

STANDARDS SUB-COMMITTEE A		
Report Title	Complaint against the Mayor	
Key Decision	N/A	
Ward	All	
Contributors	Head of Law	
Class	Part 1	Date 11 July 2017

1. Summary

This report requires the Sub Committee to decide whether there has been a breach of the Member Code of Conduct and in the event that there is such a finding to decide whether any further action is appropriate.

2. Recommendation

To consider the Monitoring Officer's report, the views of the Independent Person and the Mayor's representations and, having done so, to decide whether there has been a breach of the Member Code of Conduct, and if so whether any further action needs to be taken.

3. Background

- 3.1 A complaint was received that the Mayor breached the Council's Member Code of Conduct by failing to make full disclosures in the Register of Members' Interests in relation to his position in several companies. The Member Code of Conduct appears at Appendix 1 and the Procedure for Handling Complaints of Breach of the Member Code of Conduct appears at Appendix 2
- 3.2 The complaint was initially received on 13th January 2017 by way of a telephone call to a Principal Lawyer within Legal Services. The complainant declined to make the complaint in writing but requested that the Monitoring Officer telephone him on her return to the office.
- 3.3 The Monitoring Officer rang the complainant on Monday, 16th January 2017. He gave his name to the Monitoring Officer but confirmed that he did not want his identity disclosed and also declined to provide the Monitoring Officer with an address or email contact to enable further communications. The complainant confirmed that he wished to raise an issue in relation to the Mayor not having made full disclosure in the Register of Members' Interests in relation to three companies with the following registration numbers at Companies House - 03487186; 03675577; 09655497. The Monitoring Officer conducted an investigation into the allegations received.

- 3.4 Members are referred to the report of the Monitoring Officer which is to be found at Appendix 3 and specifically to her findings which are set out at paragraph 20 of the report. The Sub Committee will note that the Monitoring Officer concluded that the Mayor was in breach of the requirement to register his directorships in the Local Government Information House (LGIH – 03490270) and the Improvement and Development Agency for Local Government (IDEA – 03675577). The Mayor had registered his participation as Deputy Chair of the Local Government Association but not in the two companies associated with it. The entry relating to the Housing and Finance Institute Limited (09655497) had been properly registered by the Mayor.
- 3.5 Monitoring Officer found that there is no statutory requirement for these two directorships to be included in the Register of Members' Interest as they are not disclosable pecuniary interests, as the Mayor does not receive any payments for his directorship of either company. However, Lewisham's own Member Code of Conduct does require the entry of those directorships in the Register of Members' Interests. The Monitoring Officer also found that the Mayor did not participate in any decision making affecting either LGIH or IDEA.
- 3.6 The Mayor apologised to the Monitoring Officer for the oversight and immediately on being made aware of the issue updated his entry in the Register of Members' Interests to include the two companies concerned and also to remove entries from the Register which no longer existed. Members are also referred to the representations by the Mayor to the Sub Committee which appear at Appendix 4.
- 3.7 In accordance with the Council's Procedure for Handling Complaints of Breach of the Member Code of Conduct, it is a statutory requirement that the Sub Committee consider the views of the Independent Person before making a decision on an allegation which has been investigated. Members of the Sub Committee are referred to the comments of Wendy Innes, Independent Person, on the Monitoring Officer's report. Her report appears at Appendix 5. She concurs with the Monitoring Officer's views and notes that the breach has been rectified. She takes the view that the seriousness of the breach is mitigated by the following factors:-
- LGIH is effectively dormant and believed never to have conducted any business
 - The Council has not made any decisions affecting either of the two companies of which the Mayor is a director
 - Hence the Mayor has not participated in any Council decision making in respect of either company

- The Mayor has apologised for this oversight
- The Mayor expeditiously updated his entry in the Register of Members' Interests as soon as he was advised of the concern by the Monitoring Officer

3.8 The conduct of the meeting is a matter for the Chair subject to the process according with the principles of fairness and natural justice.

3.9 In the event that the Sub Committee makes a finding that there has been a breach of the Member Code of Conduct it will be a matter for the Sub Committee as to whether any further action is appropriate. The options available to the Sub Committee are as follows:-

- that no further action should be taken
- that a sanction be imposed
- that other action (such as training or amendment to Council procedures) are appropriate.

3.10 Council procedures provide that the sanctions generally available in the event of breach include censure and the withdrawal of access of Council facilities (provided that it is proportionate and does not interfere unduly with a member's ability to carry out their duties as a member). The Sub Committee may also report any finding of breach to full Council and/ or publicise its finding.

3.11 Attention is drawn to the remarks of the Independent Person at Appendix 5 who states in her concluding comments at paragraph 5:-

“Should the Standards Sub Committee reach a finding of breach of the Code, it may consider that the breach is of such a minor nature that it does not merit further action, for instance by way of sanction, for the reasons given above”

4. Legal Implications

The ethical framework under which the procedures set out in this report have been established are provided in the Localism Act 2011 and Regulations made under it.

5. Financial Implications

There are no specific financial implications.

6. Crime and Disorder Implications

The Council's ethical framework is designed to promote the highest standards of behaviour, and the prevention of breaches of the Member Code of Conduct.

7. Equal Opportunities Implications

There are no specific implications arising.

8. Background documents

None

If there are any queries on this report, please contact Troy Robinson, Clerk to the Standards Committee on 0208 314 9365.

Appendix One	Member Code of Conduct
Appendix Two	Procedure for Handling Complaints of Breach of the Member Code of conduct
Appendix Three	Report of the Monitoring Officer
Appendix 4	Representations of the Mayor
Appendix 5	Comments of the Independent Person