

# **Audit, Governance and Standards (Standards) Sub-Committee**

Thursday 9 May 2019

6.30 pm

Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

## **Membership**

Councillor Gavin Edwards  
Councillor Dora Dixon-Fyle MBE  
Councillor Humaira Ali  
Amrit Mangra

## **Reserves**

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## **INFORMATION FOR MEMBERS OF THE PUBLIC**

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### **Contact**

Virginia Wynn-Jones on 020 7525 7055 or email: [virginia.wynn-jonse@southwark.gov.uk](mailto:virginia.wynn-jonse@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 30 April 2019



# **Audit, Governance and Standards (Standards) Sub-Committee**

Thursday 9 May 2019  
6.30 pm

Ground Floor Meeting Room G01A - 160 Tooley Street, London SE1 2QH

## **Order of Business**

<b>Item No.</b>	<b>Title</b>	<b>Page No.</b>
1.	<b>APOLOGIES</b>	
2.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
3.	<b>NOTIFICATION OF ANY ITEMS WHICH THE CHAIR DEEMS URGENT</b>	
4.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
5.	<b>COMPLAINT REFERENCE LF002 - 18</b>	1 - 15

### **EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

### **6. COMPLAINT REFERENCE LF002 - 18 - CLOSED**

Date: 30 April 2019

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 9 May 2019	<b>Meeting Name:</b> Audit Governance and Standards Committee (Standards) Sub-Committee
<b>Report title:</b>		Complaint Reference LF002 - 18	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Law and Democracy	

### RECOMMENDATION

1. That the sub-committee:
  - i) considers whether or not the Subject Member has failed to comply with the Code of Conduct and,
  - ii) if he has, what further action should be taken, if any.
  - iii) To note that they must provide reasons for any decisions it takes.

### SUMMARY OF COMPLAINT

2. A complaint dated the 12 March 2018 was made by Meadow Partners on behalf of Andrew McDaniel, Partner in Meadow Partners against Councillor Peter John OBE, Leader of Southwark Council (“the Subject Member”). The complaint is attached as Item 1 of the Appendix. The complaint relates to some tweets made by Councillor John in respect of Meadow Partners, in October 2017 and April 2018 and in particular refers to their involvement with the Dulwich Hamlet Football Club (“the Club”) and associated proposed development of land at Champion Hill.
3. The complaint was discussed by the Council’s Monitoring Officer, Doreen Forrester-Brown with the Council’s Independent Person. Ms Forrester-Brown informed Meadow Partners and Councillor John on 24 May 2018 that three tweets made by him were to be investigated
4. The Monitoring Officer informed Councillor John that the tweets would be investigated as possible breaches of limb 10 of the Code of Conduct. Limb 10 states:  
*“always treating people with respect, including the organisation and public I engage with and those I work alongside”.*
5. The Monitoring Officer appointed Olwen Dutton, a solicitor of the Senior Court of England and Wales and a Partner in the firm of Anthony Collins Solicitors LLP, as investigating officer (“IO”) in accordance with the Arrangements for Dealing with Standards Allegations under the Localism Act 2011 (“the Arrangements”). A copy is attached as Appendix A.
6. The IO prepared a report.

7. The Monitoring Officer reviewed the IO's report and was satisfied that the IO's report was sufficient.
8. Following an attempt at local resolution the Monitoring Officer placed the matter for hearing before this sub-committee.

### **Findings**

9. Firstly the IO made a finding that the Code of Conduct applies to the three tweets made by Councillor John.
10. Next after careful consideration and after weighing carefully all the evidence, the IO made a finding that on the evidence in front of her concerning the first two tweets referred for investigation made in October 2017; there is evidence that it is reasonable to find that Councillor John was not in breach of Limb 10 of the Code of Conduct of Southwark Council.
11. However, after careful consideration and after weighing all the evidence the IO came to the conclusion that as regards the third tweet referred for investigation, made in April 2018, it is reasonable to find that it was a breach of Limb 10 of the Code of Conduct in that by tweeting "Is this the most stupid development company in history or simply the nastiest" Councillor John did not treat Meadow Partners with respect.
12. The IO is of the view that the content of this third tweet is such that it is probable that it would not receive protection under Article 10 of the European Convention on Human Rights (ECHR)
13. Article 10 of the ECHR provides the right to freedom of expression and information, subject to certain restrictions that are "in accordance with law" and "necessary in a democratic society". This right includes the freedom to hold opinions, and to receive and impart information and ideas

### **The hearing**

14. The Monitoring Officer reviewed the IO's report and was satisfied that the report was sufficient. The Monitoring Officer arranged for the matter to be sent for hearing before the conduct sub-committee of the audit, governance and standards committee ("the conduct sub-committee") after deciding with the independent person, that local resolution was not possible.

### **The conduct sub-committee**

15. The conduct sub-committee, will decide, on a balance of probabilities, whether the Subject Member was in breach of Limb 10 of the Code of Conduct in relation to the tweet he sent April 2018.. It will do so by considering the IO's report and any representations made by the IO or their representative and the written or oral representations made by the subject member, any evidence given and any other relevant issues.
16. The conduct sub-committee meeting will be open to the public and the press. However, the public and press may be excluded from those parts of the meeting where confidential or exempt information under Schedule 12A of the Local Government Act 1972 as amended is disclosed.

### Procedure at the hearing

17. The initial order of business at the meeting will be as follows:
  - establishing whether the conduct sub-committee is quorate;
  - introductions;
  - the chair will explain how the hearing will be conducted;
  - If a member, having given notice of attendance, fails to attend the hearing, the conduct sub-committee may make a determination in their absence if satisfied that there is insufficient reason for such failure or adjourn to another date where there is sufficient reason to warrant an adjournment
  - consideration of any procedural issues and, in particular, any representations from the Monitoring Officer and/or the subject member as to reasons why the conduct sub-committee should exclude the press and public for any part of the meeting and determination as to whether to exclude the press and public.
18. Next the IO will present the evidence which is relevant to the matter and may call any witnesses, including the complainant to substantiate any matter(s) contained in the report. The subject member or his/her representative may ask questions of the IO and of any witnesses. The conduct sub-committee may ask questions of the investigating officer and of any witnesses.
19. Then the subject member or his/her representative will have the opportunity to make representations and to present the evidence which is relevant to the matter. The subject member or his/her representative may call any other witnesses to give evidence. The investigating officer may ask questions of the subject member and of any witnesses. The conduct sub-committee may ask questions of the subject member or any witness.
20. The conduct sub-committee will ask for the views of the Independent Person.
21. The investigating officer or the subject member or his/her representative may ask questions of the Independent Person.
22. The investigating officer and subject member or his/her representative will be given the opportunity to sum up.
23. The conduct sub-committee may adjourn to consider in private all the evidence and its decision. The conduct sub-committee's legal adviser (who will be a different officer from the IO) and committee clerk will retire with them to provide legal advice or advice regarding the evidence/submissions.
24. Where the hearing sub-committee finds the subject member to be in breach, the IO will be given the opportunity to comment on the most appropriate sanction. The subject member or his/her representative will be given the opportunity to comment on the most appropriate sanction and put forward any mitigating circumstances.
25. The conduct sub-committee will ask for the views of the Independent Person on the most appropriate sanction.

26. The conduct sub-committee may adjourn to consider in private the appropriate sanction. The chair of the conduct sub-committee will state the decision of the conduct sub-committee as to any sanction.

### **Community impact statement**

27. Clear arrangements concerning the accountability of members are very important for promoting high standards of conduct. In addition it is important in aiding the decision-making process and helping to boost public confidence in the council. These arrangements ensure that members of the public are aware of the process in place to ensure that high standards of conduct are maintained within the council.

### **Legal implications**

28. The purpose of this hearing is to decide whether the subject member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the member. The arrangements referred to in this report have been made in accordance with section 28 Localism Act 2011.
29. The provisions of section 27 of the Localism Act 2011 require the council to promote and maintain high standards of conduct by members and co-opted members of the authority.
30. Article 10 of the ECHR is a qualified right and, as such, the right to freedom of expression may be limited by a restriction such as the imposition of a sanction for a breach of a Code of Conduct. However, any restriction on freedom of expression needs to respond to a pressing social need, to be for relevant and sufficient reasons, and to be proportionate to the legitimate aim being pursued.

### **APPENDICES**

<b>No.</b>	<b>Title</b>
A	Arrangements for Dealing with Standards Allegations under the Localism Act 2011

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Code of Conduct for Members	Legal Services, Southwark Council, 160 Tooley Street, London SE1 2QH	Norman Coombe 020 7525 7678 Allan Wells 020 7525 2130

**AUDIT TRAIL**

<b>Lead Officer</b>	Doreen Forrester-Brown, Director of Law and Democracy	
<b>Report Author</b>	Norman Coombe, Head of Corporate Team, Legal Services	
<b>Version</b>	Final	
<b>Dated</b>	30 April 2019	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	N/A	N/A
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>	30 April 2019	

## ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011

### General rules

1. These arrangements set out how this authority will deal with a complaint that an elected or co-opted member of this authority has failed to comply with the authority's Code of Conduct.
2. Under section 26 of the Localism Act 2011, the authority must have in place arrangements under which allegations that a member or co-opted member of the authority, or of a committee or sub-committee of the authority, has failed to comply with the authority's Code of Conduct can be investigated and decisions made on such allegations.

### Code of Conduct

3. The authority has adopted a Code of Conduct for elected and co-opted members.

### Role of the Monitoring Officer

4. The Monitoring Officer is the officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

### Procedure for the Initial assessment

5. Complaints should be in writing and addressed to the Monitoring Officer. However, an oral complaint will be accepted where the complainant is unable to write due to a physical or mental disability or there is a language barrier. Where an oral complaint is received it will be transcribed and read back to the complainant and sent to them for their approval. Anonymous complaints will only be referred for assessment if they include documentary evidence or photographic evidence indicating an exceptionally serious or significant matter.
6. All complaints received will be logged and acknowledged, normally within 5 working days. The subject member will usually be informed that a complaint has been received against him/her unless this will not be in the public interest or it would prejudice the future investigation of the complaint.
7. The Monitoring Officer will review every complaint and, after consultation with the independent person and, where appropriate, the whips of the members groups, decide on what action to take.



8. Where the Monitoring Officer requires additional information in order to come to a decision they may ask the person making the allegations for further information and may request information from the member who is the subject of the allegation and any other persons the Monitoring Officer considers appropriate.

#### **After the initial assessment**

9. The Monitoring Officer may decide that no further action with regard to the allegation is appropriate. The Monitoring Officer will in this case send out a decision notice to the person making the allegation. The decision notice should summarise the allegation, give the decision of the Monitoring Officer and the reasons for their decision. The Monitoring Officer should aim to send out their decision notice within 10 working days of the allegation being received.
10. If the Monitoring Officer decides that a complaint warrants formal investigation the Monitoring Officer will appoint an investigating officer. The Monitoring Officer will in this case send out a decision notice to the person making the allegations, the member who is the subject of the allegation and any other persons the Monitoring Officer considers appropriate. The decision notice should summarise the allegation, give the decision of the Monitoring Officer and the reasons for their decision. The Monitoring Officer should aim to send out their decision notice within 10 working days of the allegation being received.
11. If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer has the power to call in the police or other regulatory agencies.
12. 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(s), the member who is the subject of the allegation and any other persons the Monitoring Officer considers appropriate. The decision notice should summarise the allegation, give the decision of the Monitoring Officer and the reasons for their decision. The Monitoring Officer should aim to send out their decision notice within 10 working days of the allegation being received.
13. If the Monitoring Officer embarks on the course of informal resolution at this stage, it should be emphasised to the parties concerned that no finding has been made on whether the subject member has failed to comply with the Code of Conduct.
14. Other examples of alternatives to investigations are:
  - Arranging for the subject member to attend a training course.
  - Arranging for the subject member and complainant to engage in a process of conciliation.
  - Instituting changes to the procedures of the authority if they have given rise to the complaint.

### **How formal investigations will be conducted**

15. The Monitoring Officer may appoint an investigating officer who could be:-
  - A senior officer of the authority
  - An officer from another local authority with a reciprocal agreement with Southwark Council to undertake each other's conduct investigations.
  - Any other senior person, who is not an elected or former member of this authority, with the relevant experience to conduct an investigation.
16. The Monitoring Officer shall inform the following persons below that the matter has been referred for investigation:
  - The member who is the subject of the allegation.
  - Any person who made the allegation that gave rise to the referral
  - Where appropriate, any other authority concerned.
17. The investigating officer can make enquires of any person and ask any person to give such information including documentary evidence or explanation as he or she thinks necessary.
18. The investigating officer can ask any other authority concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation.
19. The investigating officer may ask any of the authorities concerned to afford reasonable access to such documents in the possession of that authority as appear to the investigation officer to be necessary for the purpose of conducting the investigation.
20. The investigating officer will give the subject member an opportunity to comment on the allegation.
21. The investigating officer will prepare a report, including their findings, within 3 months of the complaint being initially assessed.

### **The report**

22. The report should show appropriate input from relevant persons and clearly state whether the investigating officer considers that there has been a breach of the code and which obligations of the Code of Conduct have been breached.
23. The investigating officer will send, in confidence, a draft copy of the report to the member who was the subject of the allegation and to the person who made the allegation to give them both the opportunity to identify any matters within the report they disagree with or which they consider require more consideration.
24. The investigating officer will receive any comments and having taken them into account produce the final report. The investigating officer will send their final report to the Monitoring Officer.

### **Where the investigating officer concludes there is no evidence of a failure to comply with the Code of Conduct**

25. The Monitoring Officer will review the investigating officer's report and if they are satisfied that the investigating officer's report is sufficient the Monitoring Officer will notify the person making the allegation, the member who is the subject of the allegation and any other persons the Monitoring Officer considers appropriate that they are satisfied that no further action is required.
26. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the investigating officer to reconsider their report.

### **Where the investigating officer concludes there is evidence of a failure to comply with the Code of Conduct**

27. The Monitoring Officer will review the investigating officer's report and if they are satisfied that the investigating officer's report is sufficient the Monitoring Officer will either send the matter for hearing before the conduct sub-committee of the audit, governance and standards committee ("the conduct sub-committee") or, after consulting with the independent person, seek local resolution.

### **Local Resolution**

28. The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case they will consult with the independent person and also consult with the person making the allegation and seek to agree a fair resolution.
29. Such resolution may involve the member accepting their conduct was unacceptable and offering an apology, and/or other remedial actions by the authority.
30. Other examples of other remedial actions are:
  - Arranging for the subject member to attend a training course.
  - Arranging for the subject member and complainant to engage in a process of conciliation.
  - Instituting changes to the procedures of the authority if they have given rise to the complaint.
31. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the conduct sub-committee for information, but will take no further action.

### **Hearing**

32. If the Monitoring Officer considers local resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, the Monitoring Officer will report the investigating officer's report to the conduct sub-committee which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and if so, whether to take any action in respect of the member.

33. The Monitoring Officer will send a copy of the final report to the member who is the subject of the allegation, the person who made the allegation and any other persons the Monitoring Officer considers appropriate.
34. The hearing would normally be heard within three months of the date on which the investigating officer's report is completed but not less than 14 days after the Monitoring Officer sends the report to the subject member.

### **Pre-hearing process**

35. The Monitoring Officer will conduct a pre-hearing process, requiring the member who is the subject of the allegation(s) to give his/her response to the investigating officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing; as well as what evidence is agreed and which witnesses are needed to give evidence.
36. The subject member may choose to present evidence and make representations either orally, or in writing and either personally or by counsel or solicitor or, with the consent of the conduct sub-committee, by any other representative.
37. In the event of any dispute, the chair of the conduct sub-committee will consider relevant representations and may issue directions as to the manner in which the hearing will be conducted.
38. The Monitoring Officer will produce a pre-hearing summary and will send a copy of this to the member who is the subject of the allegation, the investigating officer and any other persons the Monitoring Officer considers appropriate.

### **The conduct sub-committee**

39. The conduct sub-committee, will decide, on a balance of probabilities, whether the allegation(s) is or are upheld. It will do so by considering the investigating officer's report and any representations by investigating officer or their representative and the written or oral representations made by the subject member, any evidence given and any other relevant issues.
40. The conduct sub-committee meeting will be open to the public and the press. However, the public and press may be excluded for those parts of the meeting where confidential or exempt information under Schedule 12A of the Local Government Act 1972 as amended is disclosed.

### **Procedure at the Hearing**

41. The initial order of business at the meeting will be as follows:
  - establishing whether the conduct sub-committee is quorate;
  - introductions;
  - the chair will explain how the hearing will be conducted;
  - If a member, having given notice of attendance, fails to attend the hearing, the conduct sub-committee may make a determination in their absence if satisfied

that there is insufficient reason for such failure or adjourn to another date where there is sufficient reason to warrant an adjournment

- consideration of any procedural issues and, in particular, any representations from the Monitoring Officer and/or the subject member as to reasons why the conduct sub-committee should exclude the press and public for any part of the meeting and determination as to whether to exclude the press and public.

#### **Presentation by the investigating officer**

42. The investigating officer will present the evidence which is relevant to the matter and may call any witnesses, including the complainant to substantiate any matter(s) contained in the report.
43. The subject member or his/her representative may ask questions of the investigating officer and of any witnesses.
44. The conduct sub-committee may ask questions of the investigating officer and of any witnesses.

#### **Presentation by the subject member**

45. The subject member or his/her representative will then have the opportunity to make representations and to present the evidence which is relevant to the matter. The subject member or his/her representative may call any other witnesses to give evidence.
46. The investigating officer may ask questions of the subject member and of any witnesses.
47. The conduct sub-committee may ask questions of the subject member or any witness.

#### **Views of Independent Person**

48. The conduct sub-committee will ask for the views of the Independent Person.
49. The investigating officer may ask questions of the Independent Person.
50. The subject member or his/her representative may ask questions of the Independent Person.

#### **Closing Statements**

51. The investigating officer will be given the opportunity to sum up.
52. The subject member or his/her representative will be given the opportunity to sum up.

#### **Consideration by the hearing committee/sub-committee**

53. The conduct sub-committee may adjourn to consider in private all the evidence and its decision. The conduct sub-committee's legal adviser (who will be a different officer from the investigating officer) and committee clerk will retire with them to provide legal advice or advice regarding the evidence/submissions.

54. At any stage in the consideration of the matter the hearing sub-committee may return to ask further questions of the investigating officer or subject member or to seek further information.

#### **Decision by the hearing committee/sub-committee**

55. The chair of the conduct sub-committee will state the decision of the conduct sub-committee as to whether the subject member has failed to comply with the Code of Conduct.

#### **Where the hearing sub-committee finds the subject member to be in breach**

56. The investigating officer will be given the opportunity to comment on the most appropriate sanction.
57. The subject member or his/her representative will be given the opportunity to comment on the most appropriate sanction and put forward any mitigating circumstances.
58. The conduct sub-committee will ask for the views of the Independent Person on the most appropriate sanction.
59. The conduct sub-committee may adjourn to consider in private the appropriate sanction. The chair of the conduct sub-committee will state the decision of the conduct sub-committee as to any sanction.
60. Where the conduct sub-committee finds the subject member to be in breach of the Code of Conduct, the possible sanctions or a combination of sanctions available to it are as follows:
- a) censure or reprimand the member;
  - b) recommend that council assembly censure or reprimand the member;
  - c) recommend to the member's group leader that he/she be removed from any or all committees;
  - d) recommend to the Leader of the council that the member be removed from the cabinet, or removed from particular portfolio responsibilities;
  - e) instruct the Monitoring Officer to arrange training for the member;
  - f) removal from all outside appointments to which he/she has been appointed or nominated by the authority
  - g) withdraw facilities provided to the member by the council, such as a computer, website and/or email and internet access; or
  - h) exclude the member from the council's offices or other premises, with the exception of meeting rooms as necessary for attending council, committee and sub-committee meetings.

#### **Notification of findings**

61. The Monitoring Officer, in consultation with chair of the conduct sub-committee shall prepare a formal decision notice and send a copy to the following persons below that the matter has been referred for investigation:
- The member who is the subject of the allegation
  - Any person who made the allegation that gave rise to the hearing
  - Where appropriate, any other authority concerned.
62. The Monitoring Officer, in consultation with chair of the conduct sub-committee will draw up a summary of the full written decision.
63. Where the conduct sub-committee determines that there has not been a breach of the Code of Conduct, the summary will state that the conduct sub-committee found that the subject member had not failed to comply with the Code of Conduct and will give its reasons for reaching that finding; and, providing the subject member agrees, will arrange for a summary of the full written decision to be published on the council's website and in at least one local newspaper.
64. Where the conduct sub-committee determines that there has been a failure to comply with the Code of Conduct but no action is required, the summary will:
- (i) state that the conduct sub- committee found that the subject member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
  - (ii) specify the details of the failure; and
  - (iii) give reasons for the decision reached.
65. Where the committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the summary will:
- (i) state that the panel found that the member had failed to comply with the Code of Conduct;
  - (ii) specify the details of the failure;
  - (iii) give reasons for the decision reached, and
  - (iv) specify the sanction imposed.
66. Where the conduct sub-committee determines that there has been a failure to comply with the Code of Conduct the Monitoring Officer will arrange for a summary of the full written decision to be published on the council's website and in at least one local newspaper.

## **Multiple and vexatious complaints**

### **Multiple complaints**

67. Where a number of complaints from different complainants about the same matter are received the conduct sub-committee may consider the complaints at the same meeting.
68. If this is the case, the investigating officer should be asked to present one report and recommendation that draws together all the relevant information highlighting any differences or contradictions. It should be noted however,

that the conduct sub-committee must reach a separate decision for each complaint and follow the notification procedure on each one.

### **Vexatious complaints**

69. The authority must consider every complaint that they receive in relation to the Code of Conduct on its own merits. However, if the complaint is vexatious it will not be considered.
70. Vexatious and persistent complaints may be identified through the following patterns of behaviour:
- repeated complaints making the same or broadly similar, complaints against the same member/s about the same alleged incident.
  - use or aggressive or repetitive language of an obsessive nature.
  - repeated complaints that disclose no potential breach of the Code.
  - where there seems to be an ulterior motive for the complaint/s.
  - where a complainant refuses to let the matter rest once the complaint process has been exhausted (including the review stage)

### **Confidentiality**

77. Where a complainant wishes their identity to be withheld, the conduct sub committee can decide to do so. In reaching that decision it will need to have regard to the following:
- whether there is a risk of physical harm to the complainant if their identity is disclosed
  - where the complainant works closely with the subject member and is afraid of the consequences to their employment
  - where the complainant suffers a serious health condition and there is a medical risk associated with the disclosure of their identity. In such cases the committee may wish to obtain medical evidence in respect of this.

### **Complaints about members of more than one authority**

78. If a complaint is made about a dual-hatted member the Monitoring Officer should check whether a similar allegation has been made to the other authority on which the member serves and a decision on which authority should deal with the particular matter must be taken by the conduct sub-committee following discussions.
79. The provisions of the council's Code of Conduct apply and members will need to declare any interests in respect of the complaint at any meeting. When members' availability is sought they will be provided with the name of the complainant and subject member and other relevant information to



determine whether there are any interests. A reserve system will be used as backup.

**AUDIT, GOVERNANCE & STANDARDS (STANDARDS) SUB-COMMITTEE DISTRIBUTION LIST  
(OPEN)  
MUNICIPAL YEAR 2018-19**

**NOTE:** Original held by Constitutional Team; all amendments/queries to  
Virginia Wynn-Jones Email: virginia.wynn-jones@southwark.gov.uk Tel: 020 7525 7055

Name	No of copies	Name	No of copies
<b>Members of Sub-Committee</b>		<b>Officers</b>	
Councillor Gavin Edwards	1	Doreen Forrester-Brown	1
Councillor Dora Dixon-Fyle	1	Norman Coombe	1
Councillor Humaira Ali	1	Virginia Wynn-Jones	3
<b>Co-opted members</b> (address labels supplied)		<b>Others</b>	
Amrit Mangra	1	Olwen Dutton	1
		Anthony Collins Solicitors 134 Edmund Street Birmingham B3 2ES	
		<b>Total: 10</b>	
		<b>Dated:</b> April 2019	