

STANDARDS COMMITTEE Agenda

Place

Town Hall, Wellington Street, Woolwich, SE18 6PW

Date

Monday, 10 December 2012

Time

10.00 am

This meeting is open to the press and public.

Membership

Dr Susan Blackall (Chair)
Rev Father Michael Scanlon (Vice Chair)
Councillor Peter Brooks
Councillor Eileen Glover
Councillor Ray Walker

**Independent
Person to
Advise the
Standards
Committee**

Sir Michael Pike

Deputies

Councillor Chris Roberts
Councillor Janet Gillman
Councillor Christine May
Councillor Spencer Drury
Councillor Alex Wilson

If you require further information about this meeting please contact the Committee Officer:

Robert Sutton

Telephone: 020 8921 5134

Fax: 020 8921 5864

Email: robert.sutton@greenwich.gov.uk

Agenda

1 Apologies for Absence

To receive apologies for absence from Members of the Committee.

2 Urgent Business

The Chair to announce any items of urgent business circulated separately from the main agenda.

3 Declarations of Interest

Members to declare any personal and prejudicial interests in items on the agenda. Attention is drawn to the Council's Constitution; the Council's Code of Conduct and associated advice.

4 Investigation into a complaint

The Committee is requested to agree to consider the information in Item 5 in closed session as it relates to an individual and that exempt information as defined in the Local Government Act 1972, Schedule 12A, Part 1, paragraph 1 is likely to be made known and the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Furthermore, the Committee is asked to decide whether a Member has breached the Code of Conduct and if so what action, if any, should be taken

EXCLUSION OF PRESS AND PUBLIC

To resolve to exclude the press and public as exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act, 1972 is likely to be made known.

5 Investigation into a complaint

Date of Issue
29 November
2012

Mary Ney
Chief Executive

Safety

Fire and Emergency Procedures

Users of the Committee Rooms and the Council Chamber are asked to note the following fire and emergency procedures:-

When you hear the continuous ringing of the fire alarm bells, please make your way out of the building in an orderly manner. The nearest exit from the Council Chamber and the Committee Rooms is through the main exit leading to Wellington Street (at the front of the building). Do not use the lift and do not stop to collect personal belongings. Once outside the Town Hall please make your way to the Assembly Point between Sainsbury's and The Vista via Market Street or Polytechnic Street

STANDARDS COMMITTEE		DATE 10 December 2012
TITLE Declarations of Interests		ITEM NO 3
CHIEF OFFICER Chief Executive		WARDS All

I. Decisions Required

The Committee is requested to:

- I.1 Note the list of Councillors' memberships (as Council appointed representatives) on outside bodies, joint committees and school governing bodies.
- I.2 Request that Members orally declare any personal or pecuniary interests, including those detailed, in specific items listed on the agenda as they relate to matters under discussion.

2. Members' Interests

- 2.1 Appended to this report is a list of the outside bodies, joint committees and school governing bodies that each member of this Committee has been appointed to by the Council or the Leader. The list does not include bodies with which a Member is involved in a personal or private capacity.

Personal interests

- 2.2 A Member has a personal interest in any business where it particularly relates to or is likely to affect:
- (a) them, or their spouse or civil partner, a person with whom they are living as husband and wife or as civil partners, and the Member is aware that they have the interest; or
- (b) any body of which the Member is in a position of general control or management and to which they are appointed or nominated by the Royal Borough; or

(c) any body of which the Member is in a position of general control or management and which exercises functions of a public nature, is directed to charitable purposes or one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

2.3 Members must declare the existence and nature of any personal interest at the start of the meeting, or when the interest becomes apparent. Members must say which item their interest relates to.

2.4 A Member who has a personal interest may stay, speak and vote, except where the business:

(a) affects the financial position of the Member or any person or body described in paragraph 2.2 above, or

(b) relates to determining any approval, consent, licence, permission or registration in relation to the Member or any person or body described in paragraph 2.2 above

Pecuniary Interests

2.5 A Member has a pecuniary interest where any business relates to or is likely to affect an interest set out in paragraph 8(2) of the Code of Conduct, and which is the Member's interest or the interest of a person described in paragraph 2.2(a) above.

2.6 Members must declare the existence and nature of any pecuniary interest at the start of the meeting, or when the interest becomes apparent. Members must say which item their interest relates to.

2.7 A Member who has a pecuniary interest must leave the meeting, but may attend to make representations, answer questions or give evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, and provided they leave the meeting immediately after doing so. The Member must not participate in the discussion nor the vote.

Background Papers

Minutes of the Annual Meeting of the Council – 16 May 2012

Minutes of the Joint Meeting of the Licensing Committee and Overview and Scrutiny Committee – 16 May 2012

ITEM NO: 3

PAGE NO: 2

Report Author: Robert Sutton, Committee Services Manager
Tel: 020 8921 5134
Email: robert.sutton@greenwich.gov.uk

Reporting to: Russell Power – Head of Law and Governance
Tel: 020 8921 5105
Email: russell.power@greenwich.gov.uk

APPENDIX

Councillor	Organisation	Governorship
Roberts	Children's Trust board (ex-officio)	
	Eltham Crematorium Joint Committee (Deputy)	
	Greenwich Partnership	
	Health & Well Being Partnership (Social Care Board)	
	LGA General Assembly	
	LGA Urban Commission	
	London Councils' Leaders' Committee	
Walker	John Roan Foundation	Henwick Primary School
	LGA General Assembly	
	Margaret McMillan Field Study Centre Trust Sub-Cttee	
Drury	Eltham United Charities	
Deputies		
Brooks	Eltham Crematorium Joint Committee (Deputy)	Windrush Primary School
	Gallions Housing Association	
	Greenwich Leisure Ltd	
	Greenwich Leisure Ltd - Libraries Board	
	Greenwich Partnership	
	Greenwich Service Solutions	
	GS Plus	
	London City Airport Consultative Committee (Deputy)	
	London Councils' Greater London Employment Forum	
	Margaret McMillan Field Study Centre Trust Sub-Cttee	
Gillman Janet	St Luke's Parochial Charities	Cherry Orchard Primary School
	Town Twinning Association Executive Committee	Pound Park Nursery School
	Wiseman & Withers Exhibition Foundation	

APPENDIX

Councillor	Organisation	Governorship
Glover	-	Newhaven Pupil Referral Unit
	Greenwich (Newhaven) Pupil Referral Unit	Crown Woods Secondary School
May	Environmental Protection UK (formerly NSCA)	
	Middle Park Community Centre	
	Widehorizons Outdoor Education Trust	
Wilson	John Roan Foundation	

STANDARDS COMMITTEE	DATE 10 December 2012	ITEM NO 4
TITLE Investigation into a complaint	WARD(S)	
CHIEF OFFICER Head of Law and Governance	CABINET MEMBER n/a	

I Decision required

- I.1 To agree to consider the information in Item 5 in closed session as it relates to an individual, as exempt information under the Local Government Act 1972, Schedule 12A, Part 1, paragraph 1 is likely to be made known and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- I.2 To agree that the information in Item 5 should not be released to the press or public.
- I.3 To decide whether the complaint detailed in item 5 constitutes a breach of the Code of Conduct and if so what action, if any, should be taken.

2. Report

- 2.1 The Royal Borough has established a Standards Committee to promote high standards of conduct by councillors and co-opted members. Its terms of reference include:
- (a) To draw up a protocol for receipt and consideration of complaints;
 - (b) To consider any written complaint that a member has failed to comply with the Code of Conduct and, if thought fit, to refer the complaint to the Chief Executive for investigation;
 - (c) To decide what action to take following an investigation, having sought and taken into account the views of an independent person appointed for that purpose.
- 2.2 As required by the Localism Act, 2011, the Royal Borough has agreed a local Code of Conduct to govern the behaviour of councillors and co-opted members. The Council on 31 October 2012 agreed the Procedure to deal with allegations that members have broken the Code. In line with the Act

the procedure includes provisions to ensure that the Independent Person is consulted after any investigation but before any decision by the Standards Committee on any allegation of misconduct. A copy of the procedure is attached at appendix I.

- 2.3 A complaint has been received in relation to an alleged breach of the Code by a Member. In line with the Procedure the Standards Committee, meeting in private, on 21 November 2012 considered the complaint and the investigation into the allegations and decided to proceed to a full hearing of the case.

3 Arrangements for the Hearing

- 3.1 The arrangements for the hearing are set out in section 6 of the attached procedure. In summary the hearing will be chaired by the independent Chair and both the investigating Officer and the Member complained against will have the opportunity to present their cases; call witnesses; and, can question the other party. The Member complained against has the right to be represented and the Committee is to be advised by the Monitoring Officer.

4. The Outcome

- 4.1 Following the submissions from the Investigating Officer and the Member complained against (or their representative) the Committee will retire and consider the matter. The views of the Independent Person must be sought and taken into consideration before the Committee takes any final decision on whether the Member's conduct constitutes a failure to comply with the Code and on any action to be taken.
- 4.2 If the Standards Committee decides that the Member has complied with the Code, it will consider whether it should make any recommendations to the Council.
- 4.3 If the Standards Committee decides that the Member has failed to comply with the Code, the measures available are a:
- Recommendation to Council that the Member be censured;
 - Recommendation to the Member's Group Leader (or in the case of ungrouped Members, a recommendation to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;

- Recommendation to the Leader of the Council that the Member be removed from the Cabinet, or removed from any of their portfolio responsibilities or from any other position of responsibility;
- Recommendation that the Member should be provided with training on specific matters;
- Recommendation to Council that the Member be removed from any or all outside body appointments to which they have been appointed or nominated by the Council;
- Decision to exclude the Member from the Council's offices or other premises, with the exception of meeting rooms necessary for attending Council, Committee and Sub-Committee meetings and constituent surgeries.

4.4 Subsequent to the meeting the Committee will publish a statement of its findings, including a summary of the reasons for these, in respect of the Member's conduct. There is no right of appeal.

Background Papers: Exempt

Report Author: Azuka Onuorah – Principal Lawyer
Tel: 020 8921 5165
Email: azuka.onuorah@royalgreenwich.gov.uk

Reporting to: Russell Power – Head of Law and Governance
Tel: 020 8921 5105
Email: Russell.power@royalgreenwich.gov.uk

Royal Borough of Greenwich

Standards Committee

Procedure for dealing with Complaints against Councillors Concerning Breaches of the Code of Conduct¹

I Introduction

- I.1 The Localism Act 2011 requires local authorities to establish arrangements to deal with allegations that Members have broken the Code of Conduct. The Royal Borough has already agreed a Code of Conduct and established a Standards Committee (including independent members) It has also appointed an Independent Person which is required under the Act.
- I.2 This procedure sets out the way in which complaints against councillors involving breaches of the Member's Code of Conduct are processed.
- I.3 The principles which underpin this procedure are:
- The procedure should be the same for all Members.
 - The procedure should be fair to the Member and complainant and should be seen to be fair.
 - A complaint should be copied to the Member complained of and to his/her Group Leader (or Deputy Leader if the matter involves the Group Leader).
 - Provision should be made for anonymous complaints and where a complainant wants to withhold his/her name.
 - The procedure should provide for complaints to be settled informally – by agreement/conciliation between the parties and/or through political Groups.
 - Complaints should be assessed to see whether they concern a breach of the code, and, if so, merit an investigation.
 - The procedure should set out criteria for assessing whether complaints merit an investigation, so that all complaints are, and can be seen to be, treated in a fair and transparent way.
 - The report of any investigation will be sent to the Independent Person.
 - The Standards Committee will consider the report of any investigation and the views of the Independent Person and decide whether there should be a hearing or whether other action is appropriate.
 - This procedure will be published on the website.

¹ Procedure adopted by the full Council on 31 October 2012

1.4 The procedure has stages as follows:

Stage 1	Receiving a Complaint
Stage 2	Initial Assessment of a Complaint
Stage 3	The Investigation
Stage 4	Standards Committee Consideration of the Investigator's Report
Stage 5	Hearing
Stage 6	Outcome

2 Stage 1: Receiving a Complaint

- 2.1 A complaint must be made in writing to the Chief Executive, who will acknowledge receipt and if necessary seek further information from the complainant.
- 2.2 The Chief Executive will consult with the Monitoring Officer on whether the complaint appears to involve a breach of the Code of Conduct. The Chief Executive will inform the Group Leader of the Member complained against (or the Deputy Leader if the complaint concerns the Leader). If there is a potential breach of the Code, a copy of the complaint will be sent to the Member complained against unless the Chief Executive decides that this would prejudice any investigation.
- 2.3 Where the complainant has requested confidentiality, their name will not be disclosed if the Chief Executive decides they reasonably believe that they or any witness may be at risk of physical harm, or their employment may be jeopardised, or there are medical risks (supported by medical evidence) or the complaint is pursued via the Whistleblowing Procedure.
- 2.4 If the Chief Executive refuses a request for confidentiality, she/he will offer the complainant the option to withdraw the complaint, rather than proceed with their name being disclosed. However, the Chief Executive will determine whether the public interest in taking action on a complaint will outweigh the complainant's wish to have their name withheld.
- 2.5 Investigating complaints is costly and time consuming. Many complaints can be dealt with more rapidly and effectively if an informal resolution of the matter can be achieved.

Therefore, upon receipt of a complaint the Chief Executive will explore the potential for an informal resolution in discussion with the relevant Group Leader, or if the complaint involves them, the Deputy Group Leader.

2.6 If the matter is resolved informally, the complaint will not proceed further.

3. Stage 2 : Initial Assessment of a Complaint

3.1 The Member complained against may, within 5 working days of receiving the complaint, make written representations which the Chief Executive and the Standards Committee must take into account when considering how the complaint will be dealt with. Later representations may be taken into account at the discretion of the Chief Executive or the Standards Committee.

3.2 The Chief Executive will consider the complaint and any comments from the Member complained against and the relevant Group Leader (or Deputy Group Leader if the matter involves the Group Leader) and in consultation with the Independent Person, and will decide:

- whether the complaint, if proven, would show a failure to comply with the Code, and if so:
- whether the complaint would justify an investigation.

3.3 Factors which will be taken into account in deciding whether a complaint would justify an investigation include:

- whether the complaint merits an investigation for reasons of protection of the Council's reputation, the principle of transparency or to uphold the reputation of the democratic process;
- whether the complaint has already been the subject of an investigation, scrutiny, or other action;
- whether other actions would be more appropriate, such as training, conciliation or mediation or reviewing procedures;
- whether the complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat;

- whether the complaint is about something that happened a long time ago. This is both because, where a matter is serious, it would be reasonable to expect the complainant to make a complaint promptly, and because the passage of time may make it more difficult to obtain documentary and reliable witness evidence;
- Whether the Member complained of has made a reasonable offer of local/informal resolution.

4. Stage 3 : The Investigation

- 4.1 If the outcome of the process of considering a complaint is that an investigation is warranted, the Chief Executive will appoint an investigator who will carry out an investigation and write a report. The Chief Executive will inform the Members of the Standards Committee that an investigation is taking place. The report will be expected to address whether the Member has a case to answer in terms of breaches of the Code of Conduct.
- 4.2 The Investigator will provide the report to the Chief Executive, who will send a copy to the Member complained of, the relevant Group Leader (or Deputy Group Leader if the matter involved the Group Leader), the Monitoring Officer and the Independent Person.

5. Stage 4 : Standards Committee Consideration of the Investigator's Report

- 5.1 The Standards Committee, meeting in private, will receive a copy of the Investigator's report, together with the views of the Independent Person (either in writing or via attendance at the meeting). The Standards Committee will consider whether the complaint should be considered at a hearing of the Standards Committee or whether a local resolution can reasonably be achieved.

6. Stage 5 : Standards Committee Hearing

- 6.1 If the Standards Committee decides to proceed to a hearing, the Monitoring Officer will send a copy of this procedure to the Member complained against and ask for a written response within ten working days as to whether the Member wishes:
 - to be represented at the hearing (at their own expense) by a solicitor, barrister or any other person;

- to give evidence, either orally or in writing;
- to call witnesses to give evidence.

The Member complained against will be requested to indicate whether they disagree with any findings of fact in the investigator's report, citing the reasons why she/he disagrees.

- 6.2 The Monitoring Officer will also send a copy of the Member's response to the Investigator and ask for a written response within ten working days as to whether the Investigator wishes to call witnesses to give evidence.
- 6.3 At least two weeks before the date of the hearing, the Monitoring Officer will consult with the Chair of the Standards Committee on the arrangements for the hearing and will then advise the Member, the investigator and any witnesses. The Monitoring Officer, in consultation with the Chair, shall determine whether all or part of the hearing should be held in private and whether any documents should be withheld from the public.
- 6.4 The Chair, or another independent member in his or her absence, will chair the hearing. A member of the Standards Committee may not take part if he or she is the subject of the report, or is the complainant or closely associated with the complainant, or is a potential witness to the complaint.
- 6.5 The Member complained against may be represented or accompanied during the hearing by a solicitor, barrister or any other person. The representative or companion should have no conflict of interest in the matter and should not be in a position to exert influence over the Committee.
- 6.6 The Standards Committee may take legal advice from the Monitoring Officer at any time. The Monitoring Officer will be in attendance at the hearing.
- 6.7 The Investigator will be asked to present the case and the Committee and the Member complained against may question the Investigating Officer and any witnesses. The Member (or their representative) will then be asked to present his or her case and the Committee and the Investigator may question the Member or their witnesses. The Investigator and the Member will be expected to address in their presentations:
 - Disagreements on facts.
 - Whether there has been a failure to follow the Code of Conduct.

7. Stage 6 : The Outcome

- 7.1 The Standards Committee will then retire and consider the matter. The views of the Independent Person must be sought and taken into consideration before the Committee takes any final decision on whether the Member's conduct constitutes a failure to comply with the Code and on any action to be taken.
- 7.2 The Standards Committee will notify the Member and complainant of the decision in writing and will include their reason for this.
- 7.3 If the Standards Committee decides that the Member has complied with the Code, it will consider whether it should make any recommendations to the Council.
- 7.4 If the Standards Committee decides that the Member has failed to comply with the Code, the measures available are a:
- Recommendation to Council that the Member be censured;
 - Recommendation to the Member's Group Leader (or in the case of ungrouped Members, a recommendation to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommendation to the Leader of the Council that the Member be removed from the Cabinet, or removed from any of their portfolio responsibilities or from any other position of responsibility;
 - Recommendation that the Member should be provided with training on specific matters;
 - Recommendation to Council that the Member be removed from any or all outside body appointments to which they have been appointed or nominated by the Council;
 - Decision to exclude the Member from the Council's offices or other premises, with the exception of meeting rooms necessary for attending Council, Committee and Sub-Committee meetings and constituent surgeries.
- 7.5 The Standards Committee will agree and publish a statement of its findings, including a summary of the reasons for these, in respect of the Member's conduct.

7.6 There is no Appeal Mechanism.

CLOSED SESSION

Items of business set out in the 'Exempt' Section of the agenda contain information which is either:

- a. exempt from the provisions of the Local Government Act 1972, Schedule 12A, because it discloses information about an individual's personal, financial or business affairs, negotiations for land, goods or services, legal proceedings, etc;

OR

- b. confidential, which is defined in the above Act as:
 - information rendered confidential under any Act or Court Order;
 - information provided by the Government in terms forbidding publication.

Therefore, the rest of this meeting will be in **CLOSED SESSION** and the public (including the press) are requested to leave.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

