

COUNCIL		
Report Title	Appointment of Independent Members to the Standards Committee	
Key Decision	N/A	
Ward	All	
Contributors	Head of Law	
Class	Part 1	Date 24 February 2016

1. Summary

This report recommends the appointment of Joy Walton and Fasil Bhatti as independent members of the Council's Standards Committee.

2. Purpose

The purpose of this report is to restore the number of independent members on the Standards Committee to 6 in accordance with the Council's Constitution

3. Recommendation

To appoint Joy Walton and Fasil Bhatti as independent members of the Council's Standards Committee

4. Background

4.1 The Council has appointed a Standards Committee whose purpose is broadly twofold:-

- The promotion of the highest standards of behaviour by members; and
- The investigation of allegations of breach of the Member Code of Conduct.

4.2 The Constitution provides that the Standards Committee shall consist of 10 councillors (not more than one of whom may be a member of the Executive) and 6 non-voting co-opted independent members.

4.3 Four of the 6 independent member positions are currently filled as follows:-

- Gill Butler – a solicitor who worked in the local area for over 25 years
- David Roper-Newman – formerly a DWP auditor and investigator and now an information governance officer within a local authority who also acts as

an Independent Person advising a Standards Committee in another authority

- Cathy Sullivan – a senior social policy lecturer at the University of East London
- Lesley Thomas Q.C. – who lives locally and represented the families of the New Cross Fire victims at the second inquest, who specialises in coronial law and is currently representing the families of the victims of the Hillsborough disaster in that inquest

4.4 The remaining 2 places have recently become vacant and in accordance with usual procedure for filling such vacancies, the positions were advertised on the Council's website in December 2015. Interested people were required to submit a formal application form.

4.5 4 candidates were interviewed by the Chair of the Standards Committee on 21st January 2016 with the support of the Head of Law. Following formal interview, the Chair now recommends the appointment of Joy Walton and Fasil Bhatti to be appointed to the position of independent member of the Standards Committee. Brief details of those two candidates appear at Appendix 1.

5 Legal Implications

5.1 The Localism Act 2011 requires the Council to have in place arrangements for investigating breaches of the Member Code of Conduct, though the way in which this duty is carried out is for the Council to determine, subject to the appointment of an Independent Person to advise it in relation to any allegation.

5.2 Because the Council has retained a Standards Committee as a formal committee of the Council, provisions in the Local Government Act 1972 prohibit independent members of the Committee from voting. Despite this, the views of the independent members of the Committee have to date been influential, and their arguments given serious weight by the councillor members. The appointment of independent members on the committee is intended to inspire public confidence in its fairness, objectivity and impartiality in so far as the law allows.

5.3 The Equality Act 2010 (the Act) introduced the new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.4 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

5.5 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Council, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

5.6 The Equality and Human Rights Commission issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

5.7 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

5.8 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

6 Financial implications

There are no financial implications

7 Crime and Disorder implications

The whole ethical framework in Lewisham is designed to minimise the risk of wrongdoing and to embed a culture of probity by members. Were a breach

identified which amounted to a potential criminal act, the matter would be reported to the police.

8 Environmental implications

There are none.

Appendix 1

Joy Walton

Now living in East London, Joy has a B.A. in European Studies and completed an M.Sc in Corporate Governance in 2015. She has 13 years experience as a Council officer having worked in Newham and Islington where she was Head of Policy and Performance. She also has 7 years experience in housing companies and associations.

Fasil Bhatti

A native of South East London, Fasil has a B.Sc in Information Systems from Brunel and is a freelance consultant in Property and Digital Marketing. He has been a member of 4 independent fostering panels for 3 years and previously worked for Action for Employment advising a group of 18-25 year olds seeking full time employment.