

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