

Legal Services, Law & Governance

7 Newington Barrow Way, London, N7 7EP

Report of: Interim Director of Law & Governance and Monitoring Officer

Meeting of: Standards Committee

Date: 15 March 2023

Subject: Review of Arrangements for Dealing with Standards Allegations

1. Synopsis

- 1.1. To seek the Standards Committee's approval of a revision of the council's Arrangements for Dealing with Standards Allegations (June 2012) ("the Procedure") to ensure that it is up to date, accessible and fit for purpose.

2. Recommendations

- 2.1. To approve the revised Procedure as set out in **Appendix B**.

3. Background

- 3.1. The Standards Committee is responsible for:
 - a) Advising the council on the adoption or revision of the council's Member Code of Conduct ("the Code");
 - b) Considering whether complaints of breach of the Code should be investigated and hearing complaints which have been investigated.
 - c) Agreeing procedures for investigation of complaints of breach of the Code.
- 3.2. The system of regulation of standards of councillor conduct in England is governed by the Localism Act 2011. Local authorities must have in place arrangements under which allegations that a member has failed to comply with the authority's code of conduct can be investigated and decisions on allegations be made. As part of those arrangements, they must appoint at least one

Independent Person whose views must be sought and taken into account before making a decision on an allegation that it has decided to investigate.

3.3. The council has adopted a Code of Conduct for its members which is in Part 6 of the Constitution which is on the council's website.

3.4. The following tables summarise the complaints received about councillors over the past three complete municipal years. The Standards Committee was not convened to consider any complaints during this period.

2021-22				
	Complainant	Topic	Formal complaint	Outcome
1	Member of the public	That a councillor had blocked him on their personal Twitter account.	N	The complainant did not proceed with a formal complaint.
2	Member of the public	That a councillor encouraged them to breach the General Data Protection Regulations	N	The complainant did not proceed with a formal complaint.
3	Councillor	That a councillor made a defamatory statement about another councillor during a Council meeting.	Y	An initial investigation was undertaken which recommended that the Monitoring Officer exercise discretion and the complaint was not referred to the Standards Committee because it could reasonably be construed that the councillor legitimately exercised their freedom of expression under Article 10 ECHR and that, within the context of political debate in the Council Chamber, the councillor's comments attracted the enhanced

				protection afforded to political speech and debate.
4	Member of the public	That a councillor failed to act on information supplied regarding systematic abuse of children and staff by Islington social care managers and others.	Y	The complainant did not respond to requests for information necessary to undertake an initial assessment of their complaint.
5	Member of the public	That a councillor mocked a petition submitted to a Council meeting and belittled the member of the public presenting it.	N	The complainant did not proceed with a formal complaint.
6	Member of the public	That a councillor mocked a petition submitted to a Council meeting and was inconsiderate, inappropriate and condescending.	N	The complainant did not proceed with a formal complaint.
7	Member of staff	That a councillor failed to provide information requested.	Y	The complaint did not fall within the provisions of the Member Code of Conduct.
8	Three Members of the public	That a councillor canvassed inappropriately.	Y	The complaint did not fall within the provisions of the Member Code of Conduct.
9	Two Members of the public	That a councillor canvassed inappropriately.	Y	The complaint did not fall within the provisions of the Member Code of Conduct.

2020 - 2021					
	Members involved	Complainant	Topic	Formal complaint	Outcome
1	1	Member of the public	A Tweet posted by a councillor	N	The complainant did not proceed with a formal complaint.
2	1	Member of the public	Two Tweets posted by a councillor	N	The complainant did not proceed with a formal complaint.
3	1	Member of the public	That a councillor pre-determined a Planning application	N	The complainant did not proceed with a formal complaint.
4	1	Member of the public	That a councillor inappropriately granted permission for a memorial.	N	The complainant did not proceed with a formal complaint.
5	1	Member of the public	Past conduct of a councillor, prior to their election	N	The complainant did not proceed with a formal complaint.
6	1	Member of the public	The decision to introduce Low Traffic Neighbourhoods was discriminatory.	N	The complainant was advised the decision was made by the Executive collectively and not an individual councillor. The resident did not proceed with a formal complaint.

7	1	Member of the public	Complaint about the introduction of a Low Traffic Neighbourhood		The complainant did not proceed with a formal complaint.
8	3	Member of the public	Lack of response by Ward councillors to emails regarding Highbury Meadows.	N	The complainant did not proceed with a formal complaint.
9	1	Member of the public	A tweet by a councillor.	N	The complainant withdrew the complaint prior to an investigation taking place.
10	1	Member of the public	Complaint about the introduction of a Low Traffic Neighbourhood	N	The complainant did not proceed with a formal complaint.
11	3	Member of the public	Ward councillors not responding to emails.		The Code of Conduct for councillors does not require councillors to respond to every communication. The resident was advised that no breach of the Code of Conduct had occurred.

2019 - 2020					
	Members involved	Complainant	Topic	Formal complaint	Outcome
1	1	An ex-member of staff	Conduct of a councillor	Y	An independent investigation is being carried out, which it is expected will conclude shortly.
2	1	Member of staff	Tweet by a councillor	N	The complainant chose not to proceed with a formal complaint.
3	2	Member of the public	Conduct of a consultation meeting	Y	An initial informal investigation showed that the complaint related to service provision and was not a member standards complaint.
4	1	Member of the public	Tweet by a councillor	N	The complainant chose not to proceed with a formal complaint.

3.5. The council has in place Arrangements for Dealing with Standards Allegations (**Appendix A**) which sets out how allegations that one or more of its members has failed to comply with the Code can be investigated and decisions on allegations can be made. The Procedure is not currently published on the council's website but it needs to be.

3.6. The current version of the Procedure, drafted in June 2012, requires updating.

3.7. To ensure that the procedure is clearer, more concise, and user-friendly, the main aspects for review are as follows:

- (a) Whether hearings should be held in public;
- (b) Clarity on pre-investigation steps and timescales;
- (c) More detailed guidance on informal resolution of complaints;
- (d) Earlier and increased involvement of the Independent Person(s);
- (e) Confidentiality of information received during the course of an investigation;
- (f) Timescales for investigation;
- (g) Timescales for the Independent Person's report;
- (h) Pre-hearing process;
- (i) Factors to be taken into account by the Committee in reaching its decision;
- (j) Sanctions and considerations to be taken into account;
- (k) Publication of the Committee's findings;
- (l) Updating the complaints procedure flowchart;

3.8. Officers have reviewed the current Procedure against the Local Government Association's Member Model Code of Conduct Complaints Handling guidance and have reviewed the Procedures of other (London) local authorities.

3.9. Officers have also consulted the Independent Person, Luke Rigg, in the re-drafting of the Procedure, and have invited him to attend the Committee meeting on 15 March 2023 to provide his views.

3.10. Officers recommend the Standards Committee to approve the revised version of the Procedure at **Appendix B**.

4. Implications

4.1. Financial Implications

There are no financial implications.

4.2. Legal Implications

Under Section 28 of the Localism Act 2011, local authorities (other than parish and town councils) must have in place 'arrangements' under which allegations that an elected or co-opted councillor of the authority or of a town or parish council within the principal authority's area has failed to comply with the authority's Code of Conduct can be considered and decisions made on such allegations. It is for the principal authority to decide the details of those arrangements, but they must appoint at least one Independent Person whose views are to be taken into account before making a decision on a complaint that they have decided to investigate.

4.3. **Environmental Implications and contribution to achieving a net zero carbon Islington by 2030**

There are no environmental implications.

4.4. **Equalities Impact Assessment**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

There is no impact on equalities matters at this stage.

5. Conclusion and reasons for recommendations

5.1. The Committee is asked to consider and approve the revised Procedure.

Appendices:

Appendix A - Arrangements for Dealing with Standards Allegations (June 2012)

Appendix B – Arrangements for Dealing with Complaints under the Members' Code of Conduct (2023)

Background papers: None

Final report clearance:

Authorised by: **Marie Rosenthal, Interim Director of Law & Governance and Monitoring Officer**

Date: 23 February 2023

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