



Standards Committee
27 November 2017

Report from the Chief Legal Officer

Update on Standards Matters

Wards Affected:	All
Key or Non-Key Decision:	Not applicable
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	None
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Looqman Desai, Senior Solicitor (Governance) (ext.1366)

1.0 Purpose of the Report

- 1.1 This report proposes a change to the Members' Code of Conduct Complaints Procedure, informs Members of a review of local government standards and updates Members on gifts and hospitality registered by Members in the last quarter.

2.0 Recommendation(s)

That the Committee:

- 2.1 Approve the proposed change to the Members' Code of Conduct Complaints Procedure.
- 2.2 Note the contents of this report.

3.0 Detail

Members' Code of Conduct Complaints Procedure

- 3.1 When at its meeting on 29 June 2017, the Standards Committee considered recent case law on freedom of information requests relevant to standards complaints, it brought into sharp focus one particular issue.
- 3.2 Namely, according to the Council's Members' Code of Conduct Complaints procedure, if a complaint is formally investigated, the complainant and the member concerned must be given the opportunity to comment on the draft investigation report. However, a complaint can be made by anyone, including someone with no involvement in the matter being investigated. For example, a complaint can be made based on second-hand information or a news report. Clearly, a draft investigation report which could be subject to change (and which may also contain personal information) has to be kept confidential as disclosure could be prejudicial to a fair determination of the complaint. Furthermore, unlike the former standards regime, the statutory rules no longer require complainants to keep draft reports confidential.
- 3.3 Against that background, it is proposed that in order to safeguard the integrity of a standards investigation the complaints procedure should be amended to qualify the requirement to seek comments and views on a draft report from the complainant.
- 3.4 The Council's Constitutional Working Group has been consulted about the change and expressed their general approval subject to the right to withhold disclosure being exercised in exceptional circumstances only and a requirement for it to be justified in the report itself.
- 3.5 Currently, paragraph 3 of Annex 2 to the complaints procedure states the following:
- "At the end of the investigation, the investigating officer will produce a draft report and will seek comments and views on the draft report from the complainant and the member against whom the complaint has been made."*
- 3.6 It is proposed that paragraph 3 be amended as follows:
- "At the end of the investigation, the investigating officer will produce a draft report and will seek comments and views on the draft report from the member against whom the complaint has been made and, except in exceptional circumstances, the complainant. If a draft report is not sent to the complainant for comment an explanation must be provided in the report."*

A review by the Committee on Standards in Public Life

- 3.7 The Committee on Standards in Public Life (CSPL) is to undertake a review of local government standards during 2017/18.
- 3.8 In its Annual Report and Forward Plan 2017/18, the watchdog said it "maintains a longstanding interest in local government standards, and regularly receives correspondence from members of the public expressing their concern about this issue".

3.9 The CSPL added that it had actively conducted research and engaged with partners on this subject throughout 2016-17.

3.10 It said the review would be based around a consultation that will be launched in early 2018. "Based on the submissions to this review and meetings with key stakeholders, we intend to publish our findings and recommendations in 2018."

Gifts and hospitality update

3.11 From 20 September 2017 to 15 November 2017, the following gifts and hospitality have been registered by Members.

Name	Date Received	Gifts and hospitalities
Councillor Bhagwanji Chohan	18/10/17	Hamper for Diwali. Estimated value £35. Received from Jaysam Ltd.
Councillor Muhammed Butt	27/10/17	London Tigers Annual Achievement Awards Ceremony and Dinner. Value unknown. Hospitality received from Mesba Ahmed, Chief Executive London Tigers.
	12/11/17	MTV European Music Awards x 4 tickets. Value unknown. Hospitality received from John Drury, VP & General Manager, The SSE Arena, Wembley.
Councillor Reg Colwill	14/10/17	Two tickets for George Groves vs. Jamie Cox boxing match received from Wembley Arena. No value specified.
Councillor Shama Tatler	27/10/17	London Tigers Annual Achievement Awards Ceremony and Dinner. Value unknown. Hospitality received from Mesba Ahmed, Chief Executive London Tigers.
Councillor Zaffar Van Kalwala	30/09/17	Match ticket for England vs. Slovakia. Estimated value over £50. Received from Daniels Estate Agent.

4.0 Financial Implications

4.1 None.

5.0 Legal Implications

5.1 These are contained within the report.

6.0 Equality Implications

6.1 None.

7.0 Consultation with Ward Members and Stakeholders

7.1 Not applicable.

8.0 Human Resources/Property Implications (if appropriate)

8.1 Not applicable.

Report sign off:

This report is being taken in the name of the Chief Legal Officer and does not require Strategic Director sign-off.