

Item No. 6.	Classification: Open	Date: 8 March 2016	Meeting Name: 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	

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.

KEY ISSUES FOR CONSIDERATION

4. 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 have been in place since 1 July 2012.
5. In August 2013, the Committee for Standards in Public Life 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.
6. Since 2012 the monitoring officer agreed to analyse the complaints data and report this information to Standards Committee annually. The data for January 2010 to December 2015 is shown in Appendix A.

Conclusions

7. Since the initial complaints in 2012 post Localism Act the number of complaints returned to pre Localism Act levels. The new arrangements have allowed the monitoring officer to provide local solutions to resolve complaints without formal investigations.

8. There may be a number of reasons for this, such as the current lack of sanctions available has inhibited complaints. The intervention of the Whips to resolve complaints involving members may also be another factor. This may be particularly true of complaints by officers.
9. The ability of the monitoring officer to deal with complaints informally may have lead to less formal complaints. As to the use of the filter with the independent person, this does not appear to be a factor at this stage. The independent person has considerable experience and they have been useful in assisting the monitoring officer in assessing complaints and revising procedures.
10. The cost of these complaints is difficult to quantify because officer and member time in assisting with the complaint is not all recorded, however payments to external solicitors or investigating officers can be quantified.

Complaints which required Investigation

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11. This was a complaint against a member from a member of the public. Following an investigation the investigating officer found the member had not breached the code of conduct.
12. The committee should note the cost of this investigation was as follows

External	£3105.00
Internal	£ 657.50
Total	£3762.50

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13. This was a complaint against a member from a member of the public. Following an investigation the investigating officer found the member had not breached the code of conduct.
14. The committee should note the cost of this investigation was as follows

External	£2290.00
Internal	£ 878.50
Total	£3168.50
15. The average time taken to conclude an external investigation is about 20 weeks compared with 12 weeks.

Community impact statement

16. 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.
17. However the council maintains an open and transparent process for making complaints against members, information is assessable on the council's website.

Resource implications

18. Any implications can be maintained within current budgets.

Legal implications

19. 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	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	01/02/2016	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Law and Democracy	Yes	Incorporated
Strategic Director of Finance and Governance	No	No
Cabinet Member	Not applicable	Not applicable
Date final report sent to Constitutional Team	01/02/2016	