

Item No. 20.	Classification: Open	Date: 27 February 2017	Meeting Name: Audit, governance and standards committee
Report title:		Review of the complaints made under the Code of Conduct	
Ward(s) or groups affected:		All	
From:		Director of Law and Democracy	

RECOMMENDATION

1. That the audit, governance and standards committee note the report.

BACKGROUND INFORMATION

2. The Localism Act 2011 ("the Act") provides for the abolition of the former standards regime including Standards for England, statutory standards committees, the jurisdiction of the First Tier Tribunal over standards of conduct, and a nationally set code of conduct for councillors.
3. Southwark formed a standards committee and appointed independent persons. Southwark have 2 independent persons.
4. The responsibility for standards activity including the monitoring of the operation of the member's code of conduct ("the code") passed to this committee in April 2016.

KEY ISSUES FOR CONSIDERATION

5. The Act requires local authorities to have arrangements to investigate allegations of breach of the code of conduct against members and make decisions on them. The current arrangements, with revisions, have been in place since 1 July 2012. The new arrangements have allowed the monitoring officer to provide local solutions to resolve complaints without formal investigations.
6. In August 2013, the Committee for Standards in Public Life ("the Committee") produced an annual report which expressed concern at the operation of the standards regime since it was revised through the Localism Act 2011. The committee expressed concern in particular about:
 - the operation of the standards regime in local authorities where leadership was inadequate
 - the lack of meaningful sanctions
 - the weakness of the 'independent person' arrangements; and
 - the lack of time that was available for transition to the new system.
7. Since 2012 the monitoring officer agreed to analyse the complaints data and report this information to the appropriate committee annually. The data for January 2010 to December 2016 is shown in Appendix A.

Conclusions

8. Since the initial complaints in 2012 post Localism Act the number of complaints had returned to pre Localism Act levels. However, 2016 saw a sharp rise in the number of complaints. The monitoring officer has grouped complaints against members from multiple members of the public, so the actual number of complaints is higher.
9. It should also be noted the monitoring officer received a number of other grievances which were not considered to be complaints against the code.
10. There may be a number of reasons for this rise; a number of complaints were the result of the use of social media. Others were as a result of email correspondence not being responded to. To prevent further complaints the monitoring officer issued further guidance on social media. In addition, improved training for members about dealing with difficult casework and advising departments to respond promptly to member enquiries and service specific complaints was rolled out at the end of 2016.
11. The independent persons have considerable experience and they have been useful in assisting the monitoring officer in assessing complaints and revising procedures. The intervention of the whips to resolve complaints involving members was also another factor in producing local solutions or avoiding formal complaints.
12. The cost of these complaints is difficult to quantify because officer and member time in assisting with the complaint is not all recorded.

Complaints which required Investigation

13. No complaints required external investigation in this period.

Report back on local resolution

14. In appropriate cases the monitoring officer may seek to resolve the complaint informally, without the need for formal investigation. Such informal resolution may involve the member accepting their conduct was unacceptable and offering an apology, or other remedial action by the authority. The monitoring officer will in this case send out a decision notice to the person making the allegation, the member who is the subject of the allegation and any other persons the monitoring officer considers appropriate.
15. There were two such resolutions in 2016. In first case the deputy monitoring officer considered local resolution was possible. He consulted with the independent person and the subject member. As a result the subject member offered a formal apology for their conduct.
16. In the second case, the monitoring consulted with the independent person and the subject member. As a result the subject member offered a written apology for their conduct.

Community impact statement

17. The ability for members of the public to make complaints about councillors' failure to comply with a code of conduct may be of concern to local people and communities which could result in a perception of poor governance. This could affect the reputation

of the council.

18. However the council maintains an open and transparent process for making complaints against members, information is assessable on the council's website.

Resource implications

19. Any implications can be maintained within current budgets.

Legal implications

20. The specific legal implications relating to this report have been included in the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Council's Constitution	http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html Constitutional Team, 2nd floor, PO Box 64529, London SE1P 5LX	Chidilim Agada 020 7525 3310

APPENDICES

No.	Title
Appendix A	Complaints breakdown

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown Director of Law and Democracy		
Report Author	Norman Coombe, Head of Corporate Team		
Version	Final		
Dated	7 February 2017		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments sought	Comments included	
Director of Law and Democracy	Yes	Yes	
Strategic Director of Finance and Governance	No	No	
Cabinet Member	N/A	N/A	
Date final report sent to Constitutional Team		7 February 2016	