

Ayshe Simsek,
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15 November 2024

To: All Members of the Full Council

Dear Member,

Full Council - Monday, 18th November, 2024

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

9. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES 1 - 48)

Standards Committee

Yours sincerely

Ayshe Simsek, Democratic Services and Scrutiny Manager
0208 489 2929

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REPORT OF STANDARDS COMMITTEE 2/ 2024/2025**FULL COUNCIL 18 November 2024**

Chair: Councillor Ibrahim Ali

1. INTRODUCTION

- 1.2 Full Council is being asked to approve changes to the Constitution relating to the Member Complaints Handling Protocol and to also approve a minor change to the Council Procedure rule on the submission date for public and Councillor Questions.

2. Amendments to the Member Complaints Handling Protocol

2.1 We considered the report as set out at appendix 1, and noted a review of the Protocol was undertaken to ensure that it operated in a way which supported the swift progression of complaints by expanding the ability of the Monitoring Officer to determine whether or not an investigation should be commenced immediately or referred to the Assessment Sub-Committee for a decision or allow the Monitoring Officer to determine that there should be no further action. The Monitoring Officer had reviewed complaints processes used in other Councils as part of the report to the Constitutional Working Group.

2.2 We noted that the Constitutional Working Group considered the report on 23rd February 2024 and agreed certain amendments. The Constitutional Working Group made further comments on 30th October 2024 and requested a flow chart of the process be put forward to provide us with an illustration of the changes. The revised scheme is appended as Appendix 2 and flow chart at Appendix 4.

We discussed the updates to the criteria for initial assessment of a Councillor complaint and noted that:

- Where there was a criminal offence or offence under Chapter 7 of Part 1 of the Localism Act 2011 reported, the Monitoring Officer could put this forward to investigation without the need to call a Standards Sub Assessment Committee. This action would be taken in consultation with the Chair and also reported up the Standards Committee as part of the Annual Councillor Complaints report.
- If there was a criminal investigation, then the complaint investigation would not start until after completion of the police investigation as set out in flow chart 2.
- It was quite difficult to deem a complainant vexatious and frivolous and there could be cases where a complainant was continually making complaints about a councillor or to a councillor about a casework matter and may become fixated on an issue even after the responses provided. There needed to be support and protection for councillors in this situation. In response it was noted that there were processes that could be followed under civil and criminal law if course of conduct and correspondence indicated harassment.

- If a complainant contact was indicating wider safeguarding issues, then contact could be made with the Adults safeguarding team to report this.
- There were also internal procedures for reporting residents that were displaying abusive and intimidating behaviour and there was a set criteria for convening a meeting with key services, in contact with the resident, and also including health and safety and legal services to determine a course of action on the rules of contact with the council and councillors.
- Councillors were also encouraged to report incidents with residents where they felt the behaviour was intimidating, abusive or could be considered as harassment on the health and safety link provided by Democratic services.
- There was a need for the Council to have a key message on zero tolerance of abusive and intimidating behaviour.
- Section 10 of the protocol, Action which may be taken where a member has failed to comply with the Code of Conduct, was considered and we noted that removing SRA's was a sanction but likely to be a political management issue as the Standards Sub Committee did not have the powers alone to take this action .

Subject to a minor typo in the tracked changes being rectified, the amendments to the Complaints Handling Protocol were agreed to be recommended to full Council for approval.

3. WE RECOMMEND

That Full Council:

1. Approves the amendments to the Member Complaints Handling Protocol as set out in Appendix 2 and also approves publication of the updated version as set out Appendix 3.

4. Changes to Council Standing Orders section 10 on submission date for public and Councillor oral and written questions

4.1 Standards Committee considered a report on changes to the Council Standing Orders section on submission date for public and Councillor oral and written questions to allow more time for the answers to be researched and reviewed to ensure that they are in line with the Council Standing Orders.

4.2 Given the increased number of questions and need to ensure that questions are fully researched, and responses considered in accordance with CSO section 10 on questions, officers requested an additional **2** days being added to the

timescale for submission/ notice of Council questions. This would mean amending 10.4a to allow 10 working days' notice of questions rather than 8 working days.

4.3 We noted that Constitution Working Group considered this change in submission date and there were some queries about how current and reflective this would allow questions to be in the run up to a Council meeting. However, given that the increase was only 2 days and there was an increase in the number of questions that could be asked this was not felt to be a considerable issue. It was also noted that there was provision for emergency motions for more pressing current local matters or that the Leader of the Council and Chief Executive can table reports on urgent local matters that would allow such questions to be put. Therefore, we agreed to recommend this change to Council Procedure rules for approval at Full Council

5. We Recommend that Full Council

Approve changes outlined at Appendix 6 outlining track changes to the Council Procedure Rules and increasing the working days for notice of Council questions from 8 to 10 days.

Appendices

Appendix 1 - Standards cover report on Member Complaints Handling Protocol

Appendix 2 - Part5 Section A Protocol Complaints Against Members - _track changes.

Appendix 3 Part5 Section A Protocol Complaints Against Members - Publication copy

Appendix 4 -Complaint process flow chart

Appendix 5 - Changes to Council Standing Orders section 10 on submission date for public and Councillor oral and written questions – Standards Report

Appendix 6 –Changesto CSO section 10

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Report for: Standards Committee 5th November 2024

Title: **Review of Member Complaints Handling Process**

Report authorised by: Fiona Alderman – Assistant Director of Legal and Governance and Monitoring Officer

Lead Officer: Fiona Alderman – Assistant Director of Legal and Governance and Monitoring Officer

Ward(s) affected: N/A

**Report for Key/
Non Key Decision:** Non key

1. Describe the issue under consideration

1.1 Standards Committee is asked to review amendments to the Member Complaints Handling Protocol. The Constitutional Working Group considered proposed amendments on 23 February 2024 and 30th October 2024.

2. Recommendations

The Standards Committee is recommended to

- (a) Consider the revisions to the Complaints Handling Protocol; and
- (b) Recommend to full council that the Constitution should be amended in accordance with the revisions.

3. Reasons for decision

3.1 A review of the Protocol was undertaken to ensure that it operated in a way which supported the swift progression of complaints by expanding the ability of the Monitoring Officer to determine whether or not an investigation should be commenced immediately or referred to the Assessment Sub-Committee for a decision or allow the Monitoring Officer to determine that there should be no further action. The Monitoring Officer reviewed complaints processes in used in other Councils as part of the report to the Constitutional Working Group.

4. Background information

4.1 The Constitutional Working Group considered the report on 23rd February 2024 and agreed certain amendments. The Constitutional Working Group made further comments on 30th October 2024 and requested a flow chart of the process be put forward to provide Standards with an illustration of the changes. The revised scheme is appended as Appendix 1 and Flow chart at Appendix 2,

3. Contribution to strategic outcomes

The Council's Constitution supports the governance of the Council and its Decision making thereby assisting the Council to meet its strategic outcomes.

4. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance and Procurement

8.2 No financial implications arise from this report.

8.3 Legal

8.4 These are set out within the report.

8.5 Equality

8.6 There are no equality matters in this report.

5. Use of Appendices

Appendix 1 – track changes to Part 5 Section A of the Constitution

Appendix 2 - Flow chart of the complaints process for Section 5.3

6. Local Government (Access to Information) Act 1985

10.1 The Council Constitution which can be found at.

<http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>

PART 5, SECTION A
 PROTOCOL – COMPLAINTS AGAINST MEMBERS

Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members’ Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Haringey Council has failed to comply with the Members’ Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council’s statutory obligations.
- 1.3 In these Arrangements a number of terms are used which have the following meanings:

Member	An elected Councillor
Co-opted Member	A person who is not an elected member of the Council but has been appointed to a committee or sub-committee of the Council.
Monitoring Officer	A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.
Investigating Officer	An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.
Independent Person	A person appointed by the Council pursuant to Section 28 of the

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Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.

Standards Committee

A committee of members responsible for promoting and maintaining high standards of member conduct within the Council.

Assessment Sub-Committee

A Sub-Committee of Standards Committee established to decide whether allegations against members are worthy of being investigated.

Hearing Sub-Committee

A Sub-Committee of Standards Committee established to conduct hearings into allegations against members and to determine such allegations following a hearing.

2. The Members' Code of Conduct

2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.

3. The Independent Person

3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person. Additional wording as follows A person may not be appointed (i) if they are currently a Member or co-opted Member or employee of the Council, or they are a relative or close friend of such a person and or, (ii) they have been a Member, co-opted Member or employee of the Council in the five years prior to appointment,

3.2 The Council appoints two Independent Persons. The persons appointed shall have responded to a public advertisement for the vacancies and submitted an application for the posts. The appointment of the successful applicants shall be approved by a majority of the members of the Council.

3.3 The views of an Independent Person shall be sought and taken into account by:

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- (i) the Monitoring Officer when deciding whether to undertake a formal investigation on an allegation.
- (ii) the Hearing Sub-Committee before it makes its decision on an allegation it has been asked to investigate.

3.4 The views of an Independent Person may be sought:

- (i) by the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.
- (ii) by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

4.1 An allegation that a member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct should be made in writing, wherever possible, using the Complaint Form on the Council's website to:

Fiona Alderman
Monitoring Officer
Haringey Council
7th Floor
Alexandra House
10 Station Road
London
N22 7TR

Tel: 0208 489 3974

or email:

fiona.alderman@haringey.gov.uk

4.2 The Monitoring Officer plays a key role in promoting and maintaining ethical standards and standards investigations. The role is broad and is particularly varied. Paragraph 12 below sets out the procedure in place to address any conflicts of interest when undertaking a standards investigation, including the Deputy Monitoring Officer or a Monitoring Officer from another Council to oversee and undertake the investigation as set out in these arrangements.

4.3 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of

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its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.

- 4.4 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.
- 4.5 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.
- 4.6 The Monitoring officer will inform the councillor against whom an allegation has been made and will give the details of the complaint and remedy sought to them. In exceptional circumstances the Monitoring Officer has the discretion not to inform the Councillor if, in his opinion, to do so would risk an investigation being frustrated or prejudiced in some other way.

5. Assessment of an allegation

- 5.1 The Monitoring Officer will review every allegation received and will consult an Independent Person before taking a decision as to whether or not it merits reference to the Assessment Sub-Committee of the Standards Committee.
- 5.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.
- 5.3 The Monitoring Officer will use a number of criteria for assessing complaints, and will consult with an Independent Person and if necessary the appropriate party group whips and party leaders. The decision whether to investigate a complaint will be a proportionate response to the issues raised and likely outcomes. The Monitoring Officer may determine that an allegation does not merit any further action, where:
 - (a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service, or
 - (b) It is about someone who is no longer a member or a co-opted member of the Council, or

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- (c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or
- (d) The same or a similar allegation has been investigated and determined, or
- (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or
- (f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or
- (g) the complaint is considered to be frivolous or vexatious, or
- (h) If the complaint discloses such a minor, insufficiently serious or technical breach of the Code that it is not in the public interest to pursue,
- (i) If the complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration; or
- (j) If the member against whom the allegation has been made has remedied or made reasonable endeavours to remedy the matter and the complaint does not disclose sufficiently serious potential breaches of the Code to merit further consideration.
- (k) The matters to which the allegation refers took place longer than three months before the date of receipt of the allegation and there are no exceptional circumstances which merit the investigation of matters outside that timescale, nor is it otherwise appropriate to investigate the allegation.

Powers of the Monitoring Officer on Assessment

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- (l) The Monitoring Officer (in consultation with the Chair of Standards Committee) to require that the complaint be investigated, without consideration at the Standards Sub Assessment Committee, to determine whether there has been a breach of the Code and the seriousness of the breach; and
- m) to conclude that the circumstances of the complaint indicate that an offence under Chapter 7 of Part 1 of the Localism Act 2011 may have been committed and that the complaint ought to be investigated, by the police where appropriate, to determine whether a prosecution should be brought.

- 5.4 If the complaint is dealt with under 5.3 above, the Monitoring Officer will promptly notify the complainant and the member of the outcome, giving reasons for the decision. The Monitoring Officer will also provide an annual report to the Standards Committee on complaints dealt with under 5.3 above, as well as keeping the Chair of Standards Committee regularly informed throughout the year to help provide a view to expanding the powers available to the Monitoring Officer as appropriate. Except as provided for in Paragraph 5.3 above, the Monitoring Officer shall refer all allegations to the Assessment Sub-Committee for consideration.
- 5.5 The Assessment Sub-Committee shall determine whether the allegation:
- (a) merits no further investigation and is dismissed, or
 - (b) merits further investigation.
- 5.6 The Assessment Sub-Committee will take into account the view of the Independent Person as provided to the Monitoring Officer under 5.1 and/or 5.3 above. It may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 5.3 above and to the following additional criteria:
- (a) The allegation is not considered sufficiently serious to warrant investigation, or
 - (b) The allegation appears to be motivated by malice or is 'tit-for-tat', or
 - (c) The allegation appears to be politically motivated.

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- 5.7 Where the Assessment Sub-Committee considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation.
- 5.8 The decision as to whether or not an allegation should be investigated will normally be taken within thirty clear working days from receipt. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation. The Monitoring Officer will keep the person informed if the initial timetable changes substantially,

6. The Investigation

- 6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.
- 6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.
- 6.3 The Monitoring Officer/Investigating Officer will normally write to the member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the papers given to the member. Where disclosure of details of the allegation to the member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the member until the investigation has progressed sufficiently.
- 6.4 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.

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- 6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Hearing Sub-Committee where appropriate. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and, where appropriate, having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Hearing Sub-Committee and an Independent Person.
7. **Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.**
- 7.1 In these circumstances the Monitoring Officer will refer the matter to the Standards Committee. When the Standards Committee receives an Investigation report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:
- (a) accept the recommendation resolve that no further action is required and dismiss the allegation, or
 - (b) remit the report to the Monitoring Officer for further consideration, or
 - (b) remit the complaint to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and determine the allegation.
- 7.2 Prior to making a determination under Paragraph 7.1 above, the Standards Committee shall seek and shall take into account the views of an Independent Person.
8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.
- 8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult an Independent

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Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.

- 8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

9. The Pre Hearing Process and Hearing

- 9.1 In advance of the Hearing the Monitoring Officer (and/or his nominees) will:
- (a) agree a date for the hearing with all the relevant parties;
 - (b) provide a timetable for the member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and additional papers they may wish to provide in time for inclusion in the committee papers;
 - (c) establish whether the member will be represented or accompanied at the hearing;
 - (d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;
 - (e) provide information about the procedure to be used at the hearing;
 - (f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;
 - (g) establish whether the Investigating Officer intends to call any witnesses.
- 9.2 Wherever possible hearings conducted by the Hearing Sub-Committee shall take place within three calendar months of the referral to the Hearing Sub-Committee.
- 9.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request

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the person making the allegation to attend and give evidence to the Standards Committee.

- 9.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.
- 9.5 If a member fails to attend the hearing, the Hearing Sub-Committee may decide to proceed in the member's absence and make a determination, or to adjourn the hearing to a later date
- 9.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.
- 9.7 The Hearing Sub-Committee, having sought and taken into account the views of an Independent Person may conclude:
- (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
 - (b) that the member did fail to comply with the Members' Code of Conduct.
- 9.8 In the event of a finding under Paragraph 9.7 (b) above, the Chair will inform the member of this finding and the Hearing Sub-Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Hearing Sub-Committee will give the member an opportunity to make representations to the Sub-Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of an Independent Person. It will then decide what action, if any, to take in respect of the matter.

10. Action which may be taken where a member has failed to comply with the Code of Conduct

- 10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Hearing Sub-Committee may:
- (a) Publish its findings in respect of the member's conduct;
 - (b) Report its findings to Council for information;
 - (c) Issue the member with a formal censure or be reprimanded, a report of which may be submitted to

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Council

- (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Instruct the Monitoring Officer to arrange training for the member;
- (g) Recommend to Council or Cabinet (as appropriate) that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet
- (h) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (i) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.
- (j) Take no further action
- (k) Any other appropriate sanction which may be available to the Sub-Committee.

10.2 The Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

10.3 At the end of the hearing, the Chair shall state the decision of the Hearing Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any action which the Sub-Committee has resolved to take.

10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chair of the Hearing Sub-Committee.

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- 10.5 The decision notice shall include a brief statement of facts, the provision of the Code of Conduct engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.
- 10.6 As soon as reasonably practicable, the decision will be communicated as follows:
- (a) a copy of the decision notice will be sent to the person making the allegation and to the member concerned.
 - (b) the decision notice will be made available for public inspection at the Council's offices and on the Council's website.
 - (c) the decision will be reported to the next convenient meeting of the Council.

11. Appeals

- 11.1 There is no right of appeal for either the person making the allegation or for the member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee
- 11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

12. Conflicts of Interest

- 12.1 No member or officer of the Council will participate at any stage of this protocol if he or she has a conflict of interest in the matter.
- 12.2 Any member or officer with a potential conflict of interest must disclose it to the Monitoring Officer/Investigating Officer as soon as reasonably practicable.
- 12.3 The Monitoring Officer/Investigating Officer shall consider the appropriate steps to be taken in the event of a potential conflict of interest and may consult an Independent Person. Where appropriate, the deputy monitoring officer or a monitoring officer from a different authority may undertake the investigation.

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Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Hearing Sub-Committee and advised to the parties

1. The Chair shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
8. Members of the Sub-Committee may question the Member and any witnesses.
9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
10. The Member or his/her representative may sum up his/her case and make a closing speech.
11. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon the allegation. Prior to reaching a determination the

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Sub-Committee shall seek and take into account the views of an Independent Person.

12. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision in the following terms:-

- (a) The Sub-Committee has determined that the Member has failed to comply with the Code of Conduct, or
- (b) The Sub-Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Sub-Committee will give reasons for its decision.

13. If the Sub-Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.

14. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of an Independent Person.

15. In addition to any action upon the current matter, the Sub-Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.

16. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision

17. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

PART 5, SECTION A
PROTOCOL – COMPLAINTS AGAINST MEMBERS

Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members’ Code of Conduct

1. Introduction

1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Haringey Council has failed to comply with the Members’ Code of Conduct and how the Council will deal with such allegations.

1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition, the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council’s statutory obligations.

1.3 In these Arrangements a number of terms are used which have the following meanings:

Member	An elected Councillor
Co-opted Member	A person who is not an elected member of the Council but has been appointed to a committee or sub- committee of the Council.
Monitoring Officer	A officer of the Council designated under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.

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Investigating Officer An appropriate person appointed by the Monitoring Officer to conduct an investigation into an allegation.

Independent Person A person appointed by the Council pursuant to Section 28 of the Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.

Standards Committee A committee of members responsible for promoting and maintaining high standards of member conduct within the Council.

Assessment Sub-Committee A Sub-Committee of Standards Committee established to decide whether allegations against members are worthy of being investigated.

Hearing Sub-Committee A Sub-Committee of Standards Committee established to conduct hearings into allegations against members and to determine such allegations following a hearing.

2. The Members’ Code of Conduct

2.1 The Council has adopted a Members’ Code of Conduct which is available for inspection on the Council’s website and on request from the Monitoring Officer.

3. The Independent Person

3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person. Additional wording as follows A person may not be appointed (i) if they are currently a Member or coopted Member or employee of the Council, or they are a relative or close friend of such a person and or, (ii) they have been a Member, coopted Member or employee of the Council in the five years prior to appointment,

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3.2 The Council appoints two Independent Persons. The persons appointed shall have responded to a public advertisement for the vacancies and submitted an application for the posts. The appointment of the successful applicants shall be approved by a majority of the members of the Council.

3.3 The views of an Independent Person shall be sought and taken into account by:

- (i) the Monitoring Officer when deciding whether to undertake a formal investigation on an allegation.
- (ii) the Hearing Sub-Committee before it makes its decision on an allegation it has been asked to investigate.

3.4 The views of an Independent Person may be sought:

- (i) by the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.
- (ii) by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

4.1 An allegation that a member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct should be made in writing, wherever possible, using the Complaint Form on the Council's website to:

Fiona Alderman
Monitoring Officer
Haringey Council
7th Floor
Alexandra House
10 Station Road
London
N22 7TR

Tel: 0208 489 3974

or email:

fiona.alderman@haringey.gov.uk

PART 5, SECTION A
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- 4.2 The Monitoring Officer plays a key role in promoting and maintaining ethical standards and standards investigations. The role is broad and is particularly varied. Paragraph 12 below sets out the procedure in place to address any conflicts of interest when undertaking a standards investigation, including the Deputy Monitoring Officer or a Monitoring Officer from another Council to oversee and undertake the investigation as set out in these arrangements.
- 4.3 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.
- 4.4 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.
- 4.5 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.
- 4.6 The Monitoring officer will inform the councillor against whom an allegation has been made and will give the details of the complaint and remedy sought to them. In exceptional circumstances the Monitoring Officer has the discretion not to inform the Councillor if, in his opinion, to do so would risk an investigation being frustrated or prejudiced in some other way.

5. Assessment of an allegation

- 5.1 The Monitoring Officer will review every allegation received and will consult an Independent Person before taking a decision as to whether or not it merits reference to the Assessment Sub-Committee of the Standards Committee.
- 5.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.
- 5.3 The Monitoring Officer will use a number of criteria for assessing complaints, and will consult with an Independent Person and if necessary the appropriate party group whips and party leaders. The decision whether

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to investigate a complaint will be a proportionate response to the issues raised and likely outcomes. The Monitoring Officer may determine that an allegation does not merit any further action, where:

- (a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision or service, or
- (b) It is about someone who is no longer a member or a co-opted member of the Council, or
- (c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently, or
- (d) The same or a similar allegation has been investigated and determined, or
- (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or
- (f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination, or
- (g) the complaint is considered to be frivolous or vexatious, or
- (h) If the complaint discloses such a minor, insufficiently serious or technical breach of the Code that it is not in the public interest to pursue,
- (i) If the complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration; or
- (j) If the member against whom the allegation has been made has remedied or made reasonable endeavours to remedy the matter

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and the complaint does not disclose sufficiently serious potential breaches of the Code to merit further consideration.

- (k) The matters to which the allegation refers took place longer than three months before the date of receipt of the allegation and there are no exceptional circumstances which merit the investigation of matters outside that timescale, nor is it otherwise appropriate to investigate the allegation.

Powers of the Monitoring Officer on Assessment

- (l) The Monitoring Officer (in consultation with the Chair of Standards Committee) to require that the complaint be investigated, without consideration at the Standards Sub Assessment Committee, to determine whether there has been a breach of the Code and the seriousness of the breach; and
- m) to conclude that the circumstances of the complaint indicate that an offence under Chapter 7 of Part 1 of the Localism Act 2011 may have been committed and that the complaint ought to be investigated, by the police where appropriate, to determine whether a prosecution should be brought.

5.4 If the complaint is dealt with under 5.3 above, the Monitoring Officer will promptly notify the complainant and the member of the outcome, giving reasons for the decision. The Monitoring Officer will also provide an annual report to the Standards Committee on complaints dealt with under 5.3 above, as well as keeping the Chair of Standards Committee regularly informed throughout the year to help provide a view to expanding the powers available to the Monitoring Officer as appropriate. Except as provided for in Paragraph 5.3 above, the Monitoring Officer shall refer all allegations to the Assessment Sub Committee for consideration.

5.5 The Assessment Sub-Committee shall determine whether the allegation:

- (a) merits no further investigation and is dismissed, or
- (b) merits further investigation.

5.6 The Assessment Sub-Committee will take into account the view of the Independent Person as provided to the Monitoring Officer under 5.1 and/or 5.3 above. It may determine that an allegation merits no further

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investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 5.3 above and to the following additional criteria:

- (a) The allegation is not considered sufficiently serious to warrant investigation, or
- (b) The allegation appears to be motivated by malice or is ‘tit-for-tat’, or
- (c) The allegation appears to be politically motivated.

5.7 Where the Assessment Sub-Committee considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation.

5.8 The decision as to whether or not an allegation should be investigated will normally be taken within thirty clear working days from receipt. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation. The Monitoring Officer will keep the person informed if the initial timetable changes substantially,

6. The Investigation

6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.

6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.

6.3 The Monitoring Officer/Investigating Officer will normally write to the member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person’s name and address from the papers given to the member. Where disclosure of details of the allegation to the member

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might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the member until the investigation has progressed sufficiently.

6.4 The Monitoring Officer/Investigating Officer has absolute discretion about which are the appropriate witnesses to interview and documents to consider but will follow best practice in conducting investigations. Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give them an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.

6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Hearing Sub-Committee where appropriate. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.

6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and, where appropriate, having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Hearing Sub-Committee and an Independent Person.

7. Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.

7.1 In these circumstances the Monitoring Officer will refer the matter to the Standards Committee. When the Standards Committee receives an Investigation report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:

- (a) accept the recommendation resolve that no further action is required and dismiss the allegation, or
- (b) remit the report to the Monitoring Officer for further

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consideration, or

- (b) remit the complaint to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and determine the allegation.

7.2 Prior to making a determination under Paragraph 7.1 above, the Standards Committee shall seek and shall take into account the views of an Independent Person.

8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.

8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult an Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.

8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

9. The Pre Hearing Process and Hearing

9.1 In advance of the Hearing the Monitoring Officer (and/or his nominees) will:

- (a) agree a date for the hearing with all the relevant parties;
- (b) provide a timetable for the member to provide details about whether they wish to give evidence (and whether orally or in writing) at the hearing and any witnesses they intend to call, and

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additional papers they may wish to provide in time for inclusion in the committee papers;

- (c) establish whether the member will be represented or accompanied at the hearing;
- (d) establish whether the member wishes any part of the Investigation Report to be kept confidential or the Hearing itself to be held in private, and the reasons for this;
- (e) provide information about the procedure to be used at the hearing;
- (f) establish whether the member disagrees with any of the findings of fact in the Investigation Report;
- (g) establish whether the Investigating Officer intends to call any witnesses.

9.2 Wherever possible hearings conducted by the Hearing Sub-Committee shall take place within three calendar months of the referral to the Hearing Sub-Committee.

9.3 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request

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the person making the allegation to attend and give evidence to the Standards Committee.

9.4 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.

9.5 If a member fails to attend the hearing, the Hearing Sub-Committee may decide to proceed in the member's absence and make a determination, or to adjourn the hearing to a later date

9.6 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.

9.7 The Hearing Sub-Committee, having sought and taken into account the views of an Independent Person may conclude:

(a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or

(b) that the member did fail to comply with the Members' Code of Conduct.

9.8 In the event of a finding under Paragraph 9.7 (b) above, the Chair will inform the member of this finding and the Hearing Sub-Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Hearing Sub-Committee will give the member an opportunity to make representations to the Sub-Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of an Independent Person. It will then decide what action, if any, to take in respect of the matter.

10. Action which may be taken where a member has failed to comply with the Code of Conduct

10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Hearing Sub-Committee may:

(a) Publish its findings in respect of the member's conduct;

(b) Report its findings to Council for information;

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- (c) Issue the member with a formal censure or be reprimanded, a report of which may be submitted to Council
 - (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - (f) Instruct the Monitoring Officer to arrange training for the member;
 - (g) Recommend to Council or Cabinet (as appropriate) that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet
 - (h) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
 - (i) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.
 - (j) Take no further action
 - (k) Any other appropriate sanction which may be available to the Sub-Committee.
- 10.2 The Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.
- 10.3 At the end of the hearing, the Chair shall state the decision of the Hearing Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any action which the Sub Committee has resolved to take.

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- 10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chair of the Hearing Sub-Committee.
- 10.5 The decision notice shall include a brief statement of facts, the provision of the Code of Conduct engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.
- 10.6 As soon as reasonably practicable, the decision will be communicated as follows:
- (a) a copy of the decision notice will be sent to the person making the allegation and to the member concerned.
 - (b) the decision notice will be made available for public inspection at the Council's offices and on the Council's website.
 - (c) the decision will be reported to the next convenient meeting of the Council.

11. Appeals

11.1 There is no right of appeal for either the person making the allegation or for the member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee

11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

12. Conflicts of Interest

12.1 No member or officer of the Council will participate at any stage of this protocol if he or she has a conflict of interest in the matter.

12.2 Any member or officer with a potential conflict of interest must disclose it to the Monitoring Officer/Investigating Officer as soon as reasonably practicable.

12.3 The Monitoring Officer/Investigating Officer shall consider the appropriate steps to be taken in the event of a potential conflict of interest and may consult an Independent Person. Where appropriate, the deputy monitoring officer or a monitoring officer from a different authority may undertake the investigation.

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Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Hearing Sub-Committee and advised to the parties

1. The Chair shall facilitate introductions and explain the procedure for the hearing.
2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
8. Members of the Sub-Committee may question the Member and any witnesses.
9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
10. The Member or his/her representative may sum up his/her case and make a closing speech.

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11. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon the allegation. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of an Independent Person.
12. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision in the following terms:-
 - (a) The Sub-Committee has determined that the Member has failed to comply with the Code of Conduct, or
 - (b) The Sub-Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Sub-Committee will give reasons for its decision.

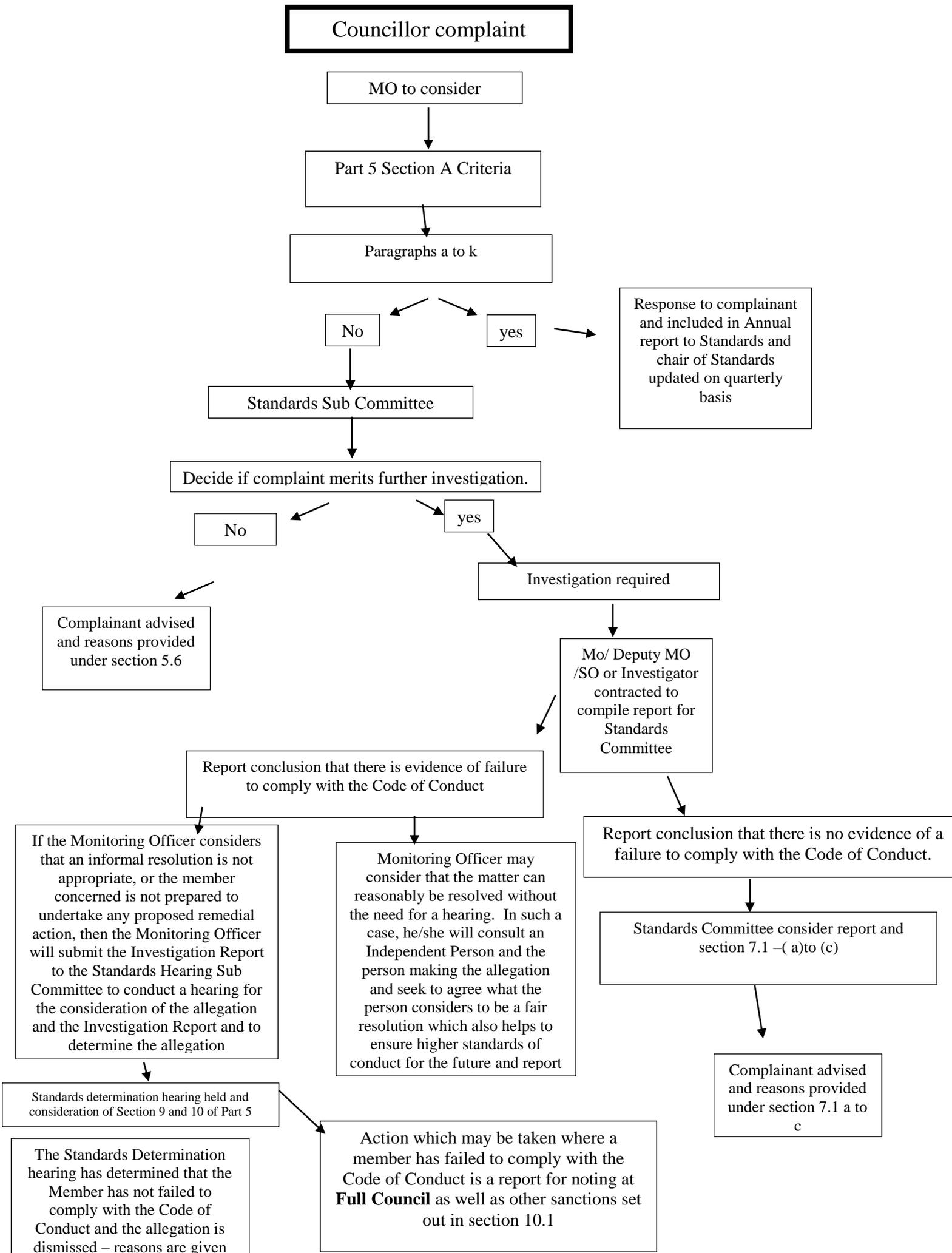
13. If the Sub-Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.
14. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of an Independent Person.
15. In addition to any action upon the current matter, the Sub-Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.
16. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision
17. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

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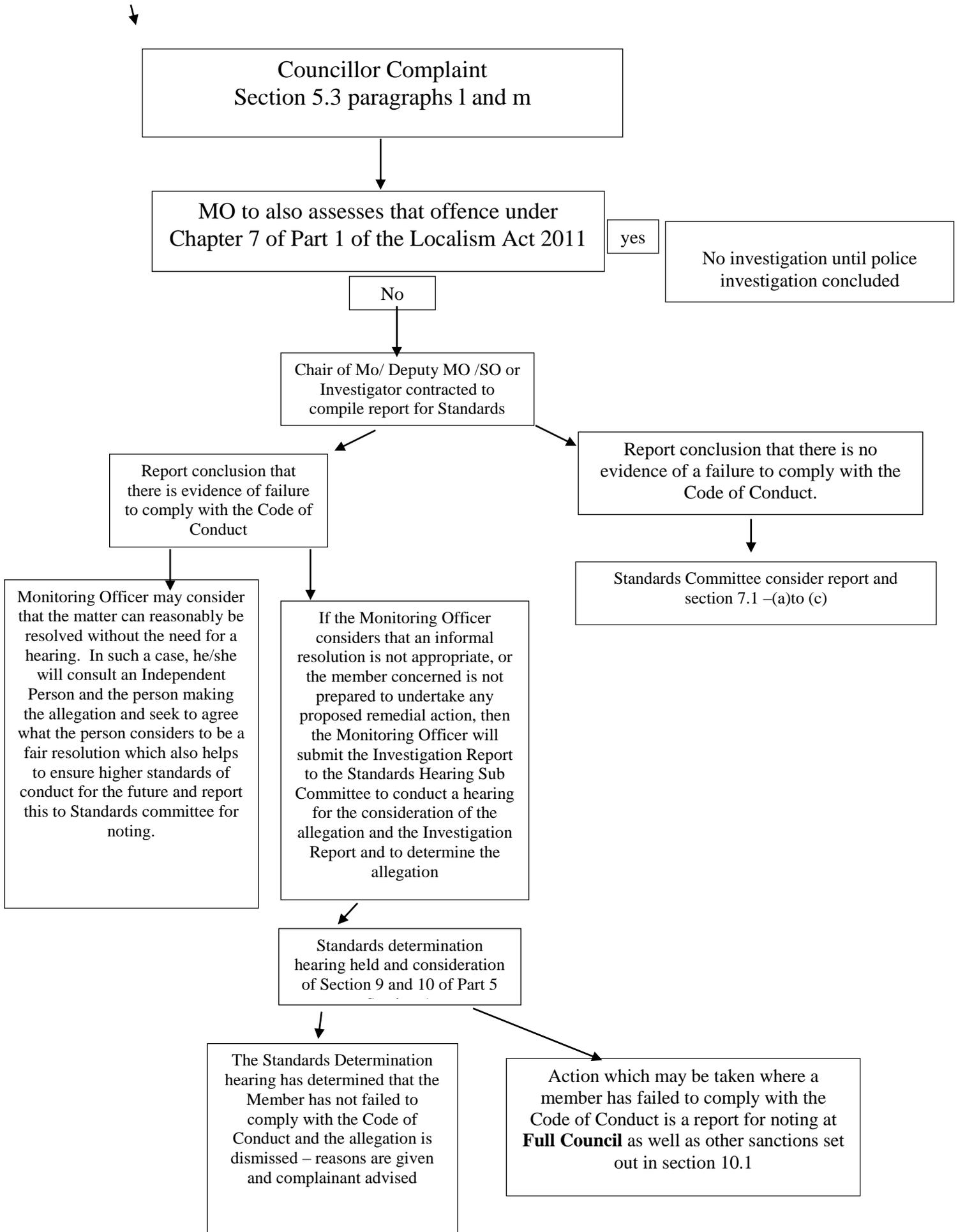
Complaint Process Flow Chart Section A Part 5 of the Constitution

There are two charts put forward to explain process for Section 5.3 initial assessments of Complaints. The first flow chart applies to Paragraphs a to k and the second flow chart applies to paragraphs l to m.

Complaint Process Flow Chart Section A Part 5 of the Constitution



Complaint Process Flow Chart Section A Part 5 of the Constitution



Meeting **Standards Committee 5 November 2024**

Title: Changes to Council Standing Orders section 10 on submission date for public and Councillor oral and written questions

Lead Officer: Ayshe Simsek Democratic Services and Scrutiny Manager

Report authorised: Fiona Alderman Head of Legal and Governance and Monitoring Officer

1. Describe the issue under consideration.

1.1 This report considers changes to the Council Standing Orders section on submission date for public and Councillor oral and written questions to allow more time for the answers to be researched and reviewed to ensure that they are in line with the Council Standing Orders.

1.2 Following queries at the Full Council meeting on the second supplementary questions and desktop research, the Constitution Working Group was asked to consider the procedure of second supplementary questions. There were two options put forward which included removing the provision of second supplementary questions or amendments for allocation of second supplementary questions to be in line for proportionality of the Council. There was not agreement at the meeting for removal of the second supplementary question provision and latter option required further consideration. This included consideration of how the process will work at council meetings to ensure equality and scrutiny of administration can be maintained but also that changes did not impact of the running and chairing of the Council meeting. This will continue to be considered at the CWG meeting on the 6th of November and changes put forward to the next meeting of Standards Committee.

2. Cabinet Member Introduction

Not applicable

3. Recommendations

3.1 To consider paragraphs 6.1 to 6.2 and Appendix 1 outlining track changes to the Council Procedure Rules and increasing the working days for notice of Council questions from 8 to 10 days.

3.2 To recommend this change to Full Council on the 18th of November for adoption and to take effect for the 27th of March 2025 ordinary Council meeting.

4. Reasons for decision

The reasons for recommendations are set out within the report and summarised at paragraph 1.1.

5. Alternative options considered.

To note take forward the changes would impact on the support for meetings.

6. Background information

Council Oral Questions

6.1 Given the increased number of questions and need to ensure that questions are fully researched, and responses considered in accordance with CSO section 10 on questions, officers are requesting an additional **2** days being added to the timescale for submission/ notice of Council questions. This would mean amending 10.4a to allow 10 working days' notice of questions rather than 8 working days.

6.2 The Constitution working group considered this change in submission date and there were some queries about how current and reflective this would allow questions to be in the run up to a Council meeting. However, given that the increase was only 2 days and there was an increase in the number of questions that could be asked this was not felt to be a considerable issue. It was also noted that there was provision for emergency motions for more pressing current local matters or that the Leader of the council and Chief Executive announcements/ table reports on such urgent local matters that would allow questions to be put. Therefore, this change was recommended for approval.

7. Contribution to strategic outcomes

The Council's Constitution supports the governance of the Council and its Decision making thereby assisting the Council to meet its strategic outcomes.

8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

8.1 Finance and Procurement

8.2 No financial implications arise from this report.

8.3 Legal

8.4 These are set out within the report.

8.5 Equality

8.6 There are no equality matters in this report.

9. Use of Appendices

Appendix 1 – CSO recommendation 3.1

10. Local Government (Access to Information) Act 1985

10.1 The Council Constitution which can be found at.

<http://www.haringey.gov.uk/local-democracy/about-Council/Council-constitution>

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10 QUESTIONS BY MEMBERS

10.1 On reports of the Cabinet or Committees

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule 10.3, a Member of the Council may ask:

- The Mayor;
- The Leader
- Any Member of the Cabinet; or
- The Chair of any Committee or Board
- The Council's representative(s) on any outside body;

a question on any matter in relation to which the Council has powers or duties or which affects Haringey.

10.3 Scope of questions

The Monitoring Officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the well-being of the Borough;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question, motion or deputation which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information

10.4 Notice of questions

- (a) A Councillor may ask one substantive question per meeting, in accordance with rule 10.5 (d), provided that they have been received in writing by the Democratic Services Manager no later than 10 am so as to leave ~~eight~~ **ten** clear days prior to the Council meeting, stating which Member of Council the question is to be addressed to. Should a question be rejected, the questioner will receive a written response

advising of this, including the reasons for the rejection. Each question should be confined to one substantive topic.

- (b) There will be up to 9 questions from Councillors which will receive direct oral answers. Questions on notice for oral answer will be set out on the Summons to the Council meeting.
- (c) A Member of the Council may ask the Leader or the Chair of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.
- (d) Questions for written answer and the answers provided will be published on the Council's website as soon as practicable after the relevant meeting.

10.5 Order of Questions

- (a) There will be 9 questions which will receive direct oral answers. All other questions will receive written answers. Questions from each group will be placed so as to alternate on the agenda is so far as is practicable with 5 from the majority group and 4 from the opposition. 3 minutes will be allocated to answer the main question and 2 minutes allocated to answer supplementary questions
- (b) A total of 45 minutes (allowing for any adjournments) shall be allowed on questions and answers under this rule; a question being answered at the time limit (and any supplementary questions to it) shall be completed.
- (c) All questions and answers must be made as questions/answers, addressing the subject matter, and must not be a speech or statement.
- (d) Any oral questions remaining unanswered after the time limit must be answered in writing and shall be circulated to all Members on or before the fourth working day after the Council meeting.
- (e) Each Member of the Council may ask one question for written answer in addition to those for oral answer. Each question and response should be confined to one substantive topic.

10.6 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner. Written answers will be supplied to members no later than the meeting

10.7 **Supplementary questions**

The Councillor asking any question may ask the first supplementary question without notice of the Councillor to whom the first question was asked. The second supplementary question, new wording added relevant to the original question, may be asked by a Councillor of the other political party or group, unless they do not wish to use it in which case it reverts to the party asking the original question. Each supplementary question must arise directly out of the original question or the reply. No supplementary questions may be asked on written answers.

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