

# MINUTES OF THE STANDARDS COMMITTEE

Wednesday, 9 November 2016 at 7.00 pm

PRESENT: Independent Members Walton, Bhatti, Butler, Roper-Newman, Sullivan, Thomas, Obajimi Adefiranye, Brenda Dacres, Colin Elliott (Chair), Alan Hall, Simon Hooks, Hilary Moore, Pauline Morrison, Andre Bourne (Deputy Chair), Paul Bell and Jim Mallory.

## 1. Declaration of interests

Councillor Mallory declared that he was a season ticket holder at Millwall Football Club.

## 2. Minutes

RESOLVED that the minutes of the Committee meetings held on the 6 July 2016 be approved as a correct record and signed by the Chair.

## 3. Annual Complaints Report - 2015 16

Ralph Wilkinson, Head of Public Services, presented the report which provided performance information for 2015/16 on complaints dealt with by the Council and its housing partners at Stages 1 and 2 of the Corporate Complaints procedure and complaints and enquiries to the Mayor, Councillor and MPs logged on the Council's complaints management system during 2015/16.

The report and presentation did not include complaints or enquiries in relation to adult and children's social care both of which are reported individually and publicised according to statutory guidance.

The Independent Adjudicators report and the Local Government Ombudsman report were also considered

It was explained that the data includes a breakdown by council ward. It was also explained that this information is presented to Departmental Management Teams with a feedback on findings and to ensure that recommendations are implemented.

It was further explained that the current icasework system was not suitable and officers are currently investigating a solution.

It was explained that there has been a decrease in complaints and enquiries of some 17%. Whilst enquiries had decreased there had been an increase in stage 1 and 2 complaints

On analysing the reasons for complaints, complaints about the highway was the top issue complained about. In 2015 -16 Highways received more complaints than usual about drainage but this was triggered by the heavy rainfalls.

It was commented that it was a tribute to officers that the number of enquiries and complaints has reduced, especially in these times of public services cuts.

Members of the Committee noted that the report was very helpful, useful and detailed.

RESOLVED that the report be noted.

#### **4. Review of Whistleblowing Referrals and Policy**

Kath Nicholson, Head of Law and Monitoring Officer introduced the report and explained that a fundamental review of the whistleblowing policy was conducted in October 2015.

Kath Nicholson explained that there has been ten referrals since the last report considered by the Standards Committee. This demonstrated that people are aware of the policy and do make referrals under it.

RESOLVED to note the referrals under the Council's Whistleblowing Policy as set out in the report and reported to the Committee.

#### **5. Review of Ethical Arrangements**

##### REVIEW OF ETHICAL ARRANGEMENTS

Kath Nicholson, Head of Law and Monitoring Officer presented the report which had been requested by the Committee to review the ethical arrangements in Lewisham.

Kath Nicholson also took the opportunity to address various issues raised by members in relation to declarations of interests.

The Monitoring Officer explained to the Committee the legal definition of a Disclosable Pecuniary Interest and further explained that a member cannot take part in a matter where they have a Disclosable Pecuniary Interest. She further explained "other registerable interests" and explained that "non-registerable interest" are not definable and it is for members to exercise an objective test in coming to a decision whether they have one or not; but it will always be a matter for the individual member concerned.

Kath Nicholson informed the Committee that she had made enquiries of the ethical arrangements adopted by other London authorities. She reported that practice varied. Overall the Head of Law's view is that Lewisham's ethical arrangements are fit for purpose and whilst she highlighting some possible amendments she was not suggesting they be adopted.

There was some discussion in relation to some councillors' view that on occasion the advice of the Head of Law is restrictive and can result in limiting a member's participation in matters on which they have particular knowledge and valuable contributions to make. It was suggested that enquiry be made into having a smoother dispensation process.

The Monitoring Officer reiterated her role which is to ensure that decisions of the Council are lawful and resistant to successful legal challenge.

It was suggested that wider discussion with councillors on this issue would be appropriate. It was also suggested that consideration be given for mandatory training to councillors on relevant interests and their ability to participate where such interests exist.

RESOLVED to note the report and that no amendment to the Lewisham Member Code of Conduct is currently required.

## **6. Compliance with Member Code of Conduct 2016**

### COMPLIANCE WITH MEMBER CODE OF CONDUCT

Kath Nicholson, Head of Law and Monitoring Officer presented the report and explained that the report provides information about the extent of compliance with the Member Code of Conduct.

It was highlighted that since consideration of previous report on compliance in October 2015 there have been three complaints raised against members. Some members of the Committee were particularly interested in the reference to the complaint against Councillor C in relation to comments on Twitter in 2014 and 2016 and also in relation to that councillor's conduct at a subsequent meeting.

It was explained that the Monitoring Officer, in accordance with the applicable procedures and with the assistance of Leading Counsel, reached the conclusion that the complaint did not reach the initial assessment threshold for further investigation.

The Monitoring Officer reported Leading Counsel's opinion to the Committee and referred to relevant documents to support the factual accuracy of the comments on Twitter in 2014 and 2016.

There was prolonged discussion about this complaint and the potential reputational risk to the Council arising from this complaint.

It was confirmed that this complaint had been responded to in accordance with the relevant procedures and also having sought appropriate advice.

Some members expressed a view that the Committee ought to be doing something. It was noted that there was no further action to be taken by the Committee in respect of this complaint.

It was suggested that there was a need for further and mandatory training in relation to the use of social media by councillors and that the protocols around the use of social media should be revisited.

RESOLVED that the report be noted.

The meeting ended at 10:00pm.

