

Comments on procedure noted in Mr Dismore's submission to the Group Leaders Panel

- Hearing date – the hearing date was set with members as is usual practice on by the 24th July and the date published on the 29th July and the MO was notified that Mr Dismore was to be on leave until the 9th September on the 25th July. Mr Dismore did not however state what date he would be away from. It is not usual practice to canvass dates for the hearing from the complainant. An alternative date was offered to Mr Dismore of the 9th September from 4pm onwards and he said he could not attend, as such the scheduled date was kept given that was the only other available time until the 16th September.
- Three month deadline – there is a requirement within the Constitution to provide a written report to the Group leaders Panel within three months of receiving the complaint. The complaint was received on the 16th June and therefore the Group Leaders Panel was required to receive it by the 16th September. The 3rd of September was the date chosen.
- Natural justice – the procedures for the Group Leaders Panel are set out in the Constitution, specifically the Panel would have discretion to decide whether to take evidence in writing or in person from the complainant and the subject member and whether or not to take statements/evidence from other parties. In light of Mr Dismore's unavailability the papers were sent to him for comments on factual accuracy and his written statement has been included within the papers for the panel including any procedural issues he feels that have not been followed. Likewise Councillor Rayner has been sent the papers for his written statement on the finding of fact. If anything new is introduced to the panel on the evening the panel would need to consider whether they take it into account and therefore adjourn the meeting for Mr Dismore's right of reply or not to include it within their deliberations.
- Membership of the Panel – all Members are responsible for managing their own conflicts of interest of perceptions of bias. Members are asked at the start of the meeting for their declaration of interests.
- Public or Private meeting – the MO does not make a decision on whether or not to hold the meeting in public or private that is the decision of the Committee.
- Background correspondence – under the procedures “the monitoring officer has the discretion to assemble other evidence to assist the Panel”. All information relevant to the complaints put through for a formal process has been included for the Group Leaders Panel.
- Legal advice to the panel – there has been Chinese walls in place within HB PL (Harrow) as to who will be undertaking the investigation and who will be advising the panel. These have been maintained through-out the investigation. A separate adviser from HBPL will advise the panel.
- Absence of legal representatives – Under the Localism Act the Council must have a code of Conduct, and a procedure for investigation and decision making on allegations. The procedure for investigation are included in Appendix 2 of the Code of Conduct and

specifically state under (h) that the subject Member may bring along a friend/lay person (but not a legal representative). This procedure was adopted by Full Council in July 2012.

- Complaints not taken forward – those complaints not taken forward have been done so after consultation with the independent person and after legal advice was taken. The appeal process is to complain to the Ombudsman or to the Chief Executive. The Group Leaders Panel does not play a role in reviewing the decision of an officer.-The decision can be reconsidered in light of any fresh information about the other complaints.

Overall Conclusion

Procedures as set out in the Members Code of Conduct, specifically Appendix 2, have been followed. The Localism Act requires that

28 (6) A relevant authority other than a parish council must have in place—

(a) arrangements under which allegations can be investigated, and .

(b) arrangements under which decisions on allegations can be made.

The local arrangements that are in place have been approved by Full Council and these have been worked to since July 2012. There has been no deviation from this approach. The Group Leaders Panel has been sent factual information which is relevant for their consideration of the complaints put through to a formal process, on that basis it should proceed.