

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.