

Item No. 13.	Classification: Open	Date: 7 February 2021	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 Governance	

RECOMMENDATIONS

1. That the committee notes this 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. Since 2012 the monitoring officer agreed to analyse the complaints data and report this information to the appropriate committee annually. The data for January 2017 to December 2021 is shown in appendix A.
7. There is a current audit of complaints under the Code of Conduct and Member Enquiries taking place. Findings will be reported to the Committee in due course. However, the Monitoring Officer will consider and respond to any recommendations made concerning complaints under the Code of Conduct.
8. Under section 26 of the Localism Act 2011, Southwark must have in place arrangements under which allegations that a member of the authority, has failed to comply with the authority’s Code of Conduct can be investigated. The current arrangements have not been reviewed since 2016 and the Monitoring Officer will be reviewing the arrangements; a further report with proposed changes will be

brought to Committee later this year.

Conclusions

9. The numbers of complaints remain at a low level; the monitoring officer has grouped complaints against members from multiple members of the public, including 4 complaints group into one of the complaints in 2020 so the actual number of complaints may be higher.
10. It should also be noted the monitoring officer received a number of other grievances which were not considered to be complaints against the code.
11. There are no clear causes for complaints, although many arise from members of the public being unable to resolve issues with the council or disagreement with council decisions or policies. Once again the use of social media led to a number of complaints.
12. The intervention of the Whips to resolve complaints involving members remains a positive factor in producing local solutions or avoiding formal solutions.
13. 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

14. One complaints required external investigation in this period; a report was made to the sub-committee in January.

Report back on Local Resolution

15. 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.
16. There was one such resolution in 2021.
17. In the 2021 case the deputy monitoring officer considered local resolution was possible. He consulted with the independent person and the subject member. The subject member had already updated their register of interests.

Community impact statement

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

Health Impact Statement

20. There are no specific identified health impacts resulting from any of the proposals or recommendations, so a health impact statement is not necessary for this report.

Climate change implications

21. Following the council assembly meeting on the 14 July 2021, the council has now committed to considering the climate change implications of any decisions made.
22. There are no substantive negative effects anticipated as a result of the recommendations and proposals.

Resource implications

23. Any implications can be contained within current budgets.

Legal implications

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Constitution.	http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html 2nd floor, PO Box 64529, London, SE1P 5LX	Constitutional team; constitutional.team @southwark.gov.uk

APPENDICES

No.	Title
A	Complaints Breakdown

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown Director of Law and Governance	
Report Author	Norman Coombe, Acting Deputy Head of Law	
Version	Final	
Dated	18 January 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Governance	Yes	Incorporated
Strategic Director of Finance & Governance	No	No
Cabinet Member	N/a	N/a
Date final report sent to Constitutional Team		20 January 2022