

Standards Committee

Agenda

Wednesday 20 July 2011

7.00 pm

Committee Room 4 - Hammersmith Town Hall

MEMBERSHIP

Administration:	Opposition	Independent Members
Councillor Adronie Alford Councillor Nicholas Botterill Councillor Donald Johnson	Councillor Stephen Cowan Councillor Lisa Homan	Joyce Epstein Grace Moody-Stuart Steven Moussavi

CONTACT OFFICER: Gary Marson
Principal Committee Co-ordinator
Councillors Services
☎: 020 8753 2278
E-mail: gary.marson@lbhf.gov.uk

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[http://www.lbhf.gov.uk/Directory/Council and Democracy](http://www.lbhf.gov.uk/Directory/Council_and_Democracy)

Members of the public are welcome to attend. A loop system for hearing impairment is provided, along with disabled access to the building.

Date Issued: 11 July 2011

Standards Committee Agenda

20 July 2011

<u>Item</u>		<u>Pages</u>
1. ELECTION OF CHAIRMAN	The Constitution provides that the Committee shall elect its own Chairman with the intention that this shall be one of the appointed independent members on annual rotation.	
2. MINUTES	To approve as an accurate record, and the Chairman to sign, the minutes of the meeting of the Committee held on 24 March 2010.	1 - 3
3. APOLOGIES FOR ABSENCE		
4. DECLARATION OF INTERESTS	If a Councillor has any prejudicial or personal interest in a particular report he/she should declare the existence and nature of the interest at the commencement of the consideration of the item or as soon as it becomes apparent. At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a prejudicial interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken, unless a dispensation has been obtained from the Standards Committee. Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration, unless the disability has been removed by the Standards Committee.	
5. FUTURE OF THE STANDARDS REGIME	This report provides an update on the passage of the Localism Bill through Parliament. A further report will be circulated to Members at a later date in order to determine the future of the Standards regime at H&F.	4 - 9
6. MEMBERS ALLOWANCES OUTTURN REPORT 2010/11	This report responds to a request from the Committee to receive annually a report on the Members' Allowances Scheme and the amount each Member was paid in the previous year.	10 - 17

7. LOCAL ASSESSMENT OF COMPLAINTS

18 - 30

This report outlines the activity of the Assessment and Review Sub-Committees in determining complaints against Members of the Council.

Agenda Item 2



London Borough of Hammersmith & Fulham

Standards Committee Minutes

Wednesday 24 March 2010

PRESENT

Committee members: Councillors Adronie Alford and Lisa Homan

Independent members: Joyce Epstein (Chairman) and Christopher Troke

Officers: Kayode Adewumi (Head of Councillors' Services) and Sue Perrin (Committee Co-ordinator)

1. MINUTES

RESOLVED THAT:

The minutes of the meeting held on 4 November 2009 be confirmed and signed as an accurate record of the proceedings.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Botterill, Cowan and Johnson, Steven Moussavi, Grace Moody-Stuart and Michael Cogher.

3. DECLARATION OF INTERESTS

All Members declared a personal interest in that, should they be re-elected in the forthcoming elections, their Induction Programme for May 2010 was set out in item 5.

4. STANDARDS FOR ENGLAND BULLETIN 47

The Committee noted the Standards for England Bulletin 47.

5. MEMBERS' INDUCTION PROGRAMME FOR MAY 2010

All Members declared a personal interest in that, should they be re-elected in the forthcoming elections, their Induction Programme for May 2010 was set out in this item 5.

The Committee noted the outline arrangements for the Member Induction programme, which would be held immediately after the election.

It was highlighted that the officer telephone contact list circulated at the beginning of their term of office became out of date quite quickly. Therefore, 6-monthly updates should be circulated to Members. The Head of Councillors' Services confirmed that the Declaration of Acceptance of Office would be signed on the night of the election, wherever possible, and that the code of conduct would be signed as part of the Declaration. Members noted the increased use of social networking sites as a means of communication. Written protocols and guidance were required so that Members knew the Do's and Don'ts. A preference for information to be supplied in different formats such as CDs and hard copies was expressed.

RECOMMENDED THAT:

1. Information provided to Councillors be available in different formats.
2. Information on contact personnel be regularly updated.
3. Guidance on IT issues and the use of social networks be included in the programme.
4. Members receive a six-monthly update of key officer contacts within the Council.

6. DRAFT ANNUAL REPORT

The Committee received the draft Annual Report, which would be updated to show that two local complaints cases had been considered.

7. OUTCOME OF COMPLAINT

The Committee noted that, since the last meeting, the Council had received one complaint against a Councillor and that a meeting of the Assessment Sub-Committee, held on 2 February 2010, had decided to take no action.

8. FEEDBACK FROM SEMINARS

The Committee considered that the joint meeting with Kensington & Chelsea had been successful. The success was due to the keynote speaker Bob Chilton, Chairman of Standards for England. The Committee noted that the feedback

report on the issues discussed at the London Standards Committee Network event held at the GLA was quite interesting. An unresolved question was whether the number of complaints received was a reflection of the level of publicity and transparency of the process or high level of ethical standards.

9. STANDARDS COMMITTEE WORK PROGRAMME

The Committee noted proposed items for the Work Programme for 2010/2011.

RESOLVED THAT:

Use of Social Networks and Blogging be added to the work programme.

Meeting started: 7.00 pm
Meeting ended: 7.30 pm

Chairman Joyce Epstein

Contact officer: David Bays
Committee Co-ordinator
Councillors Services
☎: 020 8753 2628
E-mail: david.bays@lbhf.gov.uk

STANDARDS COMMITTEE



20 JULY 2011

Summary

This report provides an update on the passage of the Localism Bill through Parliament. A further report will be circulated to Members at a later date in order to determine the future of the Standards regime at H&F.

WARDS

ALL

RECOMMENDATIONS that:

- i) the report be noted; and
- ii) the Monitoring Officer draft detailed proposals for the Committee's considered once the bill has been agreed.

CONTRIBUTORS

**ADLADS
HCS**

1. Background

The Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007 set out the powers and duties of the Standards Board for England. The Local Government Act 2000 introduced the Code of Conduct for members which was enforced by the Standards Board.

In response to criticism of the regulation being over centralised and unnecessarily bureaucratic, the local standards framework was remodelled in May 2008 by the Local Government and Public Involvement in Health Act 2007. This allowed most complaints about members' behaviour to be dealt with at a local level by local authorities Standards Committee. The Standards Committees were required to set up sub committees responsible for assessing complaints, initiating investigations and, where appropriate, deciding whether a member has breached the Code of Conduct.

2. Localism Bill

Following the General Election in May 2010, the Government announced in the Queen's Speech that the Decentralisation and Localism Bill would include proposals to "abolish the Standards Board regime". The abolition of the Standards Board regime will:-

- revoke the model code of conduct for councillors,
- abolish the need for a local authority to have a statutory Standards Committee and
- abolish the Standards Board for England.

While the Standards Board regime is being abolished, the Localism Bill will make it a criminal offence to deliberately withhold or misrepresent a personal interest. A copy of the press release is attached as appendix 1.

3. Interim Measures

There are no clear details of the scope or implications of proposals to "abolish the Standards Board regime". In the Interim, the Chair of Standards for England (SfE), Bob Chilton, wrote to all Chairs of Standards Committees that the statutory framework remains operative so any local complaints which the Committee decides cannot be handled locally will continue to be referred to the SfE. The SfE will continue to support the work of local Standards Committees. The SfE expects Standards Committees in turn to continue with its statutory duties including the assessment of allegations. The Council has continued to hear local complaints.

4. Next Steps

The Localism Bill 2010/11 received its First Reading in the House of Commons on 13 December 2010 and its Second Reading on 17 January 2011. The Bill completed its passage through the House of Commons on 18 May and was

introduced in the House of Lords the day after. It received its Second Reading there on 7 June and is scheduled to commence Committee stage from 20 June. 2011. Once it has passed through the House of Lords it will return to the House of Commons for consideration of the House of Lords amendments. This is likely to be after the summer recess and so the Bill is unlikely to receive Royal Assent until the autumn.

There are a wide range of options which the Council could explore if the Council's Standards Committee would cease to exist. Any residual functions could have to be passed to other committees. In such a scenario, it is unclear who would deal with complaints against councillors. This would be a challenging task for any officer to perform the function without the support of a committee. Another alternative, is for a Standards Committee to operate with a voluntary code which the Council would adopt. This would not include any enforceable sanctions but might possibly have powers of censure. The Council could also agree that the Code of Conduct be enforced via the Monitoring Officer and Whips alone.

As the future of the Standards regime is still unclear, once the bill has been passed, a further report will be circulated to Members to determine the future of the Standards regime at H&F.

5 Comments of The Assistant Director of Legal and Democratic Services

The comments of the Assistant Director of Legal and Democratic Services are contained within the report.

6. Comments of The Director of Finance and Corporate Services

There are no financial implications contained within the report.

LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Policy Briefing on the progress of the Localism Bill	Tom Conniffe xt 2195	FCS Room 039 , Ground floor, Town Hall.

Stunell - Corrupt councillors will go to court not Standards committees

Published 20 Sept 2010

Serious misconduct for personal gain will be a criminal act, while petty local vendettas will no longer get a hearing as the unpopular standards board regime is axed, Communities Minister Andrew Stunell announced today.

Mr Stunell said the top-down regime set up by central government to monitor council conduct had become a vehicle for malicious and frivolous complaints. For example, one authority had to fork out £160,000 after receiving over 170 complaints from the same person. Each one had to be examined, but only three were considered worth investigating and after investigation all were dismissed.

Local Standards Committees investigated 6,000 complaints in the first two years - of which over half were judged not worthy of any further action. The Government is axing the entire Standards regime including the central board, which costs over £6 million a year; with investigations of complaints costing thousands of pounds each.

Genuine corruption in local government needs to be rooted out and the new Government is legislating to make serious misconduct a criminal offence dealt with by the courts not committees. Councillors will have to register certain personal interests in a publicly available register.

Ministers believe these changes will give voters the confidence that councillors who misuse their office will be effectively dealt with. While councillors themselves will have the confidence to get on with their job knowing they won't be plagued by petty allegations.

Public will decide councillors' fates

Under new plans the public will also have greater confidence to challenge poor local services. The Government intends to give the Local Government Ombudsman, the established body for investigating public complaints over the way they have been treated by their council, real teeth. For the first time local authorities will be legally compelled to implement the Ombudsman's findings.

Andrew Stunell said:

"The Standards Board regime ended up fuelling petty complaints and malicious vendettas. Nearly every council had investigations hanging over them - most of which would be dismissed but not before reputations were damaged and taxpayer money was wasted. Frivolous allegations undermined local democracy and discouraged people from running for public office.

"That's why we are axing the unpopular and unelected standards board regime. Instead we will legislate to ensure that if a councillor is corrupt and abuses their office for personal gain they will be dealt with in the criminal courts. If a councillor behaves ineffectively or irresponsibly then it's a matter for the electorate not an unelected quango.

"This Government is freeing councillors from central prescription and top down bureaucracy so they can get on with their job. In the future councillors must expect to be judged at the ballot box by an electorate with real access to their accounts and personal interests in a new transparent era."

Communities Secretary Eric Pickles added:

"The standards board regime became the problem, not the solution. Unsubstantiated and petty allegations, often a storm in a teacup, damaged the reputation and standing of local government, as well as wasting taxpayers' money.

"But by abolishing the failed standards committees we're not letting councillors off the hook. Failure to register or declare an interest, or deliberately seeking to mislead the public about an interest, will become a criminal offence while a newly empowered Local Government Ombudsman will investigate incompetence on behalf local people."

The Government will also legislate to make it clear that councillors can campaign and vote freely on their issues. Councillors who have been prevented from speaking on the very issues they had been elected on, such as planning matters, will now have the freedom to express their views.

But councillors will have to register certain personal interests in a publicly available register; this could include anything that could reasonably be regarded as likely to influence or affect their actions, conduct when on business for the authority or voting.

The whole Standards Board regime consisting of a centrally prescribed code of conduct, standards committees with the power to suspend councillors and an unelected central body will be axed in the upcoming Localism Bill.

However councillors will have to conform to the highest standards of conduct. At present if a councillor abuses their position for personal gain it may result in a complaint to the local authority's standards committee with the councillor simply having to apologise. New legislation will make failing to register an interest, or deliberately seeking to mislead the public about an interest a criminal offence.

STANDARDS COMMITTEE



20 JULY 2011

MEMBERS' ALLOWANCES OUTTURN REPORT

WARDS

Summary

ALL

This report responds to a request from the Committee to receive annually a report on the Members' Allowances Scheme and the amount each Member was paid in the previous year.

CONTRIBUTORS

RECOMMENDATION that;

**ADLADS
HCS**

the Standards Committee notes the 2011/12 Members' Allowance Scheme and the 2010/11 outturn, as circulated.

1. Background

1.1 At its meeting in November 2009, the Committee received a report outlining the allowance received by Councillors, Independent and co-opted Members sitting on Committees.

1.2 Local authorities are required to adopt a Members' Allowances Scheme on an annual basis, with effect from 1 April each year. When amending its Members' Allowances Scheme, a Council must pay regard to the recommendations of its Independent Remuneration Panel. The main allowances paid are basic, special responsibility, dependent career and travel and subsistence.

1.3 On 23 February 2011, the Council agreed the Councillors' allowances for the 2011/12 financial year. In taking the decision, Members took into account the recommendations made in the Independent Remunerator's report to London Councils issued in May 2010 but decided to retain its own basic rate allowance. Since 2009, due to the economic conditions, the Council has frozen allowances at the 2008/9 levels. In years prior to this decision being taken, an automatic uplift in line with the previous year's Local Government Pay Settlement was made.

1.4 The Council's Scheme broadly remains the same as agreed in May 2010 with no additional Special Responsibility Allowance (SRA) being recommended. There has been a reduction of the cooptee allowance as the Committees meet less often. A copy of the Scheme (Appendix 1) and the amounts paid to each Member (Appendix 2) are attached.

2. Comments of the Assistant Director of Legal and Democratic Services

The proposals contained within the report are in line with the Local Government Act 2000 and appropriate regulations.

3. Comments of the Director of Finance and Corporate Services

The Director of Finance and Corporate Services can confirm that there is sufficient provision in the existing budget to fund the costs as contained in this report.

LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Councillors' Allowances Scheme and Councillors' Allowances – Amounts Paid 2010-11	Kayode Adewumi	FCS Room 133, 1 st floor, Town Hall.

APPENDIX 1

Members' Allowances Scheme 2011-12

[Scheme effective from 26th May 2011]

This scheme is made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations") for 2011 –2012 and subsequent years. The allowances scheme has been prepared having regard to the report of the Independent Panel on the Remuneration of Councillors in London established by London Councils on behalf of all London Councils, co-authored by Rodney Brooke, Drew Stevenson and Jo Valentine, and published in May 2010.

1. BASIC ALLOWANCE

- 1.1 The independent remunerator's report suggests a flat-rate basic allowance be paid to each member of the authority of £9964 per annum to be paid in 12 monthly instalments on the 15th of each month.
- 1.2 The Council has taken into account the independent remunerator's recommendation but has decided to retain its own basic rate allowance frozen at the 2008 – 09 level.

The basic rate allowance for all LBHF Councillors will therefore be:

£8,940 - to be paid in 12 monthly instalments on the 15th of each month.

Councillors only receive an allowance for the period of their term of office in cases where it is less than the whole financial year.

2. SPECIAL RESPONSIBILITY ALLOWANCES

- 2.1 Regard has been had to the recommendations in the independent remunerator's report for differential banding in relation to the payment of Special Responsibility Allowances (SRA's), but in the interest of maintaining a low Council Tax and the current economic conditions, it has been decided to freeze the Council's own scheme of SRA's at the same level approved for 2008 - 9 and not to follow the independent remunerator's recommendations which would have proved considerably more costly to local council taxpayers.
- 2.2 The following Special Responsibility Allowances shall therefore be paid to Councillors holding the specified offices indicated:

The Leader	£35,763
Deputy Leader	£29,796
Other Cabinet members (6)	£23,838

Chief Whip (where not a member of Cabinet)	£23,838
Deputy Chief Whip	£5,000
Chairmen of Overview & Scrutiny Committees (4)	£6,183
Leader of the Opposition	£17,874
Deputy Leader of the Opposition	£6,183
Opposition Whip	£6,183
Chairmen of Planning Applications Committee, Audit and Pensions Committee, Licensing Committee & Councillor member on Adoption Panel	£6,183
The Mayor	£11,922
Deputy Mayor	£6,183
Cabinet Assistants	£3,000

Councillors only receive an allowance for the period of their term of office in cases where it is less than the whole financial year. A Special Responsibility Allowance would cease where the SRA entitled post ceases to exist during year.

3) OTHER ALLOWANCES

a) Dependent Carer Allowance

Dependant carer allowance is payable in respect of expenses incurred for the care of a member's children or dependants in attending meetings of the authority, its executive, committees and sub-committees and in discharging the duties set out in paragraph 7 of the Regulations.

- (1) £4.18 per half hour before 10 p.m.; £5.31 per half hour after 10 p.m. (not payable in respect of a member of the councillor's household).

b) Travel & Subsistence

Allowances are payable (at the same rates as employees) for duties undertaken away from the Town Halls when discharging duties under paragraph 8 of the Regulations. In addition, the cost of travel after late evening meetings from the Town Hall would be paid.

(1) Public Transport

Actual travel costs (second class only) will be reimbursed.

(2) Car mileage

Cc	first 8500 miles (pence per mile)	above 8500 miles (pence per mile)
Below 1000	42.9	11.7
1000 or more	47.7	12.2

The figures above are the 2009/10 rates as car mileage is paid at the same rate as for officers.

(3) Cycle allowance

£36.93 per month – where this is claimed, no other travel claims are permissible.

(4) Subsistence

Allowance payable at same rates and conditions as employees. Payment is only made for expenses incurred outside the Borough, and is subject to a maximum of £5.00 per claim.

c) Sickness, Maternity and Paternity Allowance

Where a Member is entitled to a Special Responsibility Allowance, it will continue to be paid in the case of sickness, maternity and paternity leave in the same way as employees.

4) ANNUAL INCREASE

The allowances in this scheme apply to the financial year 2011-12. All allowances have been frozen at the 2008 – 9 level.

5) ELECTION TO FOREGO ALLOWANCES

In accordance with the provisions of regulation 13, a Councillor may, by notice in writing to the Chief Executive, elect to forego any part, or all, of his or her entitlement to an allowance under this scheme.

6) TIME LIMIT FOR CLAIMS

The majority of allowances are payable monthly, but where allowances are the subject of claims, these claims should be made in the agreed form with the appropriate declaration within six months of the duty to which they relate.

7) WITHHOLDING OF ALLOWANCES

In the event of a Councillor being suspended or partially suspended, the Standards Committee shall have the power to withhold the allowances payable to that Councillor either in whole or in part for the duration of that suspension.

8) MEMBERS' PENSIONS

Previously, Councillors could only join the authority's pension scheme if they were aged under 70 and could only pay contributions and accrue benefits until their 70th birthday. However, under new pensions

regulations, the situation has changed, and the independent remunerator's report now recommends all Councillors under the age of 75 years be entitled to join the London Borough of Hammersmith & Fulham Pension Scheme, and have their basic allowance and special responsibility allowances treated as pensionable. This recommendation has accordingly been adopted.

9) MEMBERSHIP OF MORE THAN ONE AUTHORITY

A member may not receive allowances from more than one authority (within the meaning of the regulations) in respect of the same duties.

ALLOWANCES FOR CO-OPTED MEMBERS AND INDEPENDENT MEMBERS OF STANDARDS COMMITTEE

Co-optees

The independent remunerator's report recommends a rate of allowance for co-opted members of £117 per meeting, to be calculated on an annualised basis by the number of meetings. This recommended figure has not been adopted. The Council's own figure of £504.00 p.a. payable by equal monthly instalments of £42.00 on the 15th of each month.

Co-opted members shall be entitled to the same travel allowances as Councillors, but shall not be entitled to subsistence payments

Standards Committee Independent Members

The independent remunerator's report also recommends the independent Chairman and Committee Members of a Standards Committee be paid an allowance of £256 and £127 per meeting respectively, calculated on an annualised basis by the number of meetings, to reflect not just attendance at meetings, but related and incidental additional activity carried out by the postholders. This recommendation has not been adopted. The Council's own figure of £252.00 p.a. payable by equal monthly instalments of £21.00 on the 15th of each month.

In all cases, the allowances given in this scheme shall not be uprated by the same percentage rate of increase as the previous years national Local Government Pay Settlement but frozen at the 2008 – 9 levels.

Surname	Forename	Basic	SRA	Dependant Care	Other Expenses	Travel and Subsistence	Total Payments
Adam	Michael	8,940.00	7,775.93				£ 16,715.93
Aherne	Colin	8,940.00	6,183.00				£ 15,123.00
Alford	Adronie	8,940.00	17,991.78				£ 26,931.78
Binmore	Helen	8,940.00	20,943.11	4198.81			£ 34,081.92
Botterill	Nicholas	8,940.00	29,796.00				£ 38,736.00
Bristow	Paul	985.32	1258.12				£ 2,243.44
Brocklebank-Fowler	Victoria	8,940.00	11,183.04		120		£ 20,243.04
Brown	Daryl	8,050.81					£ 8,050.81
Burley	Aidan	985.32				48.84	£ 1,034.16
Campbell	Jean	8,940.00					£ 8,940.00
Carlebach	Joe	8,050.81	20,185.40				£ 28,236.21
Cartwright	Michael	8,940.00	6,183.00				£ 15,123.00
Chalk	Alexander	8,940.00	6,183.00				£ 15,123.00
CHUMNERY	ELAINE	8,050.81		600.8			£ 8,651.61
Coleman	Iain	8,050.81					£ 8,050.81
COONEY	GEORGIE	8,050.81	2,540.32				£ 10,591.13
Cowan	Stephen	8,940.00	17,874.00				£ 26,814.00
Craig	Oliver	8,940.00					£ 8,940.00
Crofts	William	8,050.81					£ 8,050.81
De Lisle	Alexander	8,940.00			216		£ 9,156.00
Dewhirst	Charles	8,050.81					£ 8,050.81
Dickenson	Gillian	985.32					£ 985.32
Donovan	Gavin	8,940.00	2000				£ 10,940.00
Donovan	Belinda	8,940.00	2,540.32	903.63		443.16	£ 12,827.11
Ffiske	Caroline	985.32	551.08				£ 1,536.40
Ford	Rachel	8,940.00					£ 8,940.00
Ginn	Marcus	8,050.81					£ 8,050.81
Gore	Sarah	985.32	2627.31	3223.68			£ 6,836.31
Graham	Peter	8,050.81					£ 8,050.81
Greenhalgh	Stephen	8,940.00	35,763.00				£ 44,703.00
Gugen	Lucy	985.32					£ 985.32
Hamilton	Stephen	8,940.00					£ 8,940.00
Harcourt	Wesley	8,940.00					£ 8,940.00
Homan	Lisa	8,940.00					£ 8,940.00
Iggulden	Robert	8,940.00	6,183.00			258.51	£ 15,381.51
Ivimy	Lucy	8,940.00	23,838.00				£ 32,778.00
Johnson	Andrew	8,940.00	6,001.74				£ 14,941.74
Johnson	Donald	8,940.00	6,001.74				£ 14,941.74
Jones	Andrew	8,050.81				369.3	£ 8,420.11
Karmel	Alex	8,940.00	7,062.36				£ 16,002.36
Law	jane	8,940.00	766.14		120		£ 9,826.14
Loveday	Mark	8,112.00	22,595.04				£ 30,707.04
McLaughlin	Reg	985.32					£ 985.32
Murphy	Patrick	8,050.81				332.37	£ 8,383.18
Nandy	Lisa	985.32					£ 985.32
Needham	Caroline	8,050.81					£ 8,050.81
Owen	Edmund	985.32					£ 985.32
Phibbs	Harry	8,940.00	21,898.93		120		£ 30,958.93
Powell	Sally	8,940.00		602.48			£ 9,542.48
Robson	Alexandra	985.32		190.36			£ 1,175.68
Scott-Russell	Minnie	985.32					£ 985.32
Smith	Gregory	8,940.00	23,838.00				£ 32,778.00
Stainton	Frances	8,940.00	11,428.53				£ 20,368.53
THORLEY	MATT	8,050.81					£ 8,050.81
Tobias	Peter	8,940.00	3,306.46				£ 12,246.46
Umeh	Mercy	8,940.00					£ 8,940.00
Vaughan	Rory	8,940.00					£ 8,940.00

**Co-opted
Members**

Allen	Eleanor	921.00	0	0	0	0	£	921.00
Brenton	Maria	921.00	0	0	0	0	£	921.00
Cook	Fiona	921.00	0	0	0	0	£	921.00
Epstein	Joyce	459.00	0	0	0	0	£	459.00
Fennimore	Sue	921.00	0	0	0	0	£	921.00
Hutchinson	Pauline	153.20	0	0	0	0	£	153.20
Moody-Smart	Grace	459.00	0	0	0	0	£	459.00
Moussavi	Sheida	459.00	0	0	0	0	£	459.00
Troke	Christopher	191.25	0	0	0	0	£	191.25
White	Eugenie	1752.82	551.08	0	0	0	£	2,303.90



STANDARDS COMMITTEE

20 JULY 2011

CONTRIBUTORS

**ADLADS
HCS**

LOCAL ASSESSMENT OF COMPLAINTS

Summary

This report outlines the activity of the Assessment and Review Sub-Committees.

RECOMMENDATIONS:

That the Standards Committee notes the report on activity from March 2010 to date.

WARDS

ALL

1. Background

1.1 The Standards Committee at its meeting in June 2008 created three Sub-Committees – an Assessment Sub-Committee, a Review Sub-Committee and a Hearing Sub-Committee. These were set up to deal with any complaints against Members under the local assessment of complaints system. Due to lack of business, the Standards Committee had not met since 24th March 2010. This report covers the period from 25th March 2010 to 8th July 2011.

2. Cases Considered

2.1 Three complaints were considered by the Standard Assessment Sub Committee. The Committee met on 24th March 2010, 11th August 2010 and 18th May 2011. A request for a review of the decision made by the Assessment Sub Committee on 24th March was undertaken by the Standards Review Sub-Committee on 26th April 2010.

2.2 The decision of the Sub Committees are as follows:-

- **24th March 2010**

The Assessment Sub-Committee decided that no breach of the Code arose.

- **26th April 2010**

The Review Sub-Committee decided that no breach of the Code arose.

- **11 August 2010**

The Assessment Sub-Committee decided unanimously to refer the matter to the Monitoring Officer for other action to be taken. He was to:-

- Circulate guidelines to all Members on the application of the Code to blogs.
- Convey the Committee's wish that Councillor Cowan apologise directly to former Councillor White for his original choice of words.
- **18 May 2011**

The Assessment Sub-Committee decided unanimously to refer the matter to the Monitoring Officer for other action to be taken. He was to write to all Councillors reminding them to take care in their choice of language while in meetings, particularly during public debates, so that others are treated with respect.

3 COMMENTS OF THE ASSISTANT DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

The comments of the Assistant Director of Legal and Democratic Services are contained within the report.

4. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

There are no financial implications contained within the report.

LOCAL GOVERNMENT ACT 2000 BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Assessment Sub Committee Decision Notices	Kayode Adewumi Ext 2499	FCS, Legal, First Floor HTH, Rm 133a
2.	Review Sub Committee Decision Notice	Kayode Adewumi Ext 2499	FCS, Legal, First Floor HTH, Rm 133a

APPENDIX 1

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

Standards Committee

Assessment Sub-Committee

Decision Notice – March 2010

Reference 02/2010:- Complaint by Mr Alex Collinson against Councillor Greg Smith.

Complaint

On 24th March 2010, the Assessment Sub-Committee of the authority's Standards Committee considered a complaint from Mr Alex Collinson concerning the alleged conduct of Councillor Greg Smith, a member of the Authority. The membership of the Sub-committee was as follows:-

Ms Joyce Epstein (independent member)
Councillor Adronie Alford (administration member)
Councillor Lisa Homan (opposition member)

Ms Epstein was the chairman and also present were Michael Cogher (Monitoring Officer) and Sue Perrin (Committee Co-ordinator).

The complaint is set out in detail in the Complainant's letter dated 4th March 2010. It is essentially a complaint that Councillor Smith has not replied to correspondence or dealt with the matter to his satisfaction in relation to problems with the 843 Bus Route.

It is suggested that this amounts to a breach of the following paragraphs of the Council's Code of Conduct:-

"3(1) You must treat others with respect"

"5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute."

We considered a pre-assessment report from the Monitoring Officer which contained all the relevant documents including the complaint itself.

Decision

In accordance with Section 57A (2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee decided that no breach of the Code arose for the reasons set out below.

This decision notice is sent to the person making the allegation and the member against whom the allegation is made.

A summary of the allegation will also be sent to Councillor Smith.

Reasons for decision

Whilst the Sub-Committee had every sympathy with the Complainant in relation to the problems caused by the 843 bus route we considered that it is not the purpose of the Code of Conduct to regulate the performance of Councillors in terms of their responsibilities or effectiveness. That is ultimately a matter for the electorate and individual councillors. Although the ambit of “respect” is potentially wide the purpose of the provision is to require others to be treated with courtesy and consideration and to prevent unfair, unreasonable and demeaning behaviour and not to set standards for service. How a Councillor chooses to deal or not deal with a constituency matter is a matter for their discretion.

The same considerations apply to the allegation of disrepute and a failure to deal with a matter to a resident’s satisfaction cannot be said to bring the Council into disrepute.

In all the circumstances therefore we find that even if the allegations were borne out they could not amount to a breach of the Code.

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

Standards Committee

Review Sub-Committee

Decision Notice – April 2010

This is a summary of the Review Sub-Committee’s consideration of a complaint pursuant to Regulation 8 of the Standards Committee (England) Regulations 2008.

Reference 02/2010:- Complaint by Mr Alex Collinson against Councillor Greg Smith.

Complaint

On 26th April 2010, at the request of the complainant, the Review Sub-Committee of this authority’s Standards Committee reviewed the decision of the Assessment Sub-Committee taken at its meeting on 24th March 2010 in respect of a complaint concerning the alleged conduct of a Councillor of the Authority.

The membership of the Sub-Committee was as follows:-

Mrs Grace Moody-Stuart (Independent Member)
Mr Christopher Troke (Independent Member)
Councillor Nick Botterill (Administration Member)

Mrs Grace Moody-Stuart was the chairman. Also present were Michael Cogher (Monitoring Officer) and Kayode Adewumi (Head of Councillors’ Services).

The complaint is set out in detail in the Complainant’s letter dated 4th March 2010. It is essentially a complaint that Councillor Smith had not replied to correspondence or dealt with the matter to his satisfaction in relation to problems with 843 Bus Stop.

It is suggested that this amounts to a breach of the following paragraphs of the Council’s Code of Conduct:-

“3(1) You must treat others with respect”

“5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute.”

We considered a confidential pre-assessment report from the Monitoring Officer, originally submitted to the Assessment Sub-Committee, which contained all the supporting documents supplied by the Complainant. We also had regard for the summary of the Assessment Sub-Committee's decision and a letter from the complainant seeking a review of the decision. The grounds for this request were as follows:-

- “if a councillor promises he will do something for a resident then that promise should clearly be honoured. There is no grey area as to what Councillor Smith said he would do, as he made this perfectly clear in an email, we're not in a situation where he can deny he ever said so.”
- the Assessment Sub-Committee had misinterpreted bus stop 843 as bus route 843.
- the definition and interpretation of 'respect' and 'disrepute' used by the Assessment Sub Committee was unacceptable.

Decision

In accordance with Section 57A (2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee decided that no breach of the Code arose for the reasons set out below.

This decision notice is sent to the person making the allegation and the member against whom the allegation is made.

Reasons For Decision

We carefully considered all the documents put before us by the Complainant. We were mindful that our sole role was to determine whether or not an investigation should be conducted in respect of the allegation that Councillor Smith had breached the Member's Code of Conduct.

We noted that the subject matter was better referred to as the “843 Bus Stop” rather than the “843 Bus Route” but nothing turns on this point. We also noted that notwithstanding the complainant's dissatisfaction, Councillor Smith had undertaken substantial work on the issue.

On the basis of the documentation before us we concurred with the view of the Assessment Sub-Committee that there was not sufficient evidence that any breach of the Code of Conduct had taken place. We agree that it is not the purpose of the Code of Conduct to regulate the performance of Councillors in terms of their responsibilities or effectiveness. That is ultimately a matter for the electorate and individual Councillors.

Mr Collinson had raised issues with the definitions of 'respect' and 'disrepute'.

Whilst it is clear that "respect" is widely defined lack of respect does not extend to dissatisfaction with the diligence a councillor pursues a particular matter and the outcome which is achieved. Standards for England's guidance suggest that "failure to treat others with respect could cover almost any example of unfair, unreasonable or demeaning conduct directed by one person against another" and this could not be said to the case in the circumstances before the Sub-Committee.

We therefore reiterate that although the ambit of "respect" is potentially wide the purpose of the provision is to require others to be treated with courtesy and consideration and to prevent unfair, unreasonable and demeaning behaviour and not to set standards for service. How a Councillor chooses to deal or not deal with a constituency matter is a matter for their discretion. The same considerations apply to the allegation of disrepute and a failure to deal with a matter to a resident's satisfaction cannot be said to bring the Council into disrepute.

In all the circumstances we find that even if the allegations were borne out they could not amount to a breach of the Code. For all the above reasons we have concluded that no further action should be taken.

Finally, we have utmost sympathy with the plight of the residents of The Grampians on Shepherd Bush Road regarding this issue. We believe that a prolonged campaign to TfL would be required to find a satisfactory resolution to the positioning of the bus stop and would respectfully suggest that the complainant consider this.

Signed:

Dated: 28 April 2010

On behalf of the Chairman of the Review Sub-Committee

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Standards Committee

Assessment Sub-Committee

Decision Notice – August 2010

Reference 03/2010:- Complaint by Councillor Mark Loveday against Councillor Stephen Cowan.

Complaint

On 11 August 2010, the Assessment Sub-Committee of this authority's Standards Committee considered a complaint from the Complainant, Councillor Mark Loveday, concerning the alleged conduct of Councillor Stephen Cowan, a member of the Authority. The membership of the Sub-Committee was as follows:-

Ms Joyce Epstein (Independent Member)
Councillor Nick Botterill (Administration Member)
Councillor Lisa Homan (Opposition Member)

Ms Joyce Epstein was the chairman and also present were Michael Cogher (Monitoring Officer) and Kayode Adewumi (Head of Councillors' Services).

A general summary of the complaint is set out below:-

The complaint stated that Councillor Cowan has failed to treat former Councillor White with respect and had brought his office into disrepute by referring to the allowance she was entitled to under the Council's constitution as "a bung". It was suggested that this amounted to a breach of the following paragraphs of the Council's Code of Conduct:-

3(1) You must treat others with respect

5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute.

We considered a confidential pre-assessment report from the Monitoring Officer which contained a web link to an amended blog page written by Councillor Cowan. We were informed that between the time Councillor Loveday had sent the link and the time of printing it, Councillor Cowan had

amended his Blog changing the title of the article from “Former Tory Councillor’s £230 Per Meeting Bung” to “Former Tory Councillor’s £230 Per Meeting Tip”. The article contained an explanation for his reasons for doing so. A copy of the amended version appeared at Appendix 1 of the report. There appears to be no dispute that the word “bung” was used in the original version of the Blog and this has now been changed to “tip”.

Decision

In accordance with Section 57A (2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee decided unanimously to refer the matter to the Monitoring Officer for other action to be taken. He is to:-

- Circulate guidelines to all Members on the application of the Code to blogs.
- Convey the Committee’s wish that Councillor Cowan apologise directly to former Councillor White for his original choice of words.

The Sub-Committee also decided that the summary of the allegation set out above be provided to the Councillor and that the written summary of this decision which we are required to make available to the public be published.

Reasons for decision

We carefully considered all the documents put before us. In particular we had the benefit of the web link to the amended article where Councillor Cowan wrote about the receipt of an allowance by former Councillor White for attending Audit and Pensions Committee meetings. The title of the article had been changed from “Former Tory Councillor’s £230 Per Meeting Bung” to “Former Tory Councillor’s £230 Per Meeting Tip”. We have noted that Councillor Cowan had included an update to this revised article explaining his initial use of the word “bung” thereby clarifying his position. There is no dispute that the word “bung” was used.

We have considered the senior positions held by the complainant, Councillor Loveday, a Cabinet Member and Chief Whip, and that of Councillor Cowan, Leader of the Opposition and member of the Standards Committee. We believe if we were minded to recommend a full investigation, the Standards Committee would be able to make an impartial judgement on the issues before us and that a referral up to the Standards Board for England would not be required in this case. We have noted that the other options open to us included a full investigation, no further action or a referral to the Monitoring Officer for other action.

We considered that a full investigation would not be appropriate in all the circumstances of the case. We have unanimously agreed to refer the case to the Monitoring Officer for the following other action to be taken:-

- Circulate guidelines to all Members on the application of the Code to blogs.
- Convey the Committee's wish that Councillor Cowan apologise directly to former Councillor White for his original choice of words.

Signed..... Date.....

On behalf of the Chairman of the Assessment Sub-Committee

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Standards Committee

Assessment Sub-Committee

Decision Notice – May 2011

Reference 01/2011:- Complaint by Councillor PJ Murphy against Councillor Greg Smith.

Complaint

On 18 May 2011, the Assessment Sub-Committee of this authority's Standards Committee considered a complaint from Councillor PJ Murphy, concerning the alleged language used by Councillor Greg Smith, a member of the Authority during a public meeting.

The membership of the Sub-Committee was as follows:-

Ms Joyce Epstein (Independent Member)
Councillor Donald Johnson (Administration Member)
Councillor Lisa Homan (Opposition Member)

Ms Joyce Epstein was the Chairman and also present were Michael Cogher (Monitoring Officer) and Kayode Adewumi (Head of Governance and Scrutiny).

A general summary of the complaint is set out below:-

The complaint alleged that Councillor Smith use inappropriate language in referring to the Leader of the Opposition, Councillor Stephen Cowan during a meeting. He felt that the language brought the Council into disrepute and believed that Councillor Smith owed Councillor Cowan, the public in attendance and the Council a public apology. He suggested that this behaviour amounted to a breach of the following paragraphs of the Council's Code of Conduct:-

3(1) You must treat others with respect

5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the authority into disrepute.

We considered a confidential pre-assessment report from the Monitoring Officer which contained all the relevant documents including the complaint itself. The complaint had been sent to Councillor Smith who had commented on it. Councillor Smith accepted the use of some but not all the language complained of.

Decision

In accordance with Section 57A (2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee decided unanimously to refer the matter to the Monitoring Officer for other action to be taken. He is to write to all Councillors reminding them to take care in their choice of language while in meetings, particularly during public debates, so that others are treated with respect.

The Sub-Committee also decided that the summary of the allegation set out above be provided to the Councillors and that the written summary of this decision which we are required to make available to the public be published.

Reasons for decision

We have carefully considered all the documents put before us particularly the Monitoring Officer’s pre-assessment report which contained all the relevant documents including the complaint itself. We noted that Council debates could sometimes be adversarial and combative leading to unfortunate words being expressed. However, Councillors need to be reminded that they should only use appropriate language during public debates.

We believe if we were minded to recommend a full investigation, the Standards Committee would be able to make an impartial judgement on the issues before us and that a referral up to the Standards Board for England would not be required in this case. We have noted that the other options open to us included a full investigation, no further action or a referral to the Monitoring Officer for other action.

We considered that a full investigation would not be appropriate in all the circumstances of the case, bearing in mind the nature of the complaint, the disputed facts and the time and costs of a full investigation. We have unanimously agreed to refer the case to the Monitoring Officer for other action to be taken for him to write to all Councillors reminding them to be aware of their choice of language while in a public forum particularly during public debates.

Signed..... Date.....

On behalf of the Chairman of the Assessment Sub-Committee