

COUNCIL AGM		
Report Title	Annual Report of the Standards Committee 2015/16	
Key Decision	No	Item No. 17
Ward		
Contributors	Head of Law/Chair of the Standards Committee	
Class	Part 1	Date: 30 March 2016

ANNUAL REPORT OF THE STANDARDS COMMITTEE 2015/16 presented by the Chair of the Committee, Councillor Dacres.

- 1 INTRODUCTION – PERSONAL STATEMENT OF THE CHAIR
 - 1.1 This report sets out the membership of the Standards Committee, some key developments in the past year and our aspirations for the future.

- 2 MEMBERSHIP OF THE STANDARDS COMMITTEE
 - 2.1 The Council’s Constitution provides for the Standards Committee to consist of 16 members – 6 of whom are independent and 10 of whom are councillors. This reflects the abolition of the legislative provisions allowing independent members of the Standards Committee to vote. Consequently the Committee cannot be independently chaired and since July 2012, only those members who are elected members of the Council are allowed to vote on matters before it.
 - 2.2 Throughout this year, the following people have served as independent members of the Committee:-
 - Gill Butler
 - David Roper Newman
 - Cathy Sullivan
 - Leslie Thomas Q.C.
 - 2.3 Hannah Le Vey and Matthew Hill served for part of the year but following resignation and a casual vacancy arising the Council appointed 2 new independent members, Fasil Bhatti and Joy Walton.
 - 2.4 Appendix 1 gives a short summary of the background of the current independent members.

2.5 Throughout the year, the following councillors have been members of the Standards Committee:-

- Councillor Adefiranye
- Councillor Bell
- Councillor Bourne
- Councillor Dacres
- Councillor Elliott
- Councillor Hall
- Councillor Hooks
- Councillor Mallory
- Councillor Moore
- Councillor Morrison

2.6 As Chair of the Committee I would like to express my thanks to all my fellow members of the Committee for their hard work throughout the year

2.7 As required by the Localism Act 2011 all local authorities must appoint at least one Independent Person whose views are to be sought and then taken into account by the local authority before it makes a decision on an allegation of breach of the Member Code of Conduct that has been investigated. Following public advert and interview by the former Chair of the Committee and the Monitoring Officer, Erica Pienaar and Wendy Innes were appointed by full Council to act as Independent Persons to assist in the investigation of complaints under the Council's Member Code of Conduct. Appendix 2 gives a short summary of the background of both of the Independent Persons. They have held those positions throughout 2015/16, but neither has been called upon to assist in any investigation to date. I hope that the committee will invite them to a meeting early in the municipal year to familiarise themselves with the new membership and work of the committee.

3 THE ROLE OF THE STANDARDS COMMITTEE

3.1 The role of the Standards Committee is reflected in our terms of reference, which appear in the Council's Constitution.

3.2 The key roles of the Standards Committee are:-

- To promote and maintain the highest standards of conduct within the Council and to assist members to follow the member Code of Conduct
- To consider allegations of breach of the Member Code of Conduct and any sanction where appropriate.

3.3 To fulfil these dual aims, the Committee embarks on other work such as training, reviewing compliance with and the effectiveness of the Code, monitoring whistleblowing allegations and corporate complaints to name but a few, but at no time does it lose sight of the fact that all of this work is geared towards achieving the highest standards of ethical conduct in Lewisham.

4 THE MEMBER CODE OF CONDUCT

4.1 The Council has in place a revised Member Code of Conduct which replaced the previous national Member Code of Conduct which was abolished by the Localism Act 2011. The Code and accompanying protocols appear in the Constitution at part V Ethics. It is also available on the Council's website
<http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/how-council-is-run/Pages/constitution.aspx>

4.2 There is a dedicated email address, again easily accessed from the Council's website monitoring.officer@lewisham.gov.uk on which complaints can be made. The email address is checked daily for complaints.

5 THE WORK OF THE STANDARDS COMMITTEE IN 2015/16

5.1 Since the last annual report was submitted to full Council in March 2015, the Committee has met on 2 occasions:-

- 20 May 2015
- 29 October 2015

5.2 At those meetings the Committee has considered the following items, the reports in relation to which and the minutes are available on the Council's website at :
<http://www.lewisham.gov.uk/CouncilAndDemocracy/CouncilMeetings/>

5.3 At the May meeting, the Committee considered:-

- Review of Compliance of Local Code of Corporate Governance 2014/15
- Review of Whistleblowing Referrals and Policy

5.4 At the October meeting, the Committee considered:-

- Compliance with Member Code of Conduct
- Review of Whistleblowing Policy
- Work programme

5.5 A copy of the Committee's work programme is appended at Appendix 3.

6 FORMAL COMPLAINTS RECEIVED

- 6.1 During the year two complaints have been raised against members. One complaint related to the behaviour of a member at a meeting of full Council in which the complainant alleged that the response from the member to a Council question was bullying and an abusive personal attack against the complainant and his family.
- 6.2 In responding to the complaint and in accordance with the Council's procedures the Monitoring Officer sought to resolve the matter informally. Both the complainant and the member concerned were prepared to consider an informal resolution of the complaint. A meeting with the Monitoring Officer and all interested parties was held and the matter was able to be resolved informally on the member agreeing to provide a public apology to the complainant and his family for any offence that was caused by the responses provided at the earlier full Council meeting.
- 6.3 The other referral related to a complaint and a request for an investigation about the behaviour of a member of a Licensing Committee on an application for a Temporary Entertainments Notice.
- 6.4 The complainant alleged that the member's response was "ill judged, intemperate, unnecessary and disproportionate." Additional to the formal complaint the complainant also raised with the Chief Executive more generalised issues relating to the Council's Licensing Committees and the potential for future community services being provided by an organisation in which the complainant is involved.
- 6.5 In responding to these concerns the Chief Executive invited the complainant to meet with him. A meeting between the complainant and the Chief Executive took place and the complainant decided not to pursue the complaint.

7 TRAINING AND OTHER EVENTS

- 7.1 In this period, the following training (and other) activities for members on ethical and related matters have taken place:-

Event	Date
Statement of Chair and annual report to Council AGM	March 2015
Election issues training	May 2015
Whistleblowing Review & Training	May 2015
Briefing to Members on Local Democracy	September 2015

- 7.2 Following a request by the committee the Monitoring Officer has undertaken a comprehensive training programme for employees on the Employee Code of Conduct. This has entailed :-
- (a) presentation to Executive Management Team on 15th February ;
 - (b) presentation to Service Heads on 15th February ;
 - (c) presentation to Human Resources Service on 3rd February 2016;
 - (d) 3 sessions attended by 130 members of staff on 2nd, 16th and 25th February 2016;
 - (e) News item on Employee Code of Conduct on Council's intranet;
- 7.3 Additionally the Monitoring Officer has provided training to EMT and various officers , including Legal Services on: Whistleblowing; Public Sector Equality Duty (PSED) and Consultation.

8 THE FUTURE

- 8.1 The Committee was keen that the diligent approach towards ethical governance which the Council has fostered over the last decade and more should be promoted and maintained.
- 8.2 The reports we have received as a Committee have demonstrated a high degree of compliance with the Code of Conduct and a willingness to keep the ethical agenda high. It seems that Lewisham aspires for this to be a matter not of begrudging compliance but a genuine desire to do the right thing. In future we would want to see this continue and grow. We urge the newly appointed Standards Committee to maintain the commitment shown to date to the highest standards of behaviour in local government in the year to come.

9 CONCLUSION

- 9.1 There is much good practice in Lewisham in so far as the ethical governance agenda is concerned. We believe however that there is no room for complacency and urge the Council to ensure that robust arrangements remain in place and continue to give to the ethical agenda its continuing commitment to inspire public confidence in its elected representatives.

10 LEGAL IMPLICATIONS

- 10.1 The constitution and operation of the Standards Committee, as well as recruitment to it and appointment to be its Chair are all defined by

regulation. The current legal requirements are reflected in the Council's constitution and our practice accords with those legal requirements. Save where reflected in this report, there is nothing that requires further legal advice.

- 10.2 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.
- 10.3 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.
- 10.4 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.
- 10.5 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/>
- 10.6 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

- 10.7 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/>

11 FINANCIAL IMPLICATIONS

- 11.1 There are none associated with this report.

12 ENVIRONMENTAL, EQUALITIES, HUMAN RIGHTS AND CRIME AND DISORDER IMPLICATIONS

- 12.1 No specific implications are associated with this report.

Cathy Sullivan

Holds a BA (Hons) Social Science and completed Graduate Research in Social Studies of Science. Currently Senior Lecturer, Department of Social Sciences at London Metropolitan University. Has an interdisciplinary background including extensive professional experience in education policy, research and planning at LEA level, Social researcher and evaluator in the field of Information Studies on British Library supported projects and senior manager within Inner and Outer London local authorities. Very experienced in research and analysis.

Gill Butler

Gill is a consultant in a firm of solicitors, Burton Woods, and advises on all aspects of family law. Gill has a degree in Economics from the London School of Economics and has been working in the justice system for 29 years. She has both public and private sector experience, as well as being involved with a number of community organisations. From 1991-2002 Gill was the Chair of Stonewall.

David Roper Newman

David is employed in a Unit within the Department for Works and Pensions dealing with the detection, prevention and investigation of internal fraud and related abuse by employees where he is a Policy and Professional Standards Manager. David has broad experience of investigating grievances and employee related matters. His experience spans over 30 years.

Leslie Thomas Q.C.

Leslie is a practicing barrister who resides within the Borough. Leslie was called to the bar in 1998 and has developed a strong “human rights” dimension to his work. He is regarded as a leading junior barrister who handles many difficult and complex police jury trials. He is a well-known jury advocate and is instructed nationally by solicitors.

Leslie Thomas is also recognised as a leading barrister in the field of inquest law and has represented families in many high profile inquests especially in cases involving deaths whilst in police custody. Leslie regularly speaks and provides training in the area of inquests and is one of the co-authors of “Inquests – A Practitioners Guide”. Leslie was also co –counsel to the New Cross Fire Parents Committee in the fairly recent second inquest.

Leslie is a former director of the Civil Liberties Trust and is a member of the INQUEST management committee. Leslie is also currently Chair of the Central London Law Centre. He was appointed Queen's Counsel in 2014.

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 BSc 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

APPENDIX 2

Erica Pienaar

Erica lives in Bromley and has a B.A. Certificate in Education from Goldsmiths as well as an MBA in Education from London South Bank University. She held various teaching posts in Bromley for 25 years before being appointed to the position of head teacher at Prendergast School in 1998, a position she held until 2008 when she was appointed as Executive Headteacher. Though working in Lewisham for the last 15 years, she never been a Lewisham Council employee. Throughout her professional life she has conducted a number of sensitive investigative and disciplinary procedures and hearings. She also served on the Council of Queen Mary College of London University. Having retired recently, she serves as a Chair of Governors at a Lewisham primary School. Erica has been granted the Freedom of Lewisham.

Wendy Innes

Wendy is based in Newcastle upon Tyne. She has an M.A. in Swedish Studies and is a solicitor with extensive experience of advising North Tyneside Council where she was employed for 17 years until 2013, most recently as head of the legal service and deputy monitoring officer there. Before that she worked for 5 years in a commercial legal firm. North Tyneside operates a directly elected mayoral system like Lewisham and Wendy is very familiar with the new ethical framework under the Localism Act, has conducted two independent investigations into allegations of breach of the Member Code of conduct in North Tyneside and presented reports about the investigations to their Standards Committee.

APPENDIX 3

May/June 2016

- Review of whistleblowing referrals and policy
- Review of Code of Corporate Governance
- Media relations for councillors

November 2016

- Annual Complaints Report
- Compliance with the Member Code of Conduct
- Work Programme