



Standards Committee

21 March 2016

Report from the Chief Legal Officer

For Action

Wards Affected:
ALL

Members' Code of Conduct Complaints Procedure and Independent Members

1.0 Summary

- 1.1 This report asks Members to approve a new procedure for dealing with Members' Code of Conduct complaints and to recommend to Full Council that the number of Independent Members appointed to the Committee be increased.

2.0 Recommendations

- 2.1 That the Committee approves the Members' Code of Conduct Complaints Procedures attached to this report.
- 2.2 That the Committee recommends to Full Council that two additional Independent Members be appointed to the Committee.

3.0 Detail

Members' Code of Conduct Complaints Procedure

- 3.1. At the last meeting of the Standards Committee on 7 January 2016, the Monitoring Officer/Chief Legal Officer agreed to review the procedure for dealing with Members' Code of Conduct complaints and report any proposed changes to the Committee for discussion and approval.
- 3.2 Having considered the procedures adopted by other councils, as well as factoring in local experience based learning, attached at Appendix 1 is a new procedure for Members' consideration, discussion and approval.
- 3.3. The document at Appendix 1 sets out the following:

- 3.3.1 The procedure for submitting a complaint alleging that the Members' Code of Conduct has been breached. Namely, all complaints must be submitted in writing and complainants are encouraged to use the Council's complaint form.
- 3.3.2 The procedures that will be followed in dealing with such complaints.
- 3.3.3 In outline, the Monitoring Officer will carry out an initial assessment of the complaint and the initial assessment criteria are listed (see paragraph 3.2). At this formative stage, it is not considered necessary to seek the views of the Independent Person because of the need to deal with complaints proportionately, expeditiously and cost effectively.
- 3.3.4 At paragraph 3.5 the next steps for complaints which have cleared the initial assessment are set out. At this stage, the Monitoring Officer will consult the Independent Person and decide the course the complaint should take (see Step 4).
- 3.3.5 Criteria for assessing complaints at this stage are listed and both the complainant and the subject member will have (limited) review rights (see Step 6). The review will be conducted by the Monitoring Officer following consultation with the Independent Person.
- 3.3.6 Investigation procedures (see Annex 2) and Standards Committee hearing procedures (see Annex 3) are also detailed.

The Appointment of two additional Independent Members

- 3.4 The membership of the Standards Committee is required to be based on the political balance of the membership of the Council unless a departure from the so-called proportionality or political balance rules is agreed (without dissent) by Full Council. Currently, the membership of the Committee comprises of 5 elected Members: 4 Labour Group Members and 1 Member of the Brent Conservative Group.
- 3.5 In addition, and in accordance with good practice, the membership of the Committee also extends to a non-voting Independent Member. The role of the Independent Member strengthens the Council's corporate governance arrangements and, in particular, adds greater objectivity and legitimacy to decision making. Independent Members provide an independent and external perspective on Member conduct and standards issues in relation to setting standards for Members' conduct and enforcing those standards in the event of a complaint. Independent Members also bring to bear their own experiences and knowledge when giving their views and in that respect ensure a diverse range of views are taken into account.
- 3.6 In recognition of the value of Independent Members on the Committee, it is proposed that two additional Independent Members be appointed.
- 3.7 If the Committee agree, the recruitment process will commence as soon as possible. It is proposed that the Chief Executive, Monitoring Officer and Chair of the Standards Committee short-list suitable candidates for interview and make recommendations to the Full Council. Ultimately, it is for Full Council to decide the membership of the Standards Committee and to decide whether to

increase the number of Independent Members and make individual appointments.

4.0 Financial Implications

4.1 In accordance with the Members' Allowance Scheme for 2016/17, Independent Members of the Standards Committee will receive an annual allowance of £423.

5.0 Legal Implications

5.1 The legal requirements relating to the Members' Code of Conduct and the Standards regime are set out in the Localism Act 2011 and have been incorporated into the new complaints procedure. The other legal implications have been noted in the report.

6.0 Diversity Implications

6.1 None.

7.0 Staffing Implications

7.1 None.

Background papers

None

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