

Merton Council

Standards and General Purposes Committee Agenda

Membership

Councillors:

Peter McCabe (Chair)
Janice Howard (Vice-Chair)
Agatha Mary Akyigyina
Adam Bush
Stephen Crowe
Mary Curtin
John Dehaney
Mary-Jane Jeanes
Ian Munn BSc, MRTPI(Rtd)
Marsie Skeete
Gregory Patrick Udeh
David Williams

Substitute Members:

Michael Bull
Sally Kenny
Oonagh Moulton
Imran Uddin

Independent Persons invited:

Derek Prior
Pam Donovan

Date: Tuesday 13 December 2016

Time: 7.15 pm

**Venue: Committee rooms B, C & D - Merton Civic Centre, London Road,
Morden SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed.
For more information about the agenda please contact 020 8545 3357 or email:
democratic.services@merton.gov.uk .

All Press contacts: press@merton.gov.uk, 020 8545 3181

Standards and General Purposes Committee Agenda

13 December 2016

- 1 Apologies for Absence
- 2 Declarations of Pecuniary Interest
- 3 Member Complaints 1 - 44

Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non-pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Assistant Director of Corporate Governance.

Committee: Standards and General Purposes Committee

Date: 13 December 2016

Wards: n/a

Subject: Member Complaints

Lead officer: Paul Evans – Monitoring Officer

Lead member: n/a

Contact officer: Paul Evans – 0208 545 3338

Recommendations:

That the Standards and General Purposes Committee consider complaints made against the Leader of the Council, Cllr Stephen Alambritis and agree the recommendation of the Monitoring Officer and Council's Independent Person that the complaints merit formal investigation.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1** A report to consider complaints made against the Leader of the Council, Cllr Stephen Alambritis and agree the recommendation of the Monitoring Officer and Council's Independent Person that the complaints merit formal investigation.

2 INTRODUCTION AND PROCEDURE

- 2.1** The Council's Constitution sets out the procedure for the consideration of complaints made concerning members conduct further to the Localism Act 2011. A copy of the Council's Code of Conduct and procedure for considering complaints is attached at appendix 1 for ease of reference.
- 2.2** The procedure provides that the Monitoring Officer will review every complaint received to confirm they are made against a serving member and that they are in relation to an alleged breach of the Code of Conduct.
- 2.3** The Monitoring Officer will inform the member against whom a complaint has been made and will give details of the complaint to them.
- 2.4** In order to establish a preliminary view of the circumstances of the complaint and whether there may be a course of action which could be taken to resolve the issues promptly without the need for formal action, the Monitoring Officer may consult or meet with any other relevant persons, which may include the Leader of the Council or Group Leaders, the Chief Executive or any other officers, the complainant and the member against whom the complaint has been made.
- 2.5** The Monitoring Officer will then consult with the Independent Person and decide whether the complaint merits formal investigation. This decision will normally be taken within 14 days of receipt of the complaint. The complainant and the member against whom the complaint is made will be

informed of the Monitoring Officer's decision and the reasons for that decision.

2.6 In assessing whether a complaint should be investigated the following factors will be taken into consideration:

- *Public interest* – the decision whether to investigate will be a proportionate response to the issues raised and expected outcomes will take into account the wider public interest and the costs of undertaking an investigation. Complaints will only be investigated where the allegations are reasonably considered to be serious matters.
- *Alternative course of action* – a complaint will only be investigated where there is no other action which could be taken which would achieve an appropriate outcome in the circumstances of the case.
- *Member's democratic role* – where a complaint relates to a matter more appropriately judged by the electorate at the local elections, the Monitoring Officer will not normally refer these matters for investigation
- *Previous action* - if the complaint has already been subject to a previous investigation or some other action relating to the code of conduct or other
- related process, the matter will ordinarily not be referred for further action
- *Vexatious/repeated complaints* – the Monitoring Officer will not refer for investigation a complaint that is the same or substantially the same as one previously made by the complainant.
- *Timing of the alleged conduct* – if there are significant delays between the incident complained of and the complaint the matter will not ordinarily be considered further unless there are very good reasons for the delay.
- *Ulterior motive* – no further action is likely to be taken if the complaint is considered to be motivated by malice, political motivation or retaliation.

2.7 In appropriate cases the Monitoring Officer, in consultation with the Independent Person, may consider resolution of the complaint without the need for a formal investigation. This may involve:

- the member accepting that his/her conduct was unacceptable and offering
- an apology or other remedial action by the authority
- referring the matter to group leaders or officers
- the member being required to attend training
- the member being required to meet with the Monitoring Officer and/or other
- relevant officers

- or such other action as is considered appropriate by the Monitoring Officer and Independent Person

Matters which might appropriately be dealt with as described in 4.8 above may include:

- Misunderstanding of procedures or protocols
- Misleading, unclear or misunderstood advice from officers
- Lack of experience or training
- A general deterioration of relationships, including those between members and officers, as evidenced by a pattern of allegations of minor disrespect.
- Allegations and retaliatory allegations from the same individuals

2.8 As the complaints concern the Leader of the Council it is my view as Monitoring Officer and the view of the Council's Independent Person, Derek Prior, that the circumstances are "exceptional" as provided for in the Council's complaints process, and a decision to formally investigate should properly be referred to the Council's Standards and General Purposes Committee for confirmation

2.9 **BODY OF THE REPORT**

2.10 This report sets out the complaints received, a summary of the views expressed by the complainants and Councillors complained of, and the considerations and conclusions of the Independent Person and Monitoring Officer.

2.11 The Standards and General Purposes Committee is asked to consider the complaints made and agree the recommendation that a formal investigation of the complaints is merited.

2.12 Complaints received

Between 18th October 2016 and 4th November 2016 seven formal complaints were received by the Council concerning a letter and consultation questionnaire in relation to the council tax. The complaints are attached at appendix 2.

The complaints concerned a letter delivered in the St Helier ward attached at appendix 3.

The letter is from "Your St Helier Labour Councillors" and headed "Urgent: Consultation on Council Tax increase-please read now". It is signed off "Cllr Steven Alambritis – Leader of Merton Council" and is also signed by Cllr Imran Uddin, Cllr Jerome Neil and Cllr Dennis Pearce, the ward

councillors

The letter at the bottom states “printed and promoted by Billie Christie on behalf of Merton Labour councillors, all at 1 Crown Rd, Morden, SM4 5DD” and includes a Labour Party logo

The letter enclosed a questionnaire headed “Urgent – Have Your Say – Council Tax” which asked a series of questions concerning the possible level of Council Tax in the future. The questionnaire asks residents to complete it and include a name and address or responses without these details “will not be able to be included”.

A business reply service response was included using Licence number SEA 8368 and addressed to the “Council Tax and Council Spending Consultation, Consultation Team, 7th Floor, Civic Centre, London Road, Morden, SM4 5Dx.”

The timing of this correspondence is significant as the Council was conducting a consultation exercise “Have your say on council tax and council spending” with consultation forms included in My Merton and online. The consultation material for the Council’s consultation is attached at appendix 4.

The Council consultation included a business reply service licence number RTHA-BRBJ-CKXE and was addressed to “Council Tax and council Spending, Consultation Team, 7th Floor, Merton civic Centre, London Road, Morden, SM4 5DX.”

2.13

The Complaints

The complaints received are attached in full. In summary the complaints made are as follows

1. The Leader of the Council had written to residents whilst there was an on going council consultation exercise. The Leader should be objective and impartial and should not seek to impose his view in a ward that is not his own. The Leader should have ensured a balanced letter which was non discriminatory. It was offensive to disabled people to not mention them. It was an abuse of power to send such a letter at that time
2. The Leader was making it clear that he had made up his own mind and that the results of the consultation could be ignored.
3. The Leaders letter was an intervention in a consultation process paid for by the Council and brings into question the validity of the exercise
4. The letter appears to jeopardise the integrity of the official Council consultation on the level of council tax.
5. Whilst the letter was a matter for the Leader and he is entitled to express his view, the response form is a matter of concern. The form is described as “bogus” and has different questions to the

official Merton form.

6. Residents were required to state their names and addresses.
7. The impression given by the Leader was that the consultation outcome would determine if the council tax was raised. The letter appears to prevent this decision.
8. Residents will think they have taken part in the Council consultation when in fact they have not.
9. Council resources have been used in a non council consultation
10. The Council's public consultation had been undermined as the Leader was party to another consultation exercise and failed to distinguish it from the Council's consultation
11. There was no indication in the Leaders letter that this was not the Council's survey and there would be an assumption any details would only be seen by Council officials
12. The Council consultation was undermined and the Council brought into disrepute by the deceptive manner in which the exercise had been done
13. The Leader had failed to work constructively with partner agencies
14. One complaint was made against the ward councillors Cllr Uddin, Cllr Neil and Cllr Pearce. See complaint from Mrs Townley at appendix 2.

In summary, the complaint is that in a period of public consultation information sent by councillors should be presented in a fair, impartial and objective way. The letter is offensive and discriminatory to disabled people by not mentioning them.

A councillor may hold a view, but in a period of consultation it should not be decisive or fixed.

Councillors have acted far below what would be considered good conduct, during a period of public consultation. Councillors have caused potential to skew public opinion.

2.14 Preliminary consideration

Further to the complaints procedure the Monitoring Officer has spoken with each of the complainants and the Councillors concerned. The complainants repeated their concerns as set out above.

Cllr Alambritis commented as follows.

Mitcham and Morden are a strong party who often correspond with local residents. Cllr Alambritis didn't agree there would be confusion as residents were used to receiving correspondence with a reply paid service. The intention was that people would be responding to the Council with their views on Council tax. The letter clearly stated it was from Cllr Alambritis and councillors from the Labour group.

As soon as the issue of the business reply service had been raised Cllr

Alambritis had given an apology for the oversight and a commitment to reimburse the Council for any costs.

Cllr Alambritis did not consider there had been any attempt to mislead or use council resources in any way. The use of the business reply service was to ensure the Council heard residents views

Don't see it as a Standards issue in particular because an apology had been given and there was no prospect of the Labour Party using Council resources.

Felt there was a duty to liaise with residents and the letter set out the current labour Party thinking on council tax levels. The letter set out all options.

Residents expect to receive communications

There had been no request made of the Councils communications team on how the consultation was going and the Leader was always looking to do something as a Labour Party to liaise with residents. Liaison took place regularly on the budget, hospitals, businesses, and there were regular letters in this kind of format.

There is no way that this was made to look like a council format, it was a labour party letter and people would know that.

The exercise was done to add value, to compliment the Council consultation and to get people participating.

Councillors are entitled to have a say and to get their message across. It was an oversight that the reply paid slip had been used and this had been addressed with an apology and an offer to reimburse the Council.

Cllr Alambritis stated the letter was his responsibility.

Cllr Uddin, Cllr Pearce and Cllr Neil accepted that the letter in their name could have been more appropriately written although they did consider that councils were able to communicate with local residents. They were of the view that the letter promoted engagement with the councils consultation exercise and did not appear to be aware that a council business reply service had been used.

2.15 Considerations of Monitoring Officer and The Independent Person.

Further to the complaints process the Monitoring officer and The Independent Person have met to consider if the complaints merit formal investigation.

The provisions of the Code of conduct and the council's protocol on the use of resources which could have been breached are considered to be the following:

The Code of Conduct

Paragraph 1.3

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the

following principles to achieve best value for our residents and maintain public confidence in this authority.

And 2.7 Leadership

- Holders of public office should promote and support these principles by leadership and example.

The Council's protocol on the use of resources

provides at paragraph 7.2

7.2 The Council's facilities are not available for ward-wide mail shots, the distribution of leaflets or the posting of general information to constituents other than in the circumstances described above. They are also not available for posting any material which could not lawfully be printed by the Council. In considering those issues members should seek the views of officers above there is doubt.

To date the Council have received 2942 business replies for the forms received under licence number SEA 8368, at a cost of 0.38p per item totals £1,117.96p. Royal Mail's invoicing cycle runs about three weeks behind the delivery, it is not possible to give a precise figure in terms of actual expenditure to date.

As soon as it became clear that this was a Council business reply service the Leader immediately gave an apology and has given a commitment that any cost to the Council will be reimbursed.

Having considered the complaints made and views of the relevant councillors the shared view of the Monitoring Officer and The Independent Person is that the complaints in respect of Cllr Steven Alambritis do merit formal investigation as they are reasonably considered to be serious matters.

We were of the view that councillors are entitled to correspond with residents setting out their own views on matters, even if this is in a consultation period. This is something which residents are used to and is an accepted part of local politics. Our view is that the letter written to residents, and signed by the Leader and Councillors, by itself, is part and parcel of local politics. Other examples are available of political parties writing leaflets to residents in the same period and no complaints have been made.

The letter is however accompanied by a consultation form and a Council business reply service mailer. The documents together have resulted in the complaints being made because they provide a link between the "political" letter and political considerations, and possible confusion with a non political council consultation on the same subject. 3000 people have posted a letter to the Council using Council resources further to a political exercise.

We consider the complaints merit formal investigation for the following reasons

1. The "consultation" exercise carried out by the Leader did not present

a clear picture to the public that the exercise was a party political exercise and as a result, can be considered to have diminished public confidence in the Council's own consultation process and the Council to carry on business.

2. The use of Council resources through a pre paid business reply service addressed to the Council's Communications team by the Leader and political party will cost the Council in excess of £1000. This is notwithstanding that an apology has been provided and a commitment to reimburse the Council made.
3. The data management issues created by the collection of personal data and delivery to the Council and the impact this could have on public confidence in the Council.

We do not consider that the complaint in respect of Cllr Uddin, Cllr Neil and Cllr Pearce merit formal investigation primarily because there is no suggestion that they were responsible for the correspondence. Rather they appear to have offered their support to the Leader and party. It is considered that the Councillors receive advice on the use of Council resources and political correspondence.

3. ALTERNATIVE OPTIONS

- 3.1 The Standards and General Purposes Committee can decide that a formal investigation of the complaints is not merited in the circumstances further to the criteria set out above. The Committee should set out any reasons for such a decision if members are so minded.

4. CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 Consultation has been undertaken with complainants, members involved and the Council's Independent Person in the production of this report.

5. TIMETABLE

- 5.1 If the committee decide to confirm that a formal investigation is required, the Council's complaints process estimates a three month period for this to be undertaken.

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 A formal investigation and hearing before the Standards and General Purposes Committee of a complaint would result in costs of between £5,000 and £10,000 to be paid from the Monitoring Officer's budget.

7. LEGAL AND STATUTORY IMPLICATIONS

- 7.1 The Council's complaints process is set out in the Constitution and complies with the provisions of the Localism act 2011.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1 The Council's complaints hearing process complies with the requirements of natural justice as required by the Human Rights and equalities legislation.

9. CRIME AND DISORDER IMPLICATIONS

9.1 n/a

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1 n/a

11. BACKGROUND PAPERS

11.1 None.

This page is intentionally left blank

Part 5 – A

CODE OF CONDUCT

1 Introduction

- 1.1 This code applies to elected councillors and statutory co-opted members of Merton Council.
- 1.2 As a member, or co-opted member of Merton Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
- 1.3 In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.
- 1.4 The Act further provides for registration and disclosure of interests and in Merton Council this will be done in accordance with guidance issued by the Standards Committee.

2 Principles

2.1 Selflessness

- Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

2.2 Integrity

- Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

2.3 Objectivity

- In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Constitution Part 5-A - Code of conduct

2.4 Accountability

- Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

2.5 Openness

- Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

2.6 Honesty

- Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

2.7 Leadership

- Holders of public office should promote and support these principles by leadership and example.

3 Commitment

- 3.1 I agree to behave in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.

Procedure for dealing with complaints made against elected or co-opted members for breach of the Members' Code of Conduct

1. Background

This procedure sets out how a complaint that an elected or co-opted member of this authority has failed to comply with the authority's Code of Conduct can be made and how the authority will deal with allegations of a failure to comply with the authority's Code of Conduct.

Under the Localism Act 2011, the authority must appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated and whose views can be sought by the authority at any other stage or by a member against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to this procedure.

3. Making a Complaint

3.1 A complaint must be made in writing, preferably using the Complaint Form on the authority's website and emailed or sent to:

The Monitoring Officer
South London Legal Partnership
Gifford House
67C St Helier Avenue
Morden
SM4 6HY

Email: paul.evans@merton.gov.uk

3.2 The Monitoring Officer has statutory responsibility for maintaining the register of members' interests and is responsible for administering the system in respect of complaints of member misconduct. In the Monitoring Officer's absence the Deputy Monitoring Officer will undertake this role.

3.3 The authority will not normally investigate anonymous complaints unless there is a clear public interest in doing so.

3.4 The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it and will keep the complainant informed about the progress of the complaint.

3.5 The Monitoring Officer will inform the member against whom a complaint has been made that a complaint has been made and will give details of the complaint to them. The Monitoring Officer has the discretion, which will only be exercised in exceptional circumstances, not to inform the member of the complaint at this stage if the Monitoring Officer is of the view that there was a risk that an investigation could be frustrated or a case prejudiced by the member knowing the details.

4. Will the complaint be investigated?

4.1 The Monitoring Officer will review every complaint received.

4.2 The complaint must be:

- against one or more named members of the authority; and
- in relation to a named member who was in office within the authority at the time of the alleged conduct and the code of conduct was in force at the time; and
- in relation to an alleged breach of the Code of Conduct.

4.3. If the complaint does not fall within 4.2 above the matter will not be considered and the complainant will be informed that there will be no further action.

- 4.4 Where the complaint passes the above test, and in order to establish a preliminary view of the circumstances of the complaint and whether there may be a course of action which could be taken to resolve the issues promptly without the need for formal action, the Monitoring Officer may consult or meet with any other relevant persons, which may include the Leader of the Council or Group Leaders, the Chief Executive or any other officers, the complainant and the member against whom the complaint has been made.
- 4.5 The Monitoring Officer will then consult with the Independent Person and decide whether the complaint merits formal investigation. This decision will normally be taken within 14 days of receipt of the complaint. The complainant and the member against whom the complaint is made will be informed of the Monitoring Officer's decision and the reasons for that decision.
- 4.6 In assessing whether a complaint should be investigated the following factors will be taken into consideration:
- *Public interest* – the decision whether to investigate will be a proportionate response to the issues raised and expected outcomes will take into account the wider public interest and the costs of undertaking an investigation. Complaints will only be investigated where the allegations are reasonably considered to be serious matters.
 - *Alternative course of action* – a complaint will only be investigated where there is no other action which could be taken which would achieve an appropriate outcome in the circumstances of the case.
 - *Member's democratic role* – where a complaint relates to a matter more appropriately judged by the electorate at the local elections, the Monitoring Officer will not normally refer these matters for investigation.
 - *Previous action* - if the complaint has already been subject to a previous investigation or some other action relating to the code of conduct or other related process, the matter will ordinarily not be referred for further action.
 - *Vexatious/repeated complaints* – the Monitoring Officer will not refer for investigation a complaint that is the same or substantially the same as one previously made by the complainant.
 - *Timing of the alleged conduct* – if there are significant delays between the incident complained of and the complaint the matter will not ordinarily be considered further unless there are very good reasons for the delay.
 - *Ulterior motive* – no further action is likely to be taken if the complaint is considered to be motivated by malice, political motivation or retaliation.
- 4.8 In appropriate cases the Monitoring Officer, in consultation with the Independent Person, may consider resolution of the complaint without the need for a formal investigation. This may involve:
- the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the authority.
 - referring the matter to group leaders or officers
 - the member being required to attend training
 - the member being required to meet with the Monitoring Officer and/or other relevant officers
 - or such other action as is considered appropriate by the Monitoring Officer and Independent Person
- 4.9 Matters which might appropriately be dealt with as described in 4.8 above may include:

- Misunderstanding of procedures or protocols
 - Misleading, unclear or misunderstood advice from officers
 - Lack of experience or training
 - A general deterioration of relationships, including those between members and officers, as evidenced by a pattern of allegations of minor disrespect.
 - Allegations and retaliatory allegations from the same individuals
- 4.10 If this action does not resolve the complaint, the Monitoring Officer, in consultation with the Independent Person will reconsider whether the complaint merits formal investigation. An investigation will only be conducted where the Monitoring Officer and Independent Person agree that this is the appropriate course of action. The Monitoring Officer reserves the right, in exceptional circumstances, to refer a complaint to the Standards and General Purposes Committee to determine if an investigation is the appropriate course of action.
- 4.11 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the police and other regulatory agencies.

5. How is the investigation conducted?

- 5.1 If the Monitoring Officer and Independent Person decide that a complaint merits formal investigation, he will appoint an investigating officer and agree a timescale in which to undertake the investigation. This will normally take no more than 12 weeks from the appointment.
- 5.2 The investigating officer will contact the complainant and the member against whom a complaint has been made and undertake such investigation as is appropriate in all the circumstances.
- 5.3 At the end of the investigation, the investigating officer will produce a draft report and will seek comments and views on the draft report from the complainant and the member against whom the complaint has been made.
- 5.4 Having received and taken account of any comments which have been made, the Investigating Officer will send a copy of the final report to the Monitoring Officer.
- 5.5 If at any time the investigation is frustrated, for example, if significant witnesses are not available for interview, the Monitoring Officer can decide what action to take, including, in consultation with the Independent Person, terminating the investigation. Such a decision will be reported to the Standards and General Purposes Committee.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

- 6.1 The Monitoring Officer will review the Investigating Officer's report and if he is satisfied that the report is sufficient, the Monitoring Officer will, in consultation with the Independent Person, inform the complainant and the member concerned that he is satisfied that no further action is required. A copy of the investigating officer's final report will be given to the complainant and the member concerned.
- 6.2 If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the investigating officer to reconsider his/her report.

7 What happens if the investigating officer concludes that there is evidence of a failure to comply with the Code of Conduct?

- 7.1 The Monitoring Officer will review the investigating officer's report and in consultation with the Independent Person, will either (a) refer the matter to Standards and General Purposes Committee to determine whether there should be a hearing or (b) seek local resolution.

7.2 *Local resolution*

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he will consult with the Independent Person and the complainant and seek to agree a fair resolution which helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action. If the complainant is not satisfied with any suggested resolution or the member fails to comply, the Monitoring Officer may refer the matter to the Standards Committee to determine whether there should be a hearing.

7.3 *Standards and General Purposes Committee consideration of whether a matter proceeds to Local hearing*

The Standards and General Purposes Committee will decide whether the matter will proceed to a hearing and it will take into account the views of the independent person in making its decision.

The meeting of the Standards and General Purposes Committee will be open to the press and public unless confidential or exempt information under Part VA Local Government Act 1972 is likely to be disclosed. The Committee will go into private session if it resolves to do so.

The Monitoring Officer will confirm the Standards and General Purposes Committee's decision to the complainant and the member against whom the complaint has been made.

If the Standards and General Purposes Committee decides that the matter will proceed to a hearing, paragraphs 8 to 11 will apply:

8. Pre Hearing Process

8.1 The Standards and General Purposes Committee may appoint a sub-committee for pre-hearing stages if they consider it necessary

8.2 Prior to a hearing, an officer from the Council's Democracy Services team will write to the member subject to the complaint proposing a date for the hearing before the Standards and General Purposes Committee.

8.3 Democracy Services will outline the hearing procedure to the member subject to the complaint and request a written response from the member within a set time in relation to whether the member:

- Wants to be represented at the hearing by a solicitor, barrister or any other person
- Disagrees with any of the findings of fact in the investigation report
- Wants to give evidence to the Standards and General Purposes Committee either verbally or in writing
- Wants to call relevant witnesses to give evidence to the hearing and to provide details of the witnesses
- Wants any part of the hearing to be held in private and reasons for the request
- Wants any part of the investigation report or other relevant documents to be withheld from the public and reasons for the request
- Can attend the hearing

8.4 Democracy Services will refer the member's response to the Monitoring Officer to comment in order to ensure that all parties are clear about the remaining factual

disputes and can deal with these issues at the hearing. The Monitoring Officer will also ascertain from the investigating officer whether the complainant will be giving evidence at the hearing and whether the investigating officer will be calling any witnesses to give evidence.

8.5 The Monitoring Officer will prepare a report for the hearing which will:

- Summarise the allegation
- Outline the main facts of the case which are agreed
- Outline the main facts which are not agreed
- Indicate whether the member and the investigating officer will be present at the hearing
- Indicate the witnesses, if any, who will be asked to give evidence
- Outline the proposed procedure for the hearing
- Include the Investigating Officer's report
- Include the views of the Independent Person

9 The Hearing

9.1 The hearing is before the Standards and General Purposes Committee and the Independent Person will be in attendance to provide his/her views before a decision is made.

9.2 The procedure for local hearings is attached at Appendix 2.

9.3 The meeting of the Standards and General Purposes Committee will be open to the press and public unless confidential or exempt information under Part VA Local Government Act 1972 is likely to be disclosed. The Committee will go into private session if it resolves to do so.

9.4 The Standards and General Purposes Committee will decide on the balance of probabilities whether it is more likely than not that the member is in breach of the Code of Conduct. The Standards and General Purposes Committee must seek the views of the independent person before making a decision on the allegation.

9.5 The Standards and General Purposes Committee can determine the number of witnesses and the way in which witnesses can be questioned.

9.6 If the member fails to attend the hearing, the Standards and General Purposes Committee can decide whether to proceed in the member's absence and make a determination or whether to adjourn the hearing to a later date.

9.7 If the Standards and General Purposes Committee conclude that the member did not fail to comply with the Code of Conduct, it will dismiss the complaint.

9.8 If the Standards and General Purposes Committee conclude that the member did fail to comply with the Code of Conduct, the Committee will then consider what action, if any, the Committee should take. In doing this, the Committee will give the member the opportunity to make representations to the Committee and will consult the Independent Person.

10. What action can the Standards and General Purposes Committee take where a member has failed to comply with the Code of Conduct?

10.1 The Council has delegated to the Standards and General Purposes Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct.

Accordingly the Standards and General Purposes Committee may:

- Censure or reprimand the member

- Publish its findings in respect of the member's conduct
- Report its findings to Council for information
- Recommend to the member's Group Leader (or in the case of un-grouped members recommend to Council or to committees) that the member be removed from any or all committees of the council
- Recommend to the Leader of the Council that the member be removed from the Cabinet or removed from particular portfolio responsibilities
- Recommend to Council that the member be replaced in any Council appointed roles
- Instruct the Monitoring Officer to arrange training for the member
- Recommend to Council removal from all outside appointments to which the member has been appointed or nominated by the authority
- Withdraw facilities provided to the member by the Council, such as computer, website and/or internet access
- Exclude the member from the Council's offices or other premises with the exception of meeting rooms as necessary for attending council and committee meetings

The Standards Committee has no power to suspend or disqualify the member or to withdraw members' allowances.

11. What happens at the end of the hearing?

- 11.1 At the end of the hearing the Chair of the Standards and General Purposes Committee will state their decision any actions which they resolve to take.
- 11.2 As soon as practicable thereafter, the Monitoring Officer will prepare a formal decision notice in consultation with the Chair of the Standards and General Purposes Committee and send a copy to the complainant, the member, and make the decision notice available for public inspection.

12. Revision of these arrangements

With the exception of paragraph 10 above, the Council has delegated the authority to amend these arrangements to the Standards and General Purposes Committee and has delegated to the Chair of the Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

There is no right of appeal for the complainant or the member against a decision of the Monitoring Officer or the Standards and General Purposes Committee.

If the complainant believes that the authority has failed to deal with the complaint properly, they may wish to make a complaint to the Local Government Ombudsman.

Merton Council Complaints Team/Monitoring Officer
London Borough of Merton
Merton Civic Centre


Mrs Jeanette Townley

[REDACTED]
Morden, [REDACTED]
[REDACTED]

18th October 2016

Dear Complaints Team/Monitoring Officer,

I am writing to lodge a formal complaint about the conduct of my Ward Councillors, Dennis Pearce, Jerome Neil and Imran Uddin. I am also lodging a formal complaint about the conduct of Stephen Alambritis, Leader of the Council.

This relates to a letter I received (delivered by hand through my door) on Saturday 8th October 2016 re consultation currently underway about council priorities and council tax. This consultation ends on 4th November 2016.

The letter is from Stephen Alambritis and my ward councillors; it is entitled Urgent: consultation of Council Tax increases - please read now, and is enclosed. The letter is clear in stating their view that they are 'strongly minded' not to increase council tax for the next two years; they then go on to ask people if that's what they want.

I feel there are very serious shortcomings in conduct of all parties, which is why I need to lodge this complaint.

Ward Councillors

My ward councillors obviously wanted to share information about the current consultation; that is fair enough and helpful for local people within my ward (St Helier). However, I feel that, taking into account we are in a period of public consultation, the information they sent round should have been presented in a fair, impartial and objective way. All this letter does is construct specific information towards the purpose of highlighting their view, that council tax should not be increased. The letter is also offensive and discriminatory towards disabled people, by not including a mention in the letter, even though they found it right to mention poverty, food banks etc.

I accept that councillors may hold a personal view (as councillors), but publicly, during a period of consultation, they should not be so decisive and should remain impartial to a fixed view; how can they form an opinion when the consultation is not yet finished. Public consultation means the council is asking people for their views and I have seen nothing within consultation documents (My Merton/Merton's website) that states a specific view of not increasing council tax, with consultation being done to see if people agree with that view. I was under the impression that legal precedents worked in this regard, ie, that councillors must adhere to certain rules.

I believe they are using fear (Brexit, possible recession and increased debt) to make people see their view, and also an incentive to sway opinion (ie, offering a two year c/tax freeze).

I feel my ward councillors have acted far below what would be considered good conduct, during a period of public consultation about the issues they write about. I feel they have made it look like something they need to win, rather than a very sensitive issue and part of public consultation process. I think they have caused potential to skew public opinion.

Stephen Alambritis - Leader of the Council

Mr Alambritis agreed to the consultation; this was as a result for solid campaigning to raise council tax by the 2% adult social care precept, which didn't happen (it was frozen for a further year). The consultation was not forced upon him. I accept that he has his own local ward, where he may contact people, but as leader he should be objective and impartial. I don't think he has been any of these and believe he has acted far below what would be considered good conduct, during a period of public consultation about the issues written about (he signed the 'yours sincerely' part of the letter, which shows full involvement on his part; the term 'we' is used in the letter, which includes him).

I feel that, as Leader, he had no place imposing his presence/view in my ward, at this time. I feel he was using his power/influence as Leader (and Cabinet Member) to influence public opinion to what views he (and the councillors) hold. I also feel it is an abuse of power, working with local ward councillors at such a time (how can they say no to him when he is the Leader).

As Leader, he should have known better. I don't know who decided to write the letter but he should have ensured it was balanced in its information and non-definitive in view - because it is still an open debate. He should have ensured it was non-discriminatory to disabled people but there is virtually nothing in the letter about them, even though there is a large population of disabled people in my ward, and also the council as a whole.

I worry that Mr Alambritis is still angry at the campaigning last year and intends to do what he can to gather views to agree with him. My ward is a very strong Labour majority, with a lot of social housing. It is the perfect place to get views to agree with his belief that council tax should be frozen for a further two years.

Thank you in advance for your co-operation, I look forward to hearing from you.

Yours faithfully,

Jeanette Townley

P.S. I have read My Merton and the details of the consultation. This is in the centre pages (enclosed).
From this, it is clear that my Ward Councillors and Stephen Alambritis, have acted not in accordance with the agreed way of working. This is true for the letter and voting slip.

From: Peter Walker
Sent: 26 October 2016 10:45
To: complaints
Cc: Ged Curran; Chief Executive; Paul Evans
Subject: Complaint about Councillor Stephen Alambritis

The Complaints Team,
Merton Civic Centre,
London Road,
Morden, SM4 5DX

**Complaint about Councillor Stephen Alambritis
Leaflet signed by him makes it clear he will
ignore expensive public consultation exercise**

Dear Complaints team

At the beginning of September this year, Merton Council Leader, Stephen Alambritis promised he would be

“fully consulting residents on next year’s budget and if they tell me they want to pay more, in the light of demographic changes, then I will follow their lead”.

The consultation exercise started on 9 September and was finish on 4 November. The Council website which is hosting the consultation (see link <https://consult.merton.gov.uk/KMS/elab.aspx?noip=1&CampaignId=588>) exercise states:

“We want to know what you think. Would you be willing to pay extra council tax in 2017/18 and 2018/19? If so, how much extra? Would you prefer any additional council tax to help reduce the cuts to just one council service (adult social care), or all areas?”

However Councillor Alambritis has now issued his own letter to local residents where he makes it clear that he has made his mind up and the result of the consultation will be ignored if it is not the result he wants.

In his letter to local residents issued earlier this month (**attached**), and before the consultation exercise has finished, he states: **“We are therefore strongly minded not to increase council tax for the next two years, especially whilst Brexit is being negotiated”**

This extraordinary intervention in a consultation exercise paid for by the Council brings into question the whole validity of the exercise. It appears that Councillor Alambritis is making it clear that he and Merton Council will ignore any result which does not agree with their views.

Accordingly I wish to make a formal complaint about the action taken by Councillor Alambritis in saying he wishes to hear the views of residents and then making it clear he has made up his mind before the consultation ends.

Yours sincerely

Peter Walker

Cc Ged Curran and Paul Evans

**Your St. Helier
Labour Councillors**

Cllr Imran Uddin
imran.uddin@merton.gov.uk 07775 910 411

Cllr Jerome Neil
Jerome.neil@merton.gov.uk 07909 229 623

Cllr Dennis Pearce
dennis.pearce@merton.gov.uk 07947 885 852

October 2016

Dear Resident,

Urgent: Consultation on Council Tax increases – please read now!

This is a very important letter about how much council tax you will pay in the future. Please make every effort to read it and let us know what you think. Whilst we are your local councillors in your local area, and the Leader of Merton Council, we are also your neighbours and care passionately about this community. It's where we live and raise our families.

When Labour was elected here in Merton in 2010 we made a promise to freeze your council tax. We have kept our promise and your council tax has been exactly the same now as it was 6 years ago, which is £1,102 per year on a Band 'D' property (most of us live in Band 'D' properties).

Council tax is perhaps the only big item you have to pay that has stayed the same over the last 6 years, when all other prices have increased including rents, property prices, energy costs, fares, food and so on. We are proud of keeping council tax affordable for you through difficult times, especially when the Conservative Government have hit us so hard. Between 2010 and 2015, they slashed the funding Merton gets from central Government, forcing us to make cuts of £75 million. This really matters because most money spent locally – for rubbish collection, street sweeping, schools, looking after the elderly, child protection, roads and libraries – comes from central Government, with only a fraction coming from the Council Tax.

We've managed to keep freezing Council Tax every year by being business-like in the way we operate, something we promised in 2010. We have burnt the midnight oil and looked at every penny we spend and worked out how we could save money. But, things are getting much worse. The new Conservative Government, elected in 2015 and now led by Prime Minister Theresa May, has told us we will have to make a further £35 million cuts by 2020. That will mean £110m in cuts since 2010 – or £1,375 for each home. It's a big problem.

A further £35 million of cuts will have a big impact on local services but we are also worried if we raise council tax it will become unaffordable for many. Different groups are urging us to increase the council tax from between 1.99% to 3.99% per year.

Some say the easy option is to raise council tax to fend off cuts to services, but even if it was increased by 2% it would only earn us another £1.5 million a year. And remember, the council has faced cuts of £110 million since 2010. Whatever happens, it is a fantasy to believe the council can eliminate all cuts by raising the council tax.

From: Tristan Wood

Sent: 03 November 2016 16:52

To: complaints

Cc: Councillor Edward Foley; Councillor Peter Southgate; Councillor John Sargeant

Subject: For the attention of the Monitoring Officer

Complaint about actions taken by Councillor Stephen Alambritis during the consultation period on Council Tax and adult social care funding

As a Merton resident concerned about the living conditions of the borough's most vulnerable residents, I am writing to complain about the actions of Councillor and Council Leader Stephen Alambritis during the current public consultation on future levels of Council Tax and the key question as to whether additional Council Tax funding should be raised towards social care costs.

Following the budget-setting meeting last March, when the Labour Group refused an option to increase Council Tax by 2% a year to raise £1.7 million for adult social care, Councillor Alambritis said a public consultation would be held to decide whether Merton residents would agree to pay more Council Tax ahead of the 2017/18 budget. That consultation was launched in September and closes tomorrow, 4th November. The impression given when announcing there would be a public consultation was that the outcome of this consultation would be the determining factor in whether or not additional Council Tax funds would be raised towards meeting social care costs.

However, during the consultation period, Councillor Alambritis, together with three other councillors - Imran Uddin, Jerome Neil and Dennis Pearce – has circulated a letter that appears to pre-empt this decision. In it, he and the other councillors state, "We are therefore strongly minded not to increase your council tax for the next two years, especially whilst Brexit is being negotiated."

To make matters worse, after recommending that residents vote against an increase in Council Tax, the letter also contains a questionnaire on Council Tax which describes itself as a consultation, and includes a Freepost envelope to return to the Consultation Team in Merton Council. It is highly likely that (whatever their views) residents returning this questionnaire will think they have taken part in the public consultation, when in fact they have not – the design and content of this 'consultation' is quite different from the official version appearing in *My Merton* and the Council website.

According to the *Wimbledon Guardian*, Merton Council has confirmed responses to the councillors' letter will not be regarded as part of the formal consultation, are not being counted, and that all such responses will be forwarded to the Labour Party. If this is the case, I would also hope that the Council can confirm that all the costs involved in this exercise by the four councillors are being met either by the councillors themselves or the Labour Party, and not by the Council.

My complaint about Councillor Alambritis (and I am singling him out from the other councillors because he also holds the influential position of Council Leader) is that:

- a) His comments in the letter, and their timing, arguably negate the Council's consultation by showing he has already made his mind up about the eventual decision; and
- b) He has further undermined the public consultation procedure by being party to another consultative exercise that has failed to distinguish itself from the Council's official consultation; and
- c) By these actions he has brought local democracy into disrepute and deserves public sanction.

One wonders if Councillor Alambritis's actions are deliberately designed to sow confusion and muddy the official consultation waters sufficiently so that, should the official consultation outcome be in favour of increases in Council Tax, he will feel able to ignore it and leave vulnerable people in the borough in a worse position than if the increase had gone ahead.

I look forward to your confirmation that Councillor Alambritis's actions have demeaned the role of Council Leader and damaged local democracy and, as such, merit public sanction, and also that the Council is bearing none of the cost of the 'consultation' embarked upon by the four councillors.

Tristan Wood

From: Sally Phillips
Sent: 03 November 2016 19:56
To: complaints
Cc: Councillor Peter Southgate; Councillor Edward Foley
Subject: FW: For the attention of the Monitoring Officer

Dear Colleague

Complaint about actions taken by Councillor Stephen Alambritis during the consultation period on Council Tax and adult social care funding

You should by now have received a complaint on this subject from my partner, Tristan Wood, who lives at the same address.

Please note that I, too, wish to make a complaint on the same grounds as Mr. Wood, namely that Cllor Alambritis has indulged in serious meddling in the democratic process of an important public consultation. I share Mr Wood's view that Cllor Alambritis has brought local democracy into disrepute, and I extend this charge to include bringing the offices of both Council Leader and elected representative into disrepute also. In addition, if the expenditure for Cllor Alambritis' exercise has been charged to the Council, I would expect this to be considered as a potentially surchargeable offence.

Since Mr. Wood has laid out the case so eloquently and comprehensively, I reproduce the wording of his letter below as an accurate reflection of my own complaint.

I look forward to your reply to me, please.
Kind regards
Sara Phillips

This email and any attachments are confidential. If you have received this email in error, please kindly notify the sender immediately. You should not retain the message or any attachments, nor disclose the contents to anyone. Thank you.

Grounds for complaint against Cllor Alambritis – extract from letter from T.R. Wood:

“As a Merton resident concerned about the living conditions of the borough's most vulnerable residents, I am writing to complain about the actions of Councillor and Council Leader Stephen Alambritis during the current public consultation on future levels of Council Tax and the key question as to whether additional Council Tax funding should be raised towards social care costs.

Following the budget-setting meeting last March, when the Labour Group refused an option to increase Council Tax by 2% a year to raise £1.7 million for adult social care, Councillor Alambritis said a public consultation would be held to decide whether Merton residents would agree to pay more Council Tax ahead of the 2017/18 budget. That consultation was launched in September and closes tomorrow, 4th November. The impression given when announcing there would be a public consultation was that the outcome of this consultation would be the determining factor in whether or not additional Council Tax funds would be raised towards meeting social care costs.

However, during the consultation period, Councillor Alambritis, together with three other councillors - Imran Uddin, Jerome Neil and Dennis Pearce – has circulated a letter that appears to pre-empt this decision. In it, he and the other councillors state, ‘We are therefore strongly minded not to increase your council tax for the next two years, especially whilst Brexit is being negotiated.’

To make matters worse, after recommending that residents vote against an increase in Council Tax, the letter also contains a questionnaire on Council Tax which describes itself as a consultation, and includes a Freepost envelope to return to the Consultation Team in Merton Council. It is highly likely that (whatever their views) residents returning this questionnaire will think they have taken part in the public consultation, when in fact they have not – the design and content of this ‘consultation’ is quite different from the official version appearing in *My Merton* and the Council website.

According to the *Wimbledon Guardian*, Merton Council has confirmed responses to the councillors’ letter will not be regarded as part of the formal consultation, are not being counted, and that all such responses will be forwarded to the Labour Party. If this is the case, I would also hope that the Council can confirm that all the costs involved in this exercise by the four councillors are being met either by the councillors themselves or the Labour Party, and not by the Council.

My complaint about Councillor Alambritis (and I am singling him out from the other councillors because he also holds the influential position of Council Leader) is that:

- a) His comments in the letter, and their timing, arguably negate the Council’s consultation by showing he has already made his mind up about the eventual decision; and
- b) He has further undermined the public consultation procedure by being party to another consultative exercise that has failed to distinguish itself from the Council’s official consultation; and
- c) By these actions he has brought local democracy into disrepute and deserves public sanction.

One wonders if Councillor Alambritis’s actions are deliberately designed to sow confusion and muddy the official consultation waters sufficiently so that, should the official consultation outcome be in favour of increases in Council Tax, he will feel able to ignore it and leave vulnerable people in the borough in a worse position than if the increase had gone ahead.

I look forward to your confirmation that Councillor Alambritis’s actions have demeaned the role of Council Leader and damaged local democracy and, as such, merit public sanction, and also that the Council is bearing none of the cost of the ‘consultation’ embarked upon by the four councillors.”

Sara Phillips

From: Sally Burns
Sent: 02 November 2016 08:30
To: Ged Curran; Paul Evans
Subject: What happens to the 'alternative' questionnaire on council tax

Dear Mr Curran

I'm getting in touch with you and Mr Evans because of concern expressed at the news that you are planning to return replies to Cllr Alambritis' alternative questionnaire to the Mitcham & Morden Labour party. We were horrified when we first saw the letter sent round wards with its extremely partial and misleading information, biased questionnaire and clear indication that the Leader of the Council's mind was already made up, so were very relieved to hear that the replies would be excluded from the official consultation. But are worried about what now happens to these replies.

We think there are several problems here - many residents, on seeing the official reply paid envelope addressed to the civic centre, and no indication that this was not the proper consultation, will have assumed that their response would only be seen by council officials. It's quite possible that some of these respondents may not want local councillors to find out what they said on the questionnaire, in which they had to reveal their name and address. But secondly, is it legal to redirect mail in this way without first getting the permission of the senders?

We are also concerned that if the only people who see these responses are Cllr Alambritis and colleagues, but the results are then used to back up whatever course of action they choose, there is no way of checking their validity. This is not something I like writing, but I'm afraid in the current local political climate it is what many people are thinking.

Undermining his council's own consultation surely constitutes bringing the good name of the council into disrepute? I'm sure that this is something you will be investigating, but the combination of this factor, plus the deceptive manner in which this was done seems to us, at the very least, totally unethical and, we think, quite possibly against the rules of conduct for councillors.

We look forward to hearing your response to this particular query, and the outcome of your investigations,

best wishes

Sally Burns

This page is intentionally left blank

Complaint form



Complaint to the Council's monitoring officer alleging a breach of the Council's Code of Conduct by an elected or statutory co-opted member of the Council

When completed please send this and any supporting details to:

The Monitoring Officer, London Borough of Merton

Email: paul.evans@merton.gov.uk

Address: South London Legal Partnership, 67c St Helier Avenue, Morden, SM4 6HY.

Telephone: 0208 8545 3338

Section 1. Your details - Please provide your name and contact details

Title:	Ms
First name:	Mariette
Last name:	Akkermans
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

We will give a copy of your complaint to the member(s) you are complaining about but your address and contact details will not be released without your permission.

If you have serious concerns about your name and/or details of your complaint being released, please complete section 3.

Please tell us which complainant type best describes you:

- Member of the public **V**
- An elected or co-opted member of the London Borough of Merton
- An elected or co-opted member of another authority
- An officer of the London Borough of Merton
- Member of Parliament
- Other (.....)

Section 2. Making your complaint

Once you have submitted your complaint you will be contacted within 7 working days, explaining what will happen to your complaint and the anticipated timeframe within which it will be considered.

Please note that we can only deal with complaints about the alleged improper behaviour and Conduct of a Member which may constitute a breach of the Council's Code of Conduct for Members.

The Committee cannot deal with complaints about any of the Council's departments, services or matters not covered by the Council's Code of Conduct. Concerns regarding matters other than the conduct of a Member should be raised with the Council through the Council's established complaints procedure (details of which are available on the Council's website)

Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Name of Member(s):

Stephen Alambritis

Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the assessment sub-committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Section 3. Details of complaint

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

I believe that the actions taken by Councillor Stephen Alambritis during the current public consultation on future levels of Council Tax are a breach of the Code of Conduct for councillors. In my view Councillor Alambritis has failed to work constructively with partner agencies to secure better social outcomes for all and has failed to maintain public confidence in the Authority. I think his actions have been undemocratic, likely to cause unnecessary hardship to vulnerable residents of Merton and are evidence of his poor understanding of the appropriate use of resources.

In March of this year, the Labour Group refused to adopt an option to increase Council Tax by 2% a year to raise £1.7 million for adult social care. At the time, Councillor Alambritis was quoted as promising a public consultation to decide whether Merton residents would want to pay more Council Tax in coming years. That consultation was launched in September and closed on 4th November. My understanding, shared by many of my friends and acquaintances, as well as voluntary agencies active in the Borough was that this consultation would be a key factor in the decision making process about raising Council Tax to help meet the cost of adult social care (or offset some of the cuts made to services).

I now understand (from the local Guardian newspaper) that Councillor Alambritis, together with three other councillors - Imran Uddin, Jerome Neil and Dennis Pearce – has circulated a letter (during the consultation period) which contains the following statement: “We are therefore strongly minded not to increase your council tax for the next two years, especially whilst Brexit is being negotiated.” I am astonished that Councillor Alambritis feels he can make such a statement, at that time, i.e. whilst the formal consultation is still ongoing. It seems to suggest that Cllr Alambritis has the authority and power to make such decisions without waiting for the outcome of the consultation and without going through the normal council budget setting process.

I also understand that the letter includes a recommendation that residents vote against an increase in Council Tax, as well as another ‘questionnaire’ on Council Tax, described as consultation, with a Freepost envelope to return to the Consultation Team in Merton Council. If such a letter, with enclosures has indeed been sent out by Cllr Alambritis it seems highly likely that the recipients returning this questionnaire will have thought that they were taken part in the public consultation.

On the one hand Cllr Abramitis appears to suggest that he is minded to do what he wants to do regardless of the outcome of the consultation, but at the same time he organises another parallel consultation, on the same topic, encouraging residents to vote against an increase in council tax. It leaves me with the question whether the Council’s formal consultation has any value, and how that compares with the weight given to this second ‘consultation’.

An article in the *Wimbledon Guardian* suggests that Merton Council has advised that responses to the councillors’ letter will not be part of the formal consultation, votes will not be counted, and that all these responses will be sent on to the Labour Party.

If this is true, it leads me to yet another issue, i.e. who bears the cost of the private consultation exercise devised and organised by local councillors, led by Cllr Alambritis. The use of freepost envelopes would indicate to me that the Council is a party to this parallel exercise and is bearing the cost. If this is so I would question whether this is an appropriate use of council funds. I would suggest that, if this second consultation is a personal and/or party political exercise the letter and enclosures should have gone out on behalf of and be paid for by the party Cllr Alambritis represents.

So, to summarise:

Councillor Alambritis, who is also the Council Leader and therefore the most influential of the councillors involved in this mailing has:

- a) undermined the Council's consultation process by sending out correspondence which suggests he has already made up his mind about the level of council tax, regardless of the outcome of the consultation.
 - b) failed to work constructively with partner organisations (in this case especially agencies working with and on behalf of residents who rely on adult social care services) by making promises about a consultation which he then goes on to undermine.
 - c) failed to maintain public confidence in the authority through running a parallel consultation exercise and thus causing confusion about the council tax consultation process among local residents; the likely result is an increase in distrust in consultation, in elected councillors and in the council as a whole.
 - d) used council resources for party political or personal purposes
-

Section 4. Request to withhold information

Only complete this next section if you are requesting that your identity is kept confidential

In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there are exceptional circumstances. Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment sub-committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Section 5. Additional help

Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language. If you need any support in completing this form, please let us know as soon as possible by telephoning 020 8545 3616.

This page is intentionally left blank

Received Saturday 15th October 2016

**Your St. Helier
Labour Councillors**

Cllr Imran Uddin
imran.uddin@merton.gov.uk 07775 910 411

Cllr Jerome Neil
Jerome.neil@merton.gov.uk 07909 229 623

Cllr Dennis Pearce
dennis.pearce@merton.gov.uk 07947 885 852

October 2016

Dear Resident,

Urgent: Consultation on Council Tax increases – please read now!

This is a very important letter about how much council tax you will pay in the future. Please make every effort to read it and let us know what you think. Whilst we are your local councillors in your local area, and the Leader of Merton Council, we are also your neighbours and care passionately about this community. It's where we live and raise our families.

When Labour was elected here in Merton in 2010 we made a promise to freeze your council tax. We have kept our promise and your council tax has been exactly the same now as it was 6 years ago, which is £1,102 per year on a Band 'D' property (most of us live in Band 'D' properties).

Council tax is perhaps the only big item you have to pay that has stayed the same over the last 6 years, when all other prices have increased including rents, property prices, energy costs, fares, food and so on. We are proud of keeping council tax affordable for you through difficult times, especially when the Conservative Government have hit us so hard. Between 2010 and 2015, they slashed the funding Merton gets from central Government, forcing us to make cuts of £75 million. This really matters because most money spent locally – for rubbish collection, street sweeping, schools, looking after the elderly, child protection, roads and libraries – comes from central Government, with only a fraction coming from the Council Tax.

We've managed to keep freezing Council Tax every year by being business-like in the way we operate, something we promised in 2010. We have burnt the midnight oil and looked at every penny we spend and worked out how we could save money. But, things are getting much worse. The new Conservative Government, elected in 2015 and now led by Prime Minister Theresa May, has told us we will have to make a further £35 million cuts by 2020. That will mean £110m in cuts since 2010 – or £1,375 for each home. It's a big problem.

A further £35 million of cuts will have a big impact on local services but we are also worried if we raise council tax it will become unaffordable for many. Different groups are urging us to increase the council tax from between 1.99% to 3.99% per year.

~~A~~ Some say the easy option is to raise council tax to fend off cuts to services, but even if it was increased by 2% it would only earn us another £1.5 million a year. And remember, the council has faced cuts of £110 million since 2010. Whatever happens, it is a fantasy to believe the council can eliminate cuts by raising the council tax.

Many local families are struggling to get by -

- 1 in 3 local children are living in poverty and we have seen the number of children having free school meals increase by one-third.
- Local families who rent spend an average of £6 in every £10 they earn on housing, with only £4 left to cover food, bills, council tax, fares, school uniforms. Only a minority have had significant wage rises since 2010.
- Food banks have trebled and last Christmas many of us helped a local charity distribute food to 750 local families who could not get through the holidays without help.

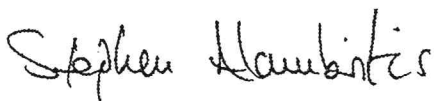
One consequence of putting up the council tax is that when people can't afford to pay, they can get pushed into debt and have to face the courts. Families and the local community suffer and, often, council tax receipts actually go down. It becomes a lose-lose situation.

✶ We are therefore strongly minded not to increase your council tax for the next two years, especially whilst Brexit is being negotiated. We think its best we wait until the UK gets through these difficult negotiations. None of us have a crystal ball but there is always the potential that the UK could go into recession next year as we work out the exit from the EU. We think it's important not to pile on additional pressures here in Merton.

We are writing to you to see if we are on the right track. What do you think? Please answer our consultation by letting us know whether we are right to continue freezing your council tax.

If there is anything you want to discuss in this letter or want to talk about anything locally please pop in to see us. We will be at St. George's Church on Central Road in Morden on the 3rd Thursday of the month from 6pm – so this month that is Thursday 20th October.

Yours Sincerely,



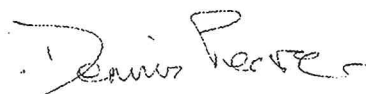
Cllr Stephen Alambritis – Leader of Merton Council



Cllr Imran Uddin



Cllr Jerome Neil



Cllr Dennis Pearce

URGENT: Have Your Say – Council Tax

This is an important consultation on council tax on behalf of your local councillors.

Merton Council has kept its promise to freeze council tax since 2010, meaning you pay the same amount in Council Tax today as you did six years ago. But we want to find out if you agree with this promise, and make sure that you also understand that if we keep council tax frozen, this will mean we have to make some very difficult decisions for this community.

Council tax affects every household in our community, so please complete this form today and pop in the post (no stamp needed). Simply fold on the lines shown.

1. Council Tax 2017/18 and 2018/19

Merton has frozen its council tax since 2010, but many other councils are raising theirs. Do you think an increase in your council tax is the best choice for Merton?

YES to an increase in my council tax

NO to an increase in my council tax

2. What is the best choice for Merton's overall council tax?

NO to an increase in my council tax, keep it at the same level it is now

YES to an increase of 1.99% of in my council tax
(this would be an extra £44.31 over the next two years on a Band D property)

YES to an increase of 2% of in my council tax (to be spent on Adult Social Care only)
(this would be an extra £44.53 over the next two years on a Band D property)

YES to an increase of 3.99% of in my council tax
(this would be an extra £89.71 over the next two years on a Band D property)

3. If you voted YES you must answer this question:

I understand that even if Merton votes for an increase in council tax councillors will still need to make further cuts of at least £16 million to balance the books. Please tick here to confirm your understanding.

Your details:

For your voice to be heard you **MUST** complete this section. Responses without the following details will not be able to be included:

Name: _____

Address: _____

Postcode: _____

c) Third fold back on this line and tuck in flap

BUSINESS REPLY SERVICE
Licence No. SEA 8368

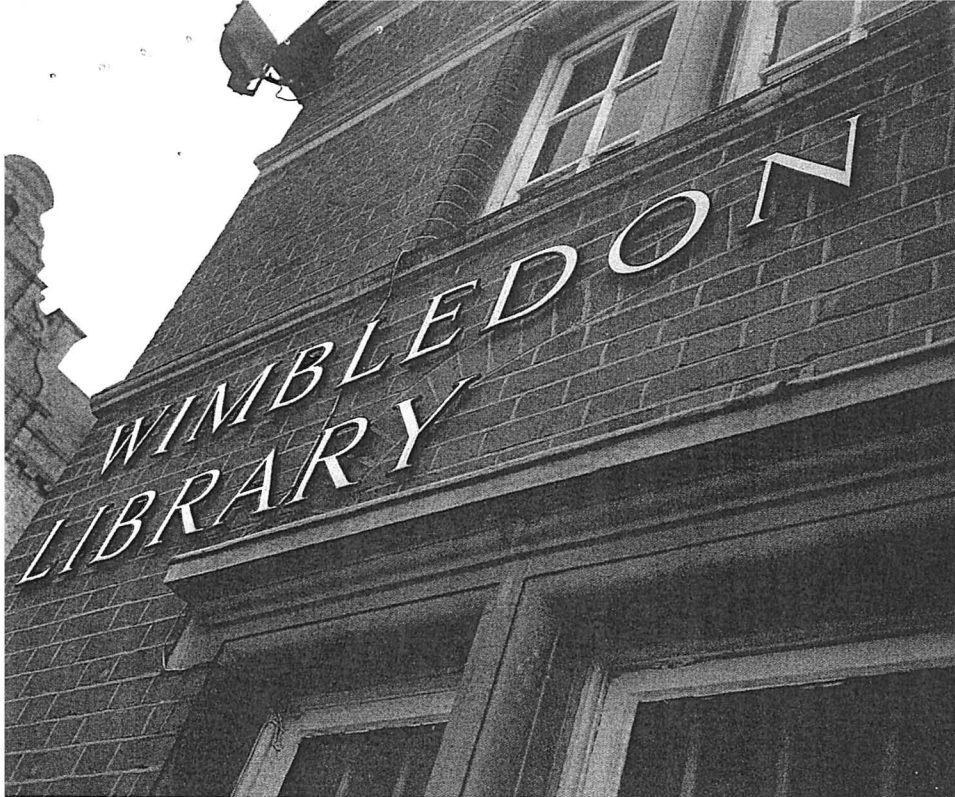
2



Council Tax and Council Spending Consultation,
Consultation Team,
7th Floor
Civic Centre,
London Road,
Morden,
SM4 5DX.

a) First fold back on this line

b) Second fold back on this line



Have your say on council tax and council spending



Have your say on council tax and council spending

Merton Council has frozen your council tax since 2010 and has promised to do so until March 2019.

However, council services are coming under increasing financial pressure. The funding we receive from the government to provide local services has been cut significantly, while demand has increased.

This means that on top of the savings we've been forced to make so far, we are now facing an additional £20m of cuts over the next few years.

The local NHS also has a number of funding issues and have told us they will not be able to sustain the funding they give us if we do not raise council tax. Although we would still need to make cuts, increasing your council tax by 2% could reduce the estimated £20m of cuts to around £18m, for example.

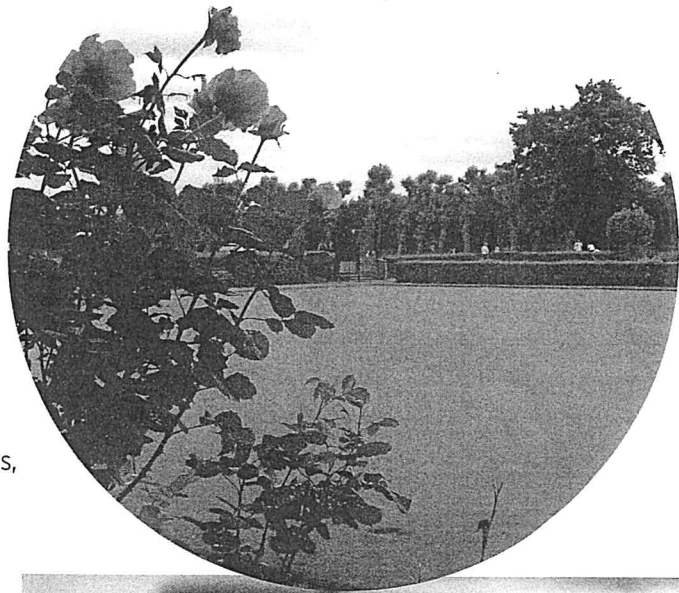
Up until now, the council has ensured that adult social care and children's services have received less of a share of the cuts than other areas.

We want to know what you think. Would you be willing to pay extra council tax in 2017/18 and 2018/19? If so, how much extra? Would you prefer any additional council tax to help reduce the cuts to just one council service (adult social care), or all areas?

These are all questions we want answers to from you.

We hope as many residents as possible will fill in and return the survey overleaf by the deadline of November 4. We want to hear what council taxpayers think so that the important decisions we make about your council tax and your services are based on what you want.

You can also fill in the survey online at www.merton.gov.uk/consultation.



Living within our means

Since 2010 the government funding received by councils has reduced by more than 40%. In Merton we have tightened our belts and reduced our spending in all service areas so that we can live within our means. We have also raised charges where we can, and will continue to use our reserves where available to slow down some of the impact of the cuts.

We have frozen council tax since 2010, and promise to do so until March 2019. However by 2020 we will need to make further savings of £20million, each and every year.

Last year the government allowed councils to increase council tax by up to 1.99% without a referendum of local residents, and in addition to increase council tax by up to another 2%, that can only be used to fund social care for adults. Increasing council tax by 2% would raise an additional £1.5million, so it would not remove the need for cuts, but it would mean fewer cuts than the £20million we are facing.

We want to know what you think about the challenge we face and what choices we should be making.

Section 1 Priorities

In July 2011 we agreed a set of principles that we use to guide the decisions we make about our services despite reduced funding. These were

- Continue to provide everything that is statutory.
- Maintain services - within limits - to the vulnerable and elderly.
- Maintain clean streets and keep council tax low.
- Keep Merton as a good place for young people to go to school and grow up.
- Be the best it can for the local environment.
- All the rest should be open for discussion.

Q1 Please tell us to what extent you agree or disagree with our priorities

- Strongly Agree
 Agree
 Disagree
 Strongly Disagree
 Don't Know

Q2 Please tell us if you think there are any other priorities we should consider

Q3 We provide a wide range of services that cost us money to provide. From the list below please tell us which areas you think we should protect MOST of all.

Please select up to three areas:

- Care services for older or disabled people including homecare and residential care
 Rubbish collections, street sweeping, litter and fly-tip removal
 Protecting vulnerable children and young people including support for children with disabilities
 Parks and open spaces
 Libraries
 Leisure centres, playgrounds and sports facilities
 Activities for young people
 Repairs and improvements to roads and pavements

Q4 Which services do you think we should protect LEAST of all?

Please select up to three areas:

- Care services for older or disabled people including homecare and residential care
 Rubbish collections, street sweeping, litter and fly-tip removal

- Protecting vulnerable children and young people including support for children with disabilities
 Parks and open spaces
 Libraries
 Leisure centres, playgrounds and sports facilities
 Activities for young people
 Repairs and improvements to roads and pavements

Q5 Do you have any suggestions for how we can reduce spending and/or increase income across our services?

Section 2 Council tax

Q6 What do you think would be the best choice for Merton's overall council tax in 2017/18 and 2018/19?

- Continue to freeze my council tax so I pay Merton the same as last year
 Increase my council tax by 1.99%
 Increase my council tax by 2% to spend on adult social care only
 Increase my council tax by 3.99%

Q7 Please tell us if you have any comments about what should happen with council tax in Merton

Please tell us your postcode (without a valid postcode we will not be able to consider your response).

Postcode:

You do not have to answer the following questions but doing so helps us see how representative the responses to the survey are. What you tell us is strictly confidential and will not be used for any purpose other than analysing this survey.

Are you Male Female

Please tell us your age

How would you describe your ethnicity

Do you consider yourself to have a disability Yes No

To give us your views, complete the questions overleaf and return to us for free - no stamp is required. Fold along the lines, as per the instructions below and put it in the post.

c) Third fold back on this line and tuck in flap

Business Reply
Licence Number
RTHA-BRBJ-CKXE



Council Tax & Council Spending
Consultation Team
7th Floor
Merton Civic Centre
London Road
MORDEN
SM4 5DX

a) First fold back on this line

b) Second fold back on this line