



Report for:	Standards Committee	Item Number:	
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Title:	Amendments to the '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'
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Report Authorised by:	Bernie Ryan, Assistant Director of Governance and Monitoring Officer.
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Lead Officer:	Bernie Ryan, Assistant Director of Governance and Monitoring Officer.
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Ward(s) affected: N/A	Report for Key/Non Key Decisions: N/A
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1. Describe the issue under consideration

This report recommends some amendments to the procedure for dealing with alleged breaches of the Members' Code of Conduct, known as the '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' (the Arrangements)

2. Cabinet Member introduction

N/A

3. Recommendations

That Members consider and approve the proposed amendments to the 'Arrangements' procedure.

4. Alternative options considered

4.1 Experience of using the procedure in recent cases has identified some inconsistencies and areas for improvement in the Arrangements procedure,



which, if left unamended, may impact on the ability of Members to deal effectively with complaints about alleged breaches of the Code.

5. Background information

- 5.1 S27 of the Localism Act 2011 imposes a duty on councils to promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging this duty councils are required to adopt a code dealing with the conduct which is expected of members and co-opted members of the authority when they are acting in that capacity. Section 28 of the Localism Act 2011 provides that local authorities must have in place arrangements under which allegations against members may be investigated and arrangements under which decisions on allegations can be made.
- 5.2 It is also important to have a procedure for dealing with complaints that the Council receives about breaches of the Code of Conduct, not only for the use of Members determining such complaints, but also for complainants and their representatives, so that they are clear about what the process is.
- 5.3 The current version of the Arrangements has been reviewed in light of recent experience of its use, including during the preparation for Hearing sub-committee meetings, and the proposed changes:
- (a) 4.1 Adding wording to encourage complaints to be made in writing on the standard complaints form.
 - (b) New para 4.5 making clear that the Monitoring Officer will advise the member about whom a complaint is made the nature of it and the remedy sought by the complainant, unless to do so would risk the investigation being prejudiced or frustrated in some way.
 - (c) Additional wording to para 5.3 making clear that the Monitoring Officer may use a number of criteria for assessing complaints and determining whether or not to refer them to the Assessment sub-committee. The assessment may include consultation with the Independent Person and may include discussion with the Party Whips/Leaders.
 - (d) Additional wording to 5.3.(a) to make clear that dissatisfaction with Council services are not considered to be breach of the Code.
 - (e) Additional word 'or' inserted into para 5.3(c) which was inadvertently omitted previously.
 - (f) Additional para 5.3(f) enabling complaints from vexatious complainants to be rejected.
 - (g) Additional wording to 5.4 clarifying that the Monitoring Officer will promptly notify the member and the complainant where he decides a complaint will not be referred to the Assessment sub-committee, and that he will give reasons for his decision.
 - (h) Removal of reference in paras 5.7 and 5.8 to the referral of investigation reports to the Standards Committee. The proposal is to streamline the process and in future it is recommended that investigation reports are



referred straight to a Hearing sub-committee in cases where a breach of the Code is found.

- (i) Additional wording to 6.4 making clear that the Investigating Officer has discretion about the appropriate witnesses and documents to consider during the investigation so that it is effective and provides the relevant information for a Hearing sub-committee to consider.
- (j) Amendment to para 6.5 and 6.6 to streamline the process and remove the additional step of referring an investigation report to the Standards Committee prior to it being referred to a Hearing sub-committee.
- (k) Additional wording to paragraph 7.1 making it clear that a finding of no breach after an investigation will be referred to the Standards Committee for consideration.
- (l) Amendment to para 8.2 to streamline the process and remove the additional step of referring an investigation report to the Standards Committee prior to it being referred to a Hearing sub-committee.
- (m) Additional wording in the heading of para 9 to include the pre-hearing process
- (n) New para at 9.1 to set out information about the pre-hearing process, since this has been an issue of some dispute in recent cases.
- (o) New para 9.4 to make clear that in the absence at a Hearing of a member about whom a complaint has been made, the sub-committee has the discretion to adjourn or to carry on with proceedings.
- (p) Additional point in para 10(1)(j) to add the ability to take no further action to the suite of outcomes available to the Hearing sub-committee.
- (q) Some minor additional amendments made in consequence of the above.

6. Comments of the Chief Finance Officer and financial implications

6.1 There are no financial implications arising from this report

7. Comments of the Assistant Director of Corporate Governance and legal implications

7.1 These are included within the body of the report.

8. Equalities and Community Cohesion Comments

N/A

9. Head of Procurement Comments

N/A

10. Policy Implications

N/A



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11. Reasons for Decision

- 11.1 The Standards Committee supports the Council in discharging its duty to promote and maintain high standards of conduct by members and co-opted members. It is good practice to periodically review and amend (if needed), the arrangements for dealing with complaints about breaches of the Code of Conduct. In addition, the Hearing sub-committee has in the past year dealt with two investigation reports and some issues of clarity have arisen in relation to the procedure. These are being addressed in this review to ensure all parties to complaints are clear about the process.

12. Use of Appendices

Appendix A – ‘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’

13. Local Government (Access to Information) Act 1985

The following background papers were used in the preparation of this report:

Current version of ‘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’