints which the Monitoring Officer is currently considering does however raise a concern with regards to the Council's "Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct" ("Arrangements"). This report therefore recommends that where it is alleged that a member has displayed bullying and intimidating behaviour the time limit should be extended to 6 months. This is because the if there is an allegation of a pattern of bullying, harassment, and/or intimidation then it can take time for complainants to come forward and it is likely to be very difficult to investigate such a complaint over a period of 3 months when patterns of eg bullying can often occur over a longer period of time. It is therefore proposed that the Arrangements are amended as follows:

"The complaint has been received within 3 months of the alleged failure to comply with the Code unless i) there are exceptional circumstances for the delay and the delay does not mean that it would be difficult for a fair investigation to be carried out or ii) the complaint concerns a pattern of bullying, harassment or intimidation, in such circumstances the time limit could be extended to 6 months;"

- 3.3 It is important to state that the proposal to amend the Arrangements is not to be regarded in any way as an indication that there has been some wrongdoing by any member since the allegation is still being considered.

4. Review of ethical standards in local government

- 4.1 The Committee on Standards in Public Life is undertaking a review of ethical standards in local government and has launched a consultation – See Appendix 2.

The terms of reference for the review are to examine the structures, processes and practices in local government in England for:

- maintaining codes of conduct for local councillors
- investigating alleged breaches fairly and with due process
- enforcing codes and imposing sanctions for misconduct
- declaring interests and managing conflicts of interest; and
- whistleblowing

And to:

- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

- 4.2 All Members will be invited to comment and these and the Committee's comments will form the basis of the response sent on behalf of the Committee (see recommendation 2.3) The Independent Persons will also be asked to contribute their comments who may in turn make responses directly.
- 4.3 The questions, asked in the consultation, are listed in Appendix 3. This is the first time that there has been a significant review of ethical governance in local authorities since the implementation of the provisions on the Localism Act 2011 in July 2012. Ethical governance in Councils and in other public authorities is clearly a matter of significant public interest and, therefore, the consultation by the Committee on Standards in Public Life is timely and it is important that the Standards Committee should consider the questions posed and lead on the Council's response. The full consultation paper is set out in Appendix 2.
- 4.4 Once the Committee on Standards in Public Life has concluded its review and made recommendations the Committee will be asked to consider those recommendations and to propose any changes to the Code.
- 4.5 For the Committee's information and to assist discussion the Members Code of Conduct is attached as Appendix 4.
- 5. Financial Implications: None.**
- 6. Legal Implications**
- 6.1 Under Section 28 of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a member or co-opted member of the Council, or of a Committee or Sub-Committee of the Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations. These arrangements are attached at Appendix 1.

**If you have any queries about this report please contact:
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