

| STANDARDS COMMITTEE | | |
|----------------------------|---|-------------------------------|
| Report Title | Promoting the Ethical Framework | |
| Key Decision | | Item No. 9 |
| Ward | | |
| Contributors | Kath Nicholson, Monitoring Officer | |
| Class | | Date: 24 NOVEMBER 2009 |

1. Summary

This report sets out activities undertaken in the last year to promote the ethical framework and the work of the Standards Committee in the last year, and those to be undertaken in the next.

2. Purpose

The purpose of this report is to ensure that the profile of the Standards Committee and of the ethical framework generally is kept high.

3. Recommendations

The Committee is recommended to note the activities undertaken as set out in paragraph 4, and to approve the proposed actions set out in paragraph 5.

4. Promotion to Date

There are a number of initiatives already in place. These include:-

- 4.1 Reference in the Council's Contractor Code of Practice to both the Code of Conduct and Whistleblowing Policy. This document is supplied to all contractors and tenderers and is available on the Council's website and is Appendix 1 to this report
<http://www.lewisham.gov.uk/Business/TendersAndContracts/CodeOfPracticeSuppliersServiceProviders.htm>

4.2 Address by the Chairman of the Standards Committee to the Annual General Meeting of full Council about the Committee's commitment to the highest standards of ethical conduct and the approach of the Committee to its work (See Appendix 2).

4.3 Reference in each copy of the Council's free newspaper, delivered to every household in the borough quarterly about the Member's Code of Conduct and Whistleblowing Policy and how to make complaints under it.

4.4 Publication on the Council's website of the Member Code of Conduct , Whistleblowing Policy, Standards Committee papers (where they do not contain exempt information) on a page dedicated solely to "Ethics". The page also includes the procedures which apply if a complaint is made.

4.5 A dedicated "Monitoring Officer" email address by which the public may correspond directly with the Monitoring Officer or raise complaints of breach of the Member Code of Conduct. The address is monitoringofficer@lewisham.gov.uk

✓ 4.6 Extensive training by the Monitoring Officer to members and officers of the content of the Member Code of Conduct and the local investigation of complaints. Examples include (dates please Troy) EMT/Members/Officers/Service Heads. 11 long Local Group See Party 22/6. E mph, C. J. C. 'Hag' 11 & 12 June

4.7 Presentations by the Chief Executive to the Committee on Standards in Public Life in January 2009.

✓ 4.8 Presentation by Monitoring Officer as part of the Management Development Programme on 9th Oct 09 on the subject of "Managing in a Political Environment" which included a large element on the Member and Officer Code and the Member/Officer Protocol.

✓ 4.9 Check Information contained in literature available to local assemblies about the Member Code of Conduct , Whistleblowing and how to make referrals (see App).

✓ 4.10 "Leaning Thursday" sessions on Member Code of Conduct on to lawyers advising on the application of ethical framework. LG PCHA on 14 May

4.11 (etc other if you can think of any Troy). as re 10e 7 Re Gen Adm.

✓ 5. The Future ^{topp} _{Sab} AR Make 2009 750

Officers appreciate that there is an ever present need to keep the profile of the ethical framework high by promoting it as widely as possible. To this end, it is proposed that all of the promotional activities put in place already should continue, and that additional activity should take place. These include:-

- 5.1 The promotion of the Member Code of Conduct and the proposed partnership protocol at the December meeting of the Lewisham Strategic Partnership. (The protocol appears elsewhere on this agenda).
- 5.2 Presentation by the Monitoring Officer at three secondary schools in November to January as part of their Citizenship Studies to explain about the activities of local government, the electoral process and the ethical framework.
- 5.3 Presentation of an annual report to the AGM of the Council by the Standards Committee detailing the work of the Committee over the past year.
- 5.4 An invitation to all independent Members of the Standards Committee to the Council AGM to heighten the profile of the Committee and to present its report.
- 5.5 Preparation by the Monitoring Officer of appropriate documentation for and participation in training for Members of the new administration after the Mayoral and local elections in May 2010.
- 5.6 The Chair of the Standards Committee to be invited to participate in training for Members and/or Officers in relation to the ethical framework.
- 5.7 The Mayor and Chief Executive to be invited to the meeting of the Standards Committee in February 2010 to discuss their approach to the promotion of ethical standards.
- 5.8 A new article in the Council's newspaper Lewisham Life in the February 2010 edition on the Council's ethical framework.
- 5.9 A governance review is currently under way in relation to the Council's constitution. The constitution, as well as setting out the rules by which the political governance of the Council will operate, also "designs in" probity to the decision making process. If this results in any changes to the Constitution, this will be advertised in a local newspaper.
- 5.10 A short leaflet setting out the ethical framework, and its application will be distributed to libraries and Council information points.

Members are asked for any further suggestions they may have to promote the ethical framework.

6. Legal Implications

There are no specific implications arising.

7. Financial Implications

There are no specific implications arising.

8. Crime and Disorder Implications

The purpose of promoting the ethical framework is to encourage behaviour that conforms to the highest ethical standards, and enables any breaches of the Member Code of Conduct to be brought to light.

9. Equalities, Environmental and Human Rights Implications

There are no specific implications arising.

Code of Practice for Contractors, Suppliers and Service Providers

for all organisations who
wish to contract with the
Council

Procurement Team

3rd Floor

Lewisham Town Hall

Catford

London SE6 4RU

020 8314 8548

procurement@lewisham.gov.uk

February 2009

Contents

| Clause | Subject | Page |
|--------|---|------|
| 1. | INTRODUCTION | 3 |
| 2. | CONDITIONS | 4 |
| 2.1 | Advertisement of the Code | 4 |
| 2.2 | Asbestos | 4 |
| 2.3 | Best Value | 4 |
| 2.4 | Bonding | 4 |
| 2.5 | Carbon Emissions | 4 |
| 2.6 | Collusive Tendering | 5 |
| 2.7 | Considerate Constructor Scheme | 5 |
| 2.8 | Creative Lewisham | 5 |
| 2.9 | Defects Liability and Liquidated Damages | 5 |
| 2.10 | Environment and Sustainability | 6 |
| 2.11 | Equality and Diversity | 6 |
| 2.12 | Fairtrade | 6 |
| 2.13 | Financial Viability | 7 |
| 2.14 | Fraud and Corruption | 7 |
| 2.15 | Freedom of Information Act | 7 |
| 2.16 | Gifts and Inducements | 7 |
| 2.17 | Health and Safety | 8 |
| 2.18 | Insurances | 8 |
| 2.19 | Lobbying | 8 |
| 2.20 | Local Employment | 9 |
| 2.21 | Materials, Plant, Equipment and Machinery | 9 |
| 2.22 | Quality Standards | 9 |
| 2.23 | Statutory Obligations | 9 |
| 2.24 | Sub-Contracting | 9 |
| 2.25 | Support Facilities | 10 |
| 2.26 | Technical Competence | 10 |
| 2.27 | Tipping, Removal and Disposal of Waste | 10 |
| 2.28 | TUPE | 11 |
| 3. | ENFORCEMENT OF THE CODE | 11 |

1. Introduction

1.1 The Council's Codes of Conduct

1.1.1 The Council is committed to the highest standards of behaviour in public life. To promote this commitment, the Council has adopted two Codes of Conduct, one applying to Members of the Council and one applying to its staff. These Codes are available on the Council's website.

1.1.2 If you believe that a member of the Council's staff has breached the Employee Code of Conduct, please report it to the Council. We treat all complaints under this Code very seriously and will investigate any allegation received.

1.1.3 If you believe that a councillor has breached the Member Code of Conduct, then those complaints should be referred to:

The Monitoring Officer, London Borough of Lewisham, Town Hall, Catford, London SE6 4RU

E-mail address: monitoring.officer@lewisham.gov.uk Telephone number 020 8314 7648, fax number 020 8314 3107

1.1.4 The Council has also adopted a whistleblowing policy to deal with allegations of malpractice or misconduct by its members, staff or contractors. That policy is also available on the Council's website. The policy is publicised throughout the borough and can be used by anyone with a complaint if they feel that other available channels for raising concerns would be inappropriate, or if they fear repercussions.

1.1.5 The Council's Head of Law is responsible for dealing with allegations raised under this procedure. If you have any query about the whistleblowing policy, or the Member and Employee Codes of Conduct please contact her:

Kath Nicholson, London Borough of Lewisham, Town Hall, Catford, London SE6 4RU

E-mail address kathy.nicholson@lewisham.gov.uk Telephone 020 8314 7648

1.2. The Code of Practice for Contractors, Suppliers and Service Providers

1.2.1 As well as the Codes of Conduct adopted for members of the Council and its staff, the Council has established this Code of Practice for Contractors, Suppliers and Service Providers under specific powers set out in its Standing Orders.

1.2.2 All contractors, suppliers and service providers will be expected to satisfy the Council of their ability to comply with the Code before they are considered for any contract to be let. Contractors, suppliers and service providers will also be expected to comply with this Code during the currency of a contract and failure to do so could result in the termination of the contract and the imposition of restrictions on the opportunity to tender for future Council contracts.

1.2.3 Notwithstanding the above, the Council may in certain exceptional cases give exemptions from certain requirements of this Code where the size or nature of the contract or contractor does not warrant its fullest application.

1.2.4 This Code applies to all persons working on any Council contract and the main contractor, supplier or service provider cannot avoid responsibility by sub-contracting out the whole or part of the work. All references to a contractor, supplier or service provider therefore apply equally to a sub-contractor.

2. Conditions

2.1 Advertisement of the Code

To enable all employees of a contractor, supplier or service provider to be familiar with the contents of this Code, the Council will make available a concise version of the Code, which should be placed in a position or positions where it can easily be read by all employees.

2.2 Asbestos

The Council considers that all asbestos, including waterborne asbestos, is potentially dangerous and that there is no safe limit of exposure. Accordingly, the Council has banned the use of all asbestos products in the construction of any new Council building or in any alterations done to existing buildings.

It is the Council's policy that the removal of asbestos and related products is undertaken by specialist contractors licensed for the purpose by the Health and Safety Executive. If any asbestos is discovered by a contractor, other than a licensed one, during the course of contract, work must cease immediately and the Supervising Officer must be contacted for advice.

2.3 Best Value

The Local Government Act 1999 places a duty of Best Value on local authorities to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. Lewisham has added equality, environmental impact and electronic service delivery to these measures of continuous improvement.

Contractors, suppliers and service providers will take reasonable steps to co-operate with and assist the Council in fulfilling this duty, in particular to secure continuous improvement in the provision of works, supplies and services.

2.4 Bonding

The Council requires all contractors, suppliers and service providers to provide sufficient bond or surety for contracts where it is deemed appropriate. The Council will normally require contractors, suppliers or service providers to obtain a bond through its nominated bonding agent to the value of 10% of the contract value, but may in appropriate circumstances accept a nomination by the contractor, supplier or service provider or a cash deposit in lieu of a bond.

2.5 Carbon Emissions

Compelling scientific evidence on the environmental impacts of human activity has raised global awareness on the threats of climate change and has triggered intense target-setting among governments at all levels.

The UK is setting ambitious sustainable development goals, particularly regarding the reduction of greenhouse gas emissions. Local authorities, through their renewed planning and economic development duties, have the potential to play a significant

role in bringing these goals forward. Lewisham is among the first to sign up to the national indicator 186 - Per capita CO₂ emissions in the LA area.

As such, the evaluation criteria applied in assessing the suitability of any tenderer may include an examination of its energy usage within the London Borough of Lewisham:

The indicator includes CO₂ emissions from the Industrial and commercial sector. In particular:

- electricity use
- gas use
- oil and solid fuel use
- waste
- agricultural processes and fuel use
- off road machinery
- road transport
- railways

Contractors, suppliers and service providers will provide the Council on request with a report on their local emissions and demonstrate their commitment to carbon reduction in 3 sectors – Energy, Waste and Travel.

2.6 **Collusive Tendering**

Contractors, suppliers or service providers must not collude with another in the pricing or submission of any tender. If such collusion is proven to the satisfaction of the Council then the contractor, supplier or service provider concerned will be removed from any Council Approved List, Preferred List or Framework Agreement and any contracts obtained by such methods may be determined by the Council.

2.7 **Considerate Constructor Scheme (CCS)**

All construction or refurbishment contracts/projects in excess of £100,000 or 6 weeks in duration must be registered with the Considerate Constructor Scheme and all contractors working on these projects need to adhere to the rules of the scheme. The registration must be undertaken by the principal contractor, who should detail on the CCS documentation the name and contact details of the Lewisham principal contact for each project. Costs of the scheme to be paid by the contractor.

Contact details for CCS are: <http://www.considerateconstructorsscheme.org.uk>

2.8 **Creative Lewisham**

Lewisham's vision is to become the best place in London to live, work and learn. Any project that impacts on the physical environment should be assessed from an urban design perspective, and any contractor, supplier or service provider involved will be expected to work closely with the Council to achieve this aim.

2.9 **Defects Liability and Liquidated Damages**

Contractors, suppliers and service providers will be subject to defects liability and liquidated damages clauses in circumstances where the Council's Standing Orders so require.

2.10 **Environment and Sustainability**

Lewisham Council is committed to ongoing improvements in environmental performance. It has identified all the significant environmental impacts of its activities and has set long term improvement objectives for each of these.

Where activities with significant impacts are carried out on its behalf by contractors, suppliers or service providers the Council requires such organisations to help achieve the relevant objectives. It will therefore include the objectives in contract specifications and invites tenderers to state how they will meet them.

Contractors, suppliers and service providers are advised that they will be expected to demonstrate their commitment to environmental sustainability, and to support the Council's aims as set out in its 'Guide to Green Procurement'.

Information on the guide can be found at:

<http://www.lewisham.gov.uk/Environment/SustainableEnergy/EnergyManagementLewishamCouncil/GreenProcurementGuide.htm>..

The evaluation criteria applied in assessing the suitability of any tenderer, will include an examination of its policy on environmental issues and what measures it takes to ensure environmental measures in carrying out works, or delivering services or supplies (as appropriate) in general and what is proposed in relation to the contract being tendered.

2.11 **Equality and Diversity**

The contractor, supplier or service provider must not treat any person less favourably than another person because of his or her race, sex, disability, age, religion or belief, or sexual orientation in any recruitment, training, promotion, delivery of goods, provision of services or undertaking of works.

The contractor, supplier or service provider must follow best practice and comply with all legislation in relation to equality and diversity and to the extent that they are not inconsistent with the Council's equal opportunity policy and that of the contractor, supplier or service provider.

Contractors, suppliers and service providers will provide the Council on request with copies of:

- (a) Instructions to those concerned with recruitment, promotion and training.
- (b) Policies, procedures and other documents available to employees, recognised trade unions or other representative groups of employees.
- (c) Recruitment advertisements or other literature.

In order to assist the Council in its objectives under the Equalities Framework for Local Government (EFLG), contractors, suppliers and service providers must demonstrate that they have an understanding and commitment to the principles and practice of equality in the services they provide. They must also regularly review their services and access to them to ensure they continue to be appropriate and accessible.

2.12 FairTrade

The Council wishes to encourage contractors, suppliers and service providers engaged to work for the Council to show a commitment to FairTrade. The Council is committed to Lewisham achieving and maintaining "FairTrade Borough" status by meeting the five goals necessary to become a designated FairTrade Borough.

Information on FairTrade can be found at: <http://www.fairtrade.org.uk>

2.13 Financial Viability

The Council will require all contractors, suppliers or service providers to provide copies of audited accounts and, where applicable, auditors and directors' reports in order that financial viability may be assessed.

Contractors, suppliers and service providers will be subject to a periodical review of their financial situation and must satisfy the Council of their continuing financial capability to resource any prospective contracts.

2.14 Fraud and Corruption

The Council expects all of its contractors, suppliers, agents, partner organisations and individuals, to act with honesty and integrity. Client officers will be responsible for monitoring their actions and for ensuring that their terms of reference, agreements and/or contracts include a clause to the effect that contractors, suppliers and service providers must abide by the Council's Fraud Policy and co-operate with fraud investigations by Council officers.

Agency employees engaged by the Council are bound by the same rules as direct Council employees and are expected to uphold those principles contained in the Code of Conduct. Failure to do so will result in termination of their engagement.

2.15 Freedom of Information Act

The Freedom of Information Act [FOIA] provides a general right of access to information about all public contracts and procurement activity held by public authorities, subject to certain conditions and exemptions. This means that the Council will be obliged under the Act, to release certain information about the suppliers it contracts with, into the public domain, within certain limits and according to relevant exemptions.

The main exemption relevant to procurement will be Commercial Interests, which means trade secrets and information likely to prejudice the commercial interests of any person (including the public authority) holding it. However, this is a qualified exemption, and the Council can only refuse to disclose information where having decided the exemption applies the Council considers the public interest in withholding disclosure is greater than the public interest in disclosure.

Information on the FOIA can be found at:
<http://www.justice.gov.uk/guidance/guidancefoi.htm> .

2.16 Gifts and Inducements

Contractors, suppliers and service providers should be aware that it is a criminal offence under Sub-Section 2 of Section 117 of the Local Government Act 1972 for an

officer of a local authority to accept any fee or reward whatsoever other than his/her proper remuneration.

Whilst the Council will always consider the facts of every individual case, if it is proven to its satisfaction that any such fee or reward is offered then any contract the contractor, supplier or service provider has with the Council is likely to be terminated and damages sought from the contractor, supplier or service provider. In addition, the contractor, supplier or service provider concerned will almost certainly be removed from the Council's Approved List or any other Select or Tender Lists for which the organisation is being considered.

2.17 Health and Safety

All contractors, suppliers and service providers must provide the Council with a copy of their health, safety and welfare policies and procedures. In assessing the adequacy of these documents the Council will take into account the nature of the work, supply or service to be undertaken.

Contractors, suppliers and service providers must keep copies of their health and safety policies and procedures on site and at all locations from which the contractor, supplier or service provider operates and the policy must be practised and subject to regular review.

The Council will require health and safety policy statements to be available and practised regardless of the size of the contractor, supplier or service provider concerned. All contractors must comply with the Health and Safety at Work Act 1974 and such other specialised safety regulations and/or insurance requirements that may apply to the type of work to be undertaken.

2.18 Insurances

All contractors, suppliers and service providers employed by the Council must maintain such insurance policies as are necessary to cover any liability which may arise under the contract.

For contractors, suppliers and service providers wishing to tender for contracts, the following policies will be required as a minimum:

- Public Liability with a minimum indemnity limit of £5m in respect of each and every claim
- Employers' Liability with minimum indemnity limit of £5m in respect of each and every claim
- Professional Negligence insurance with a minimum indemnity limit of £2m in the annual aggregate

The insurance policies must be maintained with reputable insurers and approved by the Council.

The Council may in certain circumstances amend the required level of cover where a risk assessment of a contract indicates such a level is appropriate.

2.19 Lobbying

Contractors, suppliers or service providers must not lobby or canvass either a member or an employee of the Council in an endeavour to obtain a contract. In

addition, all contractors, suppliers and service providers will be required to disclose at the time of tendering the nature of any relationship with an employee or a member of the Council.

2.20 Local Employment

It is hoped that contractors, suppliers and service providers engaged to work for the Council will show a commitment to the borough and its residents. If it is necessary for employees to be recruited to work on Lewisham contracts, all contractors are asked first to appoint people resident within the borough and if this is not possible, to employ people resident in neighbouring boroughs.

2.21 Materials, Plant, Equipment and Machinery

All materials, plant, equipment and machinery used on Council contracts must comply with the specification(s) in the contract documents or if none is so specified, the most suitable materials, plant, equipment and machinery reasonably obtainable. Where a British Standard or equivalent international standard applies then materials, plant, equipment and machinery that meet the latest standard must be used.

2.22 Quality Standards

Whilst it is not a requirement for contractors, suppliers or service providers to be formally Quality Assured with an accredited certification body, it is a requirement that organisations have a quality management system in place that is at least to the standard of ISO9001:2000 (or equivalent). Such a system must take account of the following principles of quality management:

- focus on customers
- provide leadership
- involve people within the organisation
- use a process and systems approach
- encourage continual improvement
- base decisions on facts
- work with suppliers

2.23 Statutory Obligations

Contractors, suppliers and service providers must comply with, and give all notices required by, any Act of Parliament or any instrument rule or order made under any Act of Parliament.

2.24 Sub-Contracting

Any contractor, supplier or service provider wishing to sub-contract must submit the name of the sub-contractor to the Council for approval. The main contractor, supplier or service provider will be responsible as far as practicable for the compliance with this Code by any sub-contractor employed on a contract and the contractor, supplier or service provider must enforce its provisions against the sub-contractor if necessary.

When seeking written permission from the Council to sub contract, the main contractor must satisfy the Council of the intended sub contractor's competence and provide written evidence of having assessed the sub contractor in the following areas:

- experience in the type of work to be done;
- health and safety policies and practices;
- recent health and safety performance (number of accidents etc);
- qualifications and skills;
- safety method statement;
- health and safety training and supervision provided;
- arrangements for consulting the workforce;
- any independent assessment of their competence;
- memberships of a relevant trade or professional body; or
- whether they or their employees hold a 'passport' in health and safety training.

The degree of competence required will depend on the work to be done, and the level of risk involved.

The Council will treat a breach of this Code by a sub-contractor as if it were a breach by the main contractor, supplier or service provider and will be entitled to take action against the main contractor, supplier or service provider accordingly.

The main contractor, supplier or service provider must make it a requirement in any sub-contract that the sub-contractor complies with this Code and the main contractor, supplier or service provider must supply a copy to the sub-contractor. For this purpose, the Council will on request provide additional copies of this Code to the main contractor, supplier or service provider.

All contracts will require contractors, suppliers and service providers to pay their sub-contractors, through the supply chain, within 30 days from receipt of an undisputed invoice (where no other reasonable mutually agreed terms exist).

2.25 Support Facilities

Contractors and, where appropriate, suppliers must satisfy the Council that they have sufficient off site facilities to enable them to execute the contract.

2.26 Technical Competence

The Council will satisfy itself of contractors', suppliers' and service providers' technical competence and ability to undertake works for which they may be considered. In assessing such suitability, account will be taken of similar works undertaken recently and the size and qualifications of the contractor's or suppliers workforce relevant to its ability to resource the particular type of work. The contractor, supplier or service provider must provide such relevant information and reasonable access for the Council to assess such suitability.

Contractors wishing to undertake electrical installation work must be on the Approved Roll of the National Inspection Council for Electrical Installation Contracting (NICEIC). Contractors wishing to undertake gas installation, or maintenance work, must be on the Register of the Confederation of Registered Gas Installers (CORGI).

2.27 Tipping, Removal and Disposal of Waste

Contractors must satisfy the Council that they have and maintain satisfactory arrangements for the removal and disposal of rubbish and waste materials. The Council will require contractors to prove that such arrangements have been made.

2.28 Transfer of Undertakings (Protection of Employment) Regulations [or 'TUPE']

The Transfer of Undertakings (Protection of Employment) Regulations, provide that, if an undertaking is transferred by one employer to another, the staff of the undertaking are

- (a) entitled to employment by the new employer, with the same conditions of service as before,
- (b) not entitled to redundancy payments from their old employer. The Regulations (as amended by the Trade Union Reform & Employment Rights Act 1993) incorporate into UK law the EC Acquired Rights Directive.

The TUPE Regulations will not apply to all Council contracts, but where they do, contractors, suppliers and service providers will be expected to make provision for their implementation in any tenders. Where a bid is submitted on the basis that TUPE would apply, the Council will need to be satisfied that the Tenderer is proposing to offer pension arrangements which are broadly comparable to those currently available to the staff.

Under the Local Government Pension Scheme (Amendment etc) Regulations 1999, the Scheme is modernised to allow the entry of specific types of employers by means of admission agreements. This entry ['Admitted Body Status'] may be available to companies bidding for Council contracts, and allows the transferred staff to maintain their current pension arrangements. Tenderers should seek their own independent professional advice in these cases.

3. Enforcement of the code

- 3.1 The Council will seek to ensure that all contractors, suppliers and service providers whom it employs comply with this code.
- 3.2 Any duly accredited representative(s) of the Council will have the contractual right at all reasonable times to enter any site, depot, workshop or office of the contractor, supplier or service provider (or the sub-contractor if appropriate) to ascertain whether or not this Code is being complied with. During any such visit the representative(s) may be accompanied by the contractor, supplier or service provider or their representative(s).

7. Report to Council by the Chair of the Standards Committee 2008/9

Introduction

I am grateful to the Council for the opportunity to bring to its attention the activities of the Standards Committee in 2008/9

Membership

Throughout the year, our membership has remained constant:-

Independent members

Gill Butler (Vice Chair)
Suzannah Clarke
Sally Hawkins (Chair)
David Roper-Newman
Cathy Sullivan
Leslie Thomas

Councillor members

Councillor Alan Hall
Councillor Dan Houghton
Councillor Paul Maslin
Councillor Philip Peake
Councillor Romyne Phoenix
Councillor Eva Stamirowski

Local investigations

2008/9 was the first year during which complaints of breach of the Code of Conduct would in the first instance have been referred to it, rather than the Standards Board for England. From 1st May 2008, complaints of the breach of the Code of Conduct must first be assessed locally as to whether they merit investigation, and if following investigation it appears that there may have been a breach, the hearing is usually to take place before the Council's Standards Committee. A dedicated email address <mailto:Monitoring.Officer@lewisham.gov.uk> has been set up to receive complaints and adverts. Yet despite this, happily, there have been no allegations of breach of the Member Code of Conduct referred to the Standards Committee or the Monitoring Officer during the year.

We have as a Committee continued to prepare ourselves to deal with local investigations should referrals be received. To this end we have established three sub-committees to deal separately with initial assessment of cases, reviews and substantive hearings. We have continued our programme of member training, assisted by the Monitoring Officer, and making maximum use of the materials supplied by the Standards Board for England. We have dealt with the excellent case studies the Board has commissioned to provide practical experience of handling investigations.

If referrals are received in future, the Committee will meet on an ad hoc basis to deal with its enquiry.

The work of the Committee

In the absence of complaints this year, the Committee has met on two scheduled occasions, the first in May 2008, and the second in November.

At the May meeting, the Committee considered the following agenda items:-

- A review of the Local Code of Corporate Governance
- Handling Complaints Locally
- Review of Whistleblowing Referrals

The review of the Code of Corporate Governance embraces the Council's ethical framework, its decision making processes, its community focus, service delivery arrangements and standards of conduct. It follows the CIPFA/SOLACE guidance and the outcome with the Standards Committees views were reported to Council in July 2008.

In November, the Committee considered the following matters:-

- The Annual Complaints Report
- Consultation on Revisions to the Code of Conduct
- Consultation on Revisions to the Employee Code of Conduct
- Compliance with the Member Code of Conduct
- Guidance on references to the Adjudication Panel for England

Following consideration by the Committee of the proposed changes to the member and employee codes of conduct, representations were made by the Monitoring Officer to CLG on behalf of the Council in accordance with the Committee's views, and a programme of training on the proposed changes was established. This involved member training sessions by the Monitoring Officer in summer 2008, briefing for EMT and all departmental management teams and two sessions open to all employees in the Council chamber.

Participation in research project

During the course of the year, members of the committee, the Mayor, other councillors, the Chief Executive and the Monitoring Officer have participated in a research study being carried out by a university over a period of 5 years, comparing the ethical framework in different authorities. Initial feedback has been very positive.

The future

In 2009/10, as in the last year, the Standards Committee is committed to promoting the highest standards of behaviour amongst councillors with a view to enhancing confidence in the local governance of Lewisham. It is our intention to do so in a

positive and supportive manner, and when called upon to make decisions on complaints to do so judiciously and fairly.

