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Standards Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Wednesday, 26 May 2021.

Kim Wright, Chief Executive
May 18 2021

Councillor Obajimi Adefiranye	
Councillor Peter Bernards	
Councillor Patrick Codd	
Councillor Jim Mallory	
Councillor Hilary Moore	
Councillor Pauline Morrison	
Councillor Olurotimi Ogunbadewa	
Councillor Rachel Onikosi	
Councillor Kim Powell	
Councillor James-J Walsh	

Standards Committee Agenda

Wednesday, 26 May 2021

7.56 pm, or upon the rising of the Licensing Committee

Council Chamber - Civic Suite

Lewisham Town Hall

London SE6 4RU

For more information contact: Kevin Flaherty 0208 3149327 (Tel: 020 8314 9365)

Part 1

Item	Pages
1. Standards Membership	1
2. Appointments to Standards Sub Committees	2
3. Chair Vice Chair Standards Committee	3
4. Information Item - Response to the Committee on Standards in Public Life Best Practice Recommendations.	4 - 8
5. Information Item - Chairs response to draft LGA Model Member Code of Conduct	9 - 10



Standards Committee

Membership 2021/22

Date: 26 May 2021

Key decision: No

Class: Part 1

Ward(s) affected: n/a

Contributors: Chief Executive (Head of Business and Committee)

Outline and recommendations

Members are asked to consider the membership of the Standards Committee.

Recommendation

To approve the Councillor membership of the Standards Committee for the municipal year 2021/22

Membership

A schedule of proposed appointments will be circulated at the meeting by the Clerk to the Council.

Agenda Item 2



Standards Committee

Appointments to Sub-Committees

Date: 26 May 2021

Key decision: No

Class: Part 1

Ward(s) affected: All

Contributors: Chief Executive (Head of Business & Committee)

Outline and recommendations

Members are asked to consider the appointment of members to the Sub-Committees of Standards Committee for 2021/22.

1. STANDARDS COMMITTEE SUB-COMMITTEES

RECOMMENDATION that the following persons be appointed to Sub-Committees of the Standards Committee

Standards Sub-Committee A

5 Councillors, to be nominated at the meeting, and:

Independent Members: **Sullivan, Roper-Newman and Bhatti**

Standards Sub-Committee B

5 Councillors to be nominated at the meeting, and:

Independent Members: **Butler, Thomas and Walton**



Standards Committee

Election of Chair and Vice-Chair

Date: 26 May 2021

Key decision: No

Class: Part 1

Ward(s) affected: n/a

Contributors: Chief Executive (**Head of Business & Committee**)

Outline and recommendations

Members are asked to consider electing a Chair and Vice Chair of the Standards Committee for 2021/22.

Recommendation

That nominations be invited for the positions of Chair and Vice Chair of the Standards Committee for the Municipal Year 2021/22

Agenda Item 4

Response from Lewisham Council in consultation with the Chair of the Lewisham Standards Committee, to the Committee on Standards in Public Life (“CSPL”) re: Best Practice Recommendations.

1. Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

1. Progress: Lewisham Council has a Member Code of Conduct. Within this, there is an express prohibition on bullying.

Whilst it does not specifically cite “harassment”, it may though be inferred by other provisions within the Code. Lewisham’s Standards Committee on the 12.8.2020, did submit a response to the consultation on the LGA Model Code of Conduct. When the outcome of that is known, then a further review of the Lewisham Code of Conduct is likely to happen. (For your ease of reference a copy of our consultation response is attached to this ‘Response’.)

Members were provided with training in May 2018 as part of their induction. That training included ethics. During March 2019 and July 2019, Members received further training on Equalities and Diversity.

The Council has arranged further training to be provided to Members on 30.11.20 as part of its ongoing planned programme of training for Members set for 2021. It is particularly to be noted that there will be provision within the planned training to include bullying and harassment together with clear examples.

2. Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

2. Progress:

This Council does have provisions requiring Councillors to comply with formal Standards’ investigations. It is contained with a supplementary document to be read together with our Code of Conduct. It is the Council’s ‘Procedure for handling complaints of breach of the Member Code of Conduct’. In that document, Members are expressly obliged to co-operate with any formal standards investigation. [para. 10]

A link to the webpage which contains all our Ethical framework documents is here

<https://lewisham.gov.uk/mayorandcouncil/aboutthecouncil/how-council-is-run/council-ethical-standards>

Our Standards Committee has chosen to use and take into account the phrases “repeated complaints”, “trivial matters” and “ulterior motive” instead of the phrases “vexatious”, “politically motivated”, “tit-for-tat” and “vexatious complainant”.

3. Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

3. Progress:

Lewisham has a planned annual cycle of Committees, including for the Standards Committee. Reviews to consider compliance with the Member Code of Conduct including making minor amendments to the Code have occurred annually (9/11/16, 17/10/17, 22/11/18, and 8/1/200). Annual Reviews of the Code of Conduct will be continuing with the guidance of the Council's newly appointed Monitoring Officer.

4. An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

4. Progress:

The Authority's Code forms part of the Council's Constitution. A copy of the Constitution is provided to every Member. The Code of Conduct, (together with the Council's Constitution,) is available on the Council's website, (For ease of reference, here is a link <https://lewisham.gov.uk/mayorandcouncil/aboutthecouncil/how-council-is-run/council-ethical-standards>). Both the Council's Constitution and the Code of Conduct are also available in hard print at the Council's main offices.

5. Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

5. Progress:

We have a gifts and hospitality section in the Register of Interests which is published on the Council's website for each individual Member. Members are obliged to declare gifts within 28 days of occurrence which are then entered directly onto the Register of Interests. To date, this has been reviewed annually together with compliance of the Member Code of Conduct.

6. Councils should publish a clear and straightforward public interest test against which allegations are filtered.

6. Progress:

The Council does publish, within its 'Procedure for Handling Complaints of the Member Code of Conduct', a clear and straightforward public interest test against which allegations are filtered.

(Here's a link to the webpage where the Procedure document is accessible - <https://lewisham.gov.uk/mayorandcouncil/aboutthecouncil/how-council-is-run/council-ethical-standards> and within that document the public interest test is set out within paragraph 8.)

7: Local authorities should have access to at least two Independent Persons.

7. Progress:

The Council's Standards Committee currently has 2 Independent Persons. Both were formally appointed 24th January 2014, for an indefinite term.

8. An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

8. Progress:

With guidance from our newly appointed Monitoring Officer, this Council is in fact now pursuing this point of 'good practice'.

Steps will be taken to ensure that the Council's current written procedure document ('Procedure for Handling Complaints of the Member Code of Conduct') reflect this 'good practice position.

9. Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

9. Progress:

Currently, within our supporting Procedure document, ('Procedure for Handling Complaints of the Member Code of Conduct') only findings of *actual* breaches may be published on the Council's website and/ or in a local newspaper / may recommend that a member in breach undergo training, or that Council processes be amended. (Para. 17 of our said Procedure document.) We will be reviewing the Council's practice to ensure compliance with the 'best practice' recommendation.

10. A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

10. Progress:

The Council has accessible guidance on its website as to how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes. Access is via the Lewisham Council website / Mayor and Cabinet / Ethics.

11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

11. Progress:

This is N/A to this Council.

12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

12. Progress:

This is N/A to this Council.

13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

13. Progress:

Currently this Council, within its Procedure document, (referred to above) makes express provision to enable the Monitoring Officer or another person to undertake the investigation on their behalf. (Para.10.)

14. Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

14. Progress:

There are two separate bodies created by the Council, its 'ALMO' (Lewisham Homes Limited, registration number 05897410) and its wholly owned subsidiary (Catford Regeneration Partnership Limited, registration number 07077434). Both are limited companies, registered with Companies House. They both file their statutory records, including their annual reports with Companies House. As such, their statutory published documents are in an accessible place.

The Council last reviewed the 'Annual Business Plan of the ALMO, in an open (public accessible) Committee Meeting, on 12th March 2020. Further, the Council, on the 9th May 2019, last reviewed the 'Governance and Operational Arrangements' of the Catford Regeneration Partnership Limited in an open (publicly accessible) Committee meeting.

The Council has prepared and delivered its most recent Annual Governance Statement (25.11.20). In future, arrangements will be made to ensure compliance with this particular point of good practice. In particular, we will be ensuring that future Annual Governance Statements will include a report on separate bodies set up by the Council or owned by them. Communications will also be entered into with those Bodies to ensure we can demonstrate that they abide by the Nolan principle of openness.

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

15. Progress:

The Council's Head of Paid Service, the s.151 officer and the Council's Monitoring Officer meets with the Chief Whip and Party Chair to discuss Standards issues every 6-8 weeks.

Dear Sirs,

I am writing in my capacity as Chair of the Lewisham Council Standards Committee.

This Committee has reviewed the draft LGA Model Member Code of Conduct. We have wholeheartedly welcomed the review and the opportunity to provide input into the consultation.

We respectfully ask the LGA to note our comments and observations.

This Committee generally endorses the recommendations of the LGA; but, with a number of caveats. I have reproduced the pertinent comments below using relevant headings from the draft model code:-

'Presumption of acting in an official capacity.'

- We note this recommendation would require legislative change.
- Greater clarification is required
- The use of social media in particular, has made it difficult to see clear boundaries between when Councillors are acting as private individuals and when "deemed to be representing ...[their] Council."
- "This can be a "grey area"
- "If people know you are a Councillor, whether or not you are acting in that capacity, ... people will associate you with the Council. Therefore, a presumption of 'acting in an official capacity' is important for lay people and therefore the potential for bringing the Council into disrepute. People rarely make a distinction."
- "As a Councillor, I am uncomfortable that everything we do is deemed to be as a Councillor and so [this] would require further clarification...Across the Country, there is no clear conclusion on this."
- "As a Councillor, we are under scrutiny and that includes our private life as well."
- "Social media does mean we need to be alert to the dangers of social media and the need to have special attention given to it."

'Disclosable Pecuniary Interests'

- We note the specific recommendation would require legislative amendment.
- "generally support disclosure of interests".

'Gifts and hospitality'

- "perhaps add an annual review of the limit of £25 from a single source".
- "The cumulative figure from a single source of £100 would be a good idea."

'Sanctions'

- "Withdrawal of facilities is a problem if they are then unable to fulfil their role to support residents on casework."
- "Not happy that there is no right of appeal".

'Civility'

- “it is more important to have ‘respect’. You can be polite and civil but be disrespectful in general attitude.”

General observations upon the draft Model Code:-

- “The draft model code from the LGA is largely endorsed and welcomed”
- “It is disappointing as a draft ...it needs more framing of the context in which Councillors are acting, in the public interest and the public responsibility. It does not reflect the Nolan principles in the Code.”
- “The context in which Councillors are acting is very important and the Code is not proactive on ethical standards. It was negative in tone, over emphasized the negatives, rather than being proactive... reasons for having the Code are not strong enough”.

Finally, on behalf of my Committee, we thank you for this opportunity and await to see the outcome.

Yours faithfully,

Cllr. Obajimi Adefiranye
Chair Standards Committee
London Borough of Lewisham.