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Standards Committee Members

Members of the committee, listed below, are summoned to attend the meeting to be held on Thursday, 25 May 2023.



Jeremy Chambers Monitoring Officer
17 May 2023

Councillor Hilary Moore	
Councillor Bill Brown	
Councillor Peter Bernards	
Councillor Will Cooper	
Councillor Brenda Dacres	
Councillor Rachel Onikosi	
Councillor Rosie Parry	
Councillor James Rathbone	
Councillor Eva Stamirowski	
Councillor Aliya Sheikh	
Co-Optees	
Joy Walton	
Fasil Bhatti	
Gill Butler	
David Roper-Newman	
Cathy Sullivan	
Leslie Thomas	

Standards Committee Agenda

Thursday, 25 May 2023

7.00 pm,

Civic Suite

Lewisham Town Hall

London SE6 4RU

For more information contact: committee@lewisham.gov.uk

Part 1

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Standards Committee

Minutes

Date: 25 May 2023

Class: Part 1

Contributors: Head of Governance and Committee Services

Outline and recommendations

Members are asked to consider the Minutes of the meetings of the Standards Committee, held on 5 July 2022 and 29 March 2023.

Recommendation

That the Minutes of the meeting of the Standards Committee, held on 5 July 2022 and 29 March 2023; be confirmed and signed.

MINUTES OF THE STANDARDS COMMITTEE

Tuesday, 5 July 2022 at 6.00 pm

PRESENT: Councillors Walton, Butler, Sullivan, Hilary Moore (Chair), Bill Brown (Vice-Chair), Peter Bernards, Brenda Dacres, Rosie Parry, James Rathbone, and Aliya Sheikh.

MEMBER(S) OF THE COMMITTEE JOINING THE MEETING VIRTUALLY:
Councillor Rachel Onikosi.

APOLOGIES FOR ABSENCE: from Fasil Bhatti, Councillor Eva Kestner and Councillor Eva Stamirowski.

APOLOGIES FOR LATENESS: from Councillor Brenda Dacres.

1. Declaration of interests

None were made.

2. Minutes

RESOLVED that the Minutes of the Meeting of the Standards Committee held on 14 March 2022, be confirmed as an accurate record.

3. Appointments to Sub-Committees of the Standards Committee

RESOLVED that the appointment of persons to Standards Sub-Committee A and Standards Sub-Committee B, be agreed.

4. Annual Complaints Report

4.1 Councillor Hilary Moore, Chair of the Committee, highlighted the following amendment:

- To remove the words “Mayor and Cabinet” in the second paragraph under “Outline and recommendations” within the top box heading of the report, so that the statement reads as follows:
 - “Standards Committee are asked to note the contents of the commendations as set out in Sector 2 of this report”.

4.2 The Committee received a report presented by the Director of Resident and Business, and noted the following:

- That all stage-two complaints would continue to be handled by the Corporate Complaint Team.
- That going forward, single service stage-two complaints and all Members’ enquiries would be responded to and dealt with directly by

the responsible service, and not via the corporate complaints process. It was stated that the change was for speed and efficiency in the process.

- That the new Members' portal would 'go live' on Tuesday, 26 July 2022, and:
 - That once implemented, Members would be able to log and monitor enquiries and complaints from their constituents.
 - That Members who had not yet received training on the new system should contact the Head of Overview and Scrutiny who was responsible for Members' development.
- That the Corporate Complaint Team was meeting on a bi-monthly basis to assess performance and identify areas for improvement regarding the handling of complaints.

4.3 The Monitoring Officer advised the Committee that the report had been presented for Members to note and/or comment on, prior to consideration at the next meeting of the Mayor and Cabinet.

4.4 The Committee commented as follows:

- That although matters relating to the Council's communication channels were not included in the report, it would be helpful if those would be considered as part of the complaints process due to concerns by residents and Members about the lack of access to leave messages on telephone answering machines because voicemails were full.
- That to minimise the potential for complaints and support the communication process, the Council's telephone voicemail system should be monitored on a regular basis to ensure sufficient capacity for residents and Members, and anyone who made contact to be able to leave messages when officers were unavailable to pick up calls.

RESOLVED to note the contents and the recommendations as set out in Section 2 of the report.

5. Update on Cases of Members' Complaints

5.1 In his presentation to the Committee, the Monitoring Officer stated that it should be noted that statements in the report were intentionally vague because of a need to prevent future prejudices by Members should any of the cases to be reported on proceeded into an investigation for a determination.

5.2 The Committee welcomed the advice by the Monitoring Officer, and noted the following:

- **Case A.** That the final investigation by Bevan Brittan LLP reported that no breach took place regarding an allegation made by a resident against a Councillor about antisemitism and islamophobia remarks on social media. Members were advised:
 - That the Monitoring Officer would report on the matter at a future meeting of a Sub-Committee of the Committee.

- **Case B.** That a resident made a complaint alleging lack of duty-of-care by a group of Councillors to the community. The Committee noted:
 - That further information was requested by the previous Deputy Monitoring Officer, who also offered to speak to the resident and urged her to be in touch with the police about the matter.
 - That the matter was subsequently closed after a period in accordance with the Council's Code of Conduct, as no response was received from complainant.

- **Case C.** That a resident complaint about receiving poor service from a ward Councillor. It was stated that not enough details were provided at the initial contact for an assessment to be made, and that the resident subsequently completed and returned the Standards and Ethic Form. The Committee was advised that upon receiving the additional information:
 - The Monitoring Officer assessed the complaint and concluded that it was not in the public interest. Therefore, no investigation was commissioned, and the matter was closed.

- **Case D.** That a complained was made against a Councillor alleging failure to respond or resolve issues raised by a resident. The Committee noted:
 - That the complaint was assessed and subsequently closed because it was determined by the Monitoring Officer that it was not in public interest to warrant an investigation.

- **Case E.** That a resident complained against a Councillor, and the matter was referred to Council officers for a response. It was stated that that the resident subsequently complaint that his consent was not sought prior to the referral to officers. The Committee noted:
 - That the case was dismissed by the Monitoring Officer on the basis that any information to the Council was an implied consent for it to be used in accordance with the matter in question, and that was consistent with the guidance published by the Information Commissioner's Office.

- **Case F.** That a resident made a complaint regarding the conduct of ward Councillors. The Committee noted:
 - That the Standards and Ethics Form was sent to the complainant, but no response was received, and the matter was subsequently closed in accordance with the stipulation in the Code of Conduct.

- **Case G.** That a complaint was made by a Councillor against another Councillor regarding the use of a terminology. The Committee noted:
 - That the matter was assessed and closed by the Monitoring Officer on the basis that the complaint was not in the public interest.

5.3 In response to questions raised, the Monitoring Officer advised the Committee as follows:

- That complainants would usually receive notification when a matter they had complained about was closed.
- That a closed case could not be activated for further consideration, as it would be classified as 'out of time'.
- That should a new complaint referred to a case that was already closed, the closed case would be considered if the Monitoring Officer was satisfied that it was significant to the complainant's new submission.
- That the initial determination of a case would be carried out by the Monitoring Officer to assess whether the matter should be submitted for further investigation or not, and the complainant would be notified of the outcome.
- That only the Council's Monitoring Officer had the statutory power to decide, after initial assessments, whether a complaint was legitimate and warranted further investigation, or that it was not the public interest and therefore should be closed.
- That prior to closing a case due of lack of details to help an investigation into a complaint, the Council would have given the complainant ample time to submit the required information for a determination to be made.
- That if the Monitoring Officer took a view, after an initial assessment, that a matter should not proceed into an investigation, the complaint had no right of appeal against that decision, except via the courts. Notwithstanding that, the Council's Constitution could be amended to for appeals against the initial determination by the Monitoring Officer in such regard. It was stated that such an amendment to the Constitution would likely create a backlog of cases, with a significant delay in the process.
- That to protect the Monitoring Officer from risk of future prejudice, he could appoint a member in the Council's Legal Team or appoint an external law firm to independently undertake initial investigations of cases.

- That the duration of dealing with complaints up to closure was three months, subject to the complexity of a case in question, and cooperation from Councillors complained about. It was stated that lack of cooperation by Councillors was a breach of the Code of Conduct.
- That the Constitution does not make it mandatory for complainants to complete the Council's Standards and Ethics Form before their complaints would be considered.
- That complainants could send written submissions via other channels, including emails. However, completing the Council's Standards and Ethics Form would expedite the investigation process, as the questions asked via any other written channel would be the same as those stated on the Form.
- That the Council required that complaints should be made in writing to ensure the currency of events in individuals' minds. However, if individuals informed that they could not do that, the Council would encourage them ask someone to assist them or could provide the required assistance to enable complainants to legitimately submit their complaints in writing.
- That the statistics that the Council had would highlight how many cases were closed because of individuals not completing and returning the Standards and Ethics Form, or where they had not provided written information by any other means about their complaints.
- That if requested, the Monitoring Officer could give a Powerpoint presentation of a flow chart at the next meeting of the Committee to highlight the complaint process or he could arrange a separate training session for Members on the matter.
- That going forward, the Monitoring Officer would include a statement in future complaint forms that to highlight that any information sent to the Council would be shared with the relevant officers where it was required as part of the complaint investigation process.
- That to help soften the language for those residents who otherwise would not be familiar with the process, the Monitoring Officer would, upon instruction of the Committee, make a recommendation to the Constitutional Working Group to consider changing the word "Ethics" to "Complaints" on the Council's current Standards and Ethics Form.

RESOLVED that the report be noted.

6. Future Items: The Director of Law, Governance & Elections to provide a verbal update

The Monitoring Officer gave an oral report, advising the Committee that he had received a complaint from a resident about a Councillor lacking the required standards for communication. It was stated that the matter was pending, as further information had been requested for an initial assessment on the matter.

RESOLVED that the oral report be noted.

The meeting closed at 6.58p.m.

Chair

MINUTES OF THE STANDARDS COMMITTEE

Wednesday, 29 March 2023 at 7.55 pm

PRESENT: Councillors Hilary Moore (Chair), Councillors Eva Kestner, James Rathbone, Eva Stamirowski and Aliya Sheikh

Apologies for absence were received from Councillor Peter Bernards, Councillor Brenda Dacres and Councillor Rosie Parry

1. **Appointments**

It was MOVED, SECONDED and RESOLVED that Councillor Hilary Moore be appointed as Chair and Councillor Brown be elected Vice-Chair of the Standards Committee for 2023/24

The meeting ended at 7.56pm

Chair



Standards Committee

Declarations of Interest

Date: 25 May 2023

Class: Part 1

Contributors: Head of Governance and Committee Services

Outline and recommendations

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

1. Summary

1.1. Members must declare any personal interest they have in any item on the agenda. 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.

1.2. Further information on these is provided in the body of this report.

2. Recommendation

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

3. Disclosable pecuniary interests

3.1 These 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.

4. Other registerable interests

4.1 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.

5. Non registerable interests

- 5.1. 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).

6. Declaration and impact of interest on members' participation

- 6.1. 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 take not 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**
- 6.2. 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 6.3 below applies.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

7. Sensitive information

- 7.1. 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.

8. Exempt categories

- 8.1. 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).



Standards Committee

Appointments to Sub-Committees

Date: 25 May 2023

Key decision: No

Class: Part 1

Ward(s) affected: n/a

Contributors: Head of Governance and Committee Services

Outline and recommendations

Members are asked to appoint two Standards-Sub Committees.

1. STANDARDS COMMITTEE SUB-COMMITTEES

RECOMMENDATION that the Committee agrees appointments to Standards Sub-Committee A and Sub-Committee B.

Each Sub-Committee should include 5 elected members and 3 co-opted members. No member can sit on both Sub-Committees.

Agenda Item 4



Standards Committee

Work Programme

Date: 25 May 2023

Class: Part 1

Contributors: Head of Governance and Committee Services

Outline and recommendations

Members are asked to consider a work programme for Standards Committee for 2023/24

Recommendation

That a work programme for 2023/24 be agreed for Standards Committee.