

STANDARDS COMMITTEE		
Report Title	APPOINTMENT TO SUB COMMITTEES OF STANDARDS COMMITTEE	
Key Decision		Item No. 7
Ward		
Contributors		
Class	Part 1	Date: 24 JUNE 2010

1. Recommendation

To appoint members of the Standards Committee to the 3 sub committees to deal with initial assessments, reviews and hearings in relation to complaints against members as set out in the Appendix to this report.

2. Background

- 2.1 Standards for England Guidance proposes that sub committees be established to handle business under the local assessment and investigation regime and that members be appointed to them. In deciding on the mechanism to deal with complaints of breach of the Member Code of Conduct, members are required to have regard to this guidance.
- 2.2 The guidance states that creating sub committees will allow the separate functions in this process to be handled without conflict of interest. The separate functions are:-
- The **initial assessment** of a complaint received by the Standards Committee
 - Dealing with any request received by a Standards Committee from a complainant to **review** its decision to take no action in relation to a complaint.
 - Any subsequent **hearing** of a standards committee to determine whether a member has breached the Code and where appropriate to impose a sanction on a member.
- 2.3 The guidance states that there must be a separate sub committee to deal with initial assessment and a separate sub committee to deal with reviews, each of which should by law consist of no less than 3 members, at least one of whom must be independent. They must be chaired by an independent member.

- 2.4 The Guidance suggests that the Standards Committee should have at least 3 independent members to allow for situations when one independent member may be unavailable or absent.
- 2.5 The assessment and review sub committees are not required to have a fixed membership nor a fixed chair.
- 2.6 Those members who have been involved in the initial assessment may not be involved in the review of any decision made by that sub committee.
- 2.7 The Guidance does say however that members involved in an initial assessment or a review of a decision to take no further action can be involved in any subsequent hearing. The reasoning behind this is that the purpose of an assessment is to decide whether any action should be taken on the complaint, whether as an investigation or any other action. The assessment and review sub committees make no findings of fact. The Standards for England Guidance states that because of this a member involved in the assessment or review stage can be involved in a subsequent hearing because a conflict of interest does not automatically arise.
- 2.8 It is suggested by officers that the most appropriate way to avoid conflicts of interest arising is to ensure that members should only be involved in either assessment, review or hearing in relation to any complaint.

3. The proposed sub committees

- 3.1 There are twelve members of the Standards Committee in Lewisham. 6 are independent members and 6 are councillors. It is suggested that there be 3 sub committees, A, B and C each consisting of 2 independent members and 2 councillors. Each should be chaired by an independent member.
- 3.2 At its meeting on the 15th May 2008 the Standards Committee agreed that each sub committee be empowered to carry out any of the functions – initial assessment, review and substantive hearing, but that cases be dealt with in rotation to avoid conflicts of interest. The reasoning behind this decision was that it appeared likely on the evidence from the operation of the Standards for England that the heaviest workload is likely to be at the assessment stage, as for example, many cases referred may well not amount to a breach of the Code if proven. To share this work evenly, it would be possible for sub committee A to deal with the first complaint received, with B and C fulfilling the other functions if necessary. Were a second complaint received, this would be allocated to sub committee B, with C and A taking responsibility for review and hearing if necessary.
- 3.3 This leaves a degree of flexibility if matters do proceed to review and hearing as either of the two sub committees who had not been involved in the initial assessment could perform either of the remaining roles – review or hearing.
- 3.4 The Committee is therefore asked to appoint members to the 3 sub committees in accordance with the Appendix to this report.

4. Legal implications

These are set out in the body of this addendum and in the main report. There are no further financial, equalities, environmental or crime and disorder implications.

APPENDIX 1

ALLOCATION TO STANDARD COMMITTEE SUB COMMITTEES

Committee A

Sally Hawkins (Chair), , Cathy Sullivan, Sam Owolabi-Oluyole & Alan Hall

Committee B

Gill Butler (Chair), Linzi Banks, Pauline Morrison & Duwayne Brooks

Committee C

David Roper- Newman (Chair), Leslie Thomas, Stella Jeffrey & Julia Fletcher