

# AGENDA

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## STANDARDS COMMITTEE

**Date: MONDAY, 14 MARCH 2022 at 6.00 pm**

**Venue: Civic Suite, Lewisham Town Hall, London SE6 4RU  
Also Remotely via Microsoft Teams**

**Enquiries to: Jasmine Kassim  
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### Members

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

Joy Walton

Fasil Bhatti

Gill Butler

David Roper-Newman

Cathy Sullivan

Leslie Thomas

Kim Wright  
Chief Executive  
4 March 2022

## Part 1

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Members of the public are welcome to attend committee meetings. However, occasionally, committees may have to consider some business in private. Copies of agendas, minutes and reports are available on request in Braille, in large print, on audio tape, on computer disk or in other languages.

STANDARDS COMMITTEE		
<b>Report Title</b>	Declarations of Interests	
<b>Key Decision</b>	No	Item No. 1
<b>Ward</b>	n/a	
<b>Contributors</b>	Chief Executive	
<b>Class</b>	Part 1	Date: 3 March 2022

## Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

### 1 Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (1) Disclosable pecuniary interests
- (2) Other registerable interests
- (3) Non-registerable interests

### 2 Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person\* for profit or gain
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person\* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.

- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member’s knowledge, the Council is landlord and the tenant is a firm in which the relevant person\* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
  - (a) that body to the member’s knowledge has a place of business or land in the borough; and
  - (b) either
    - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person\* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

\*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

### **(3) Other registerable interests**

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council
- (b) Any body exercising functions of a public nature or directed to charitable purposes , or whose principal purposes include the influence of public opinion or policy, including any political party
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25

### **(4) Non registerable interests**

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members’ Interests (for example a matter concerning the closure of a school at which a Member’s child attends).

## **(5) Declaration and Impact of interest on members' participation**

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must not take part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.
- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

## **(6) Sensitive information**

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

## **(7) Exempt categories**

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

# Agenda Item 2

STANDARDS COMMITTEE		
<b>Report Title</b>	Minutes	
<b>Key Decision</b>	No	Item No. 2
<b>Ward</b>	n/a	
<b>Contributors</b>	Director of Law	
<b>Class</b>	Part 1	Date: 14 March 2022

## Recommendation

It is recommended that the Minutes of meetings of the Committee, which were opened to the press and public held on 5 August 2020 and 26 May 2021 be confirmed and signed (copy of each attached).

# MINUTES OF THE STANDARDS COMMITTEE

Wednesday, 5 August 2020 at 7.00 pm

PRESENT: Councillors Obajimi Adefiranye, Tauseef Anwar, Andre Bourne, Bill Brown, Patrick Codd, Sue Hordijkeno, Jim Mallory, Hilary Moore, Pauline Morrison and Olurotimi Ogunbadewa.

ALSO PRESENT: Joy Walton, Fasil Bhatti, Gill Butler, David Roper-Newman, Cathy Sullivan and Leslie Thomas

## 4. Declaration of interests

There were no declarations.

## 5. Minutes

RESOLVED that the minutes of the meetings held on January 8 2020 and July 15 2020 be confirmed and signed as correct records.

## 6. Consultation on The Local Government Association's Draft Member Model Code of Conduct

The report was introduced by the Deputy Monitoring Officer, who gave a slideshow presentation to the Committee. (copy filed with the minutes).

The Committee reviewed the draft Local Government Association Model Member Code of Conduct. The Committee wholeheartedly welcomed the review and the opportunity to provide input into the consultation.

The Committee generally endorsed the recommendations of the LGA; but, with a number of caveats. Comments made are reproduced below using relevant headings from the draft model code:-

*Presumption of acting in an official capacity.*

- The Committee noted this recommendation would require legislative change.
- The Committee believed greater clarification was required.
- The use of social media in particular, had made it difficult to see clear boundaries between when Councillors were 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, the public will associate you with the Council. A presumption of



‘acting in an official capacity’ was important for lay people and therefore the potential for bringing the Council into disrepute. The public 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 appeared to be 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’*

The Committee noted the specific recommendation would require legislative amendment and were generally supportive of the disclosure of interests section.

#### *‘Gifts and hospitality’*

The Committee suggested that perhaps an annual review of the limit of £25 from a single source could be added. Members agreed the cumulative figure from a single source of £100 would be a good idea.

#### *Sanctions*

Concern was expressed that withdrawal of facilities could be a problem if Councillors are then unable to fulfil their role to support residents on casework. Members were not happy that there is was no right of appeal.

#### *Civility*

The Committee noted 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 was largely endorsed and welcomed.
- It is disappointing as a draft as it needs more framing of the context in which Councillors are acting, in the public interest and the public responsibility. It does not appear to reflect the Nolan principles in the Code.
- The context in which Councillors were acting is very important and the Code was not proactive on ethical standards. It appeared negative in tone and over emphasized the negatives, rather than being proactive. The reasons for having the Code did not seem strong enough.

The Committee and all Independent Members present agreed the Chair should write to the LGA reflecting the various views which had been

expressed.

RESOLVED that the Monitoring Officer agree a written response with the Committee's decision and send this to the LGA before the 17 August 2020.

# MINUTES OF THE STANDARDS COMMITTEE

Wednesday, 26 May 2021 at 7.56 pm

PRESENT: Councillors Obajimi Adefiranye, Peter Bernards, Patrick Codd, Jim Mallory, Hilary Moore, Pauline Morrison, Olurotimi Ogunbadewa, Rachel Onikosi, Kim Powell and James-J Walsh.

## 7. Standards Membership

RESOLVED that the following Councillors be appointed to the Committee:

Councillor Adefiranye  
Councillor Bernards  
Councillor Codd  
Councillor Mallory  
Councillor Moore  
Councillor Morrison  
Councillor Ogunbadewa  
Councillor Onikosi  
Councillor Powell  
Councillor Walsh

## 8. Appointments to Standards Sub Committees

RESOLVED that the following appointments be made to Sub-Committees

### *Standards Sub-Committee A*

Councillors Adefiranye, Bernards, Onikosi, Powell and Mallory.

Independent Members: Sullivan, Roper-Newman and Bhatti.

### *Standards Sub-Committee B*

Councillors Morrison, Moore, Codd, Walsh and Ogunbadewa

Independent Members: Butler, Thomas and Walton

## 9. Chair Vice Chair Standards Committee

RESOLVED that Councillor Adefiranye be appointed as Chair and Councillor Morrison be appointed as Vice-Chair for the Municipal Year 2021-22.

# Agenda Item 4

STANDARDS COMMITTEE			
Report Title	Update on ongoing cases of Member Complaints		
Ward	All		
Contributors	Jeremy Chambers Director of Law, Governance and Elections (Monitoring Officer)		
Class	Part 1	Date	14 March 2022

## 1. Summary

This report provides the Committee with an update on the current ongoing cases of Member complaints in March 2022.

## 2. Recommendations

The Committee is asked to note the contents of this report.

## 3. Cases in progress in March 2022

### 3.1 Case A

On 29 June 2021, the Monitoring Officer received a letter from the Chair of the Standards Committee. The resident had written to the Chair regarding a councillor's remarks on social media. The Monitoring Officer acknowledged the complaint and asked for a completed Ethics form.

On 5 August 2021, the resident emailed a completed ethics form to the Monitoring Officer alleging that the councillor defended anti-Semitism and Islamophobia hate speech. The then Monitoring Officer wrote to the councillor to get their preliminary comments and decided that an Independent Person needs to be consulted and advised the resident of this on 14 September 2021. After consulting with the Independent Person the then Monitoring Officer decided that this complaint required a formal investigation.

The Monitoring Officer contacted Bevan Brittan LLP and appointed them in November 2021 to carry out an investigation. The current Monitoring Officer joined us the same month.

Bevan Brittan LLP has provided a draft report, which at the time of writing this report is being considered by the Monitoring Officer.

### 3.2 Case B

On 1 November 2021, a complaint was received by the Monitoring Officer against a group of councillors for their lack of care in the community in relation to the resident's allegation that she is being harassed and threatened by a neighbour. The resident's complaint was acknowledged on 2 November 2021 and assigned to the Deputy Monitoring Officer (DMO). The DMO wrote to the resident asking for more information and offered to speak on the phone. The DMO also urged the resident to contact the police over the concerns for her safety.

No response has been received from the resident till date.

### **3.3 Case C**

On 2 November 2021, a complaint was received by the Monitoring Officer alleging poor service from their ward councillors but no further details were provided. The resident's email was acknowledged and the resident was asked to fill out an ethics complaint form in order to provide more details to allow the Monitoring Officer to consider the complaint.

No response has been received from the resident till date.

### **3.4 Case D**

On 25 November 2021, a complaint was received by the Monitoring Officer regarding a councillor's failure to respond to or resolve the issues raised by the resident. This resident has a SPOC (Single Point of Contact) so all contact with this resident has to go through the Corporate Complaints Team. The resident's email was acknowledged and a completed ethics complaint form was asked for.

The resident sent a completed ethics complaint form on 4 February 2022. The Monitoring Officer is currently considering this complaint based on the details provided by the resident.

### **3.5 Case E**

On 5 December 2021, a complaint was received by the Monitoring Officer regarding a councillor's conduct. The resident's email was acknowledged and the resident was asked to fill out an ethics complaint form in order to provide more details to allow the Monitoring Officer to consider the complaint.

The resident sent a completed ethics complaint form on 13 February 2022. The Monitoring Officer is currently considering this complaint based on the details provided by the resident.

### **3.6 Case F**

On 25 January 2022, a complaint was received by the Monitoring Officer via the Mayor's Office regarding the conduct of Blackheath Ward councillors. The resident's email was acknowledged and the resident was asked to fill out an ethics complaint form in order to provide more details to allow the Monitoring Officer to consider the complaint.

No response has been received from the resident till date.

### **3.7 Case G**

On 16 February 2022, a complaint was received by the Monitoring Officer from a councillor about another councillor acting unlawfully.

The Monitoring Officer responded to the councillor on 1 March 2022 asking for some clarification and confirmation on the information provided.

The Monitoring Officer is currently awaiting the Councillor's reply and will then consider the complaint.

4. **Financial Implications**

There are no specific financial implications arising from this report.

5. **Legal Implications**

The promotion of the Code of Conduct is consistent with the Council's duty under Section 27 Localism Act 2011 to promote the highest standards of conduct by its members.

6. **Crime and Disorder**

There are no specific crime and disorder implications arising from this report.

7. **Environmental Implications**

There are no specific environmental implications arising from this report.

8. **Conclusion**

Members are asked to note the contents of this report.

For further information about this report please contact:

Jeremy Chambers,  
**Director of Law, Governance & Elections**  
**Monitoring Officer**

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## Standards Committee

### Dates of future meetings

**Date:** 14 March 2022

**Key decision:** No

**Class:** Part 1

**Ward(s) affected:** All

**Contributors:** Chief Executive / Head of Committee Business

### Outline and recommendations

Members are asked to recommend dates to the Council AGM in respect of future meetings of the Standards Committee

#### 1. Recommendation

It is recommended that the Council be asked to include the following dates in the Council Calendar for meetings of the Standards Committee in the Municipal Year 2022-23

May 25 2022 (AGM)

July 12 2022

December 8 2022

March 9 2023