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MINUTES OF THE STANDARDS COMMITTEE

Monday, 14 March 2022 at 6.00 pm

PRESENT: Councillors Obajimi Adefiranye, Pauline Morrison and James-J Walsh.

MEMBER(S) OF THE COMMITTEE JOINING THE MEETING VIRTUALLY:
Councillors Patrick Codd, Jim Mallory and Kim Powell.

OTHER MEMBER(S) OF THE COMMITTEE JOINING THE MEETING VIRTUALLY:
Fasil Bhatti and David Roper-Newman.

APOLOGIES FOR ABSENCE WAS RECEIVED FROM:
Joy Walton

NB. The Councillors listed as joining virtually were not in attendance for the purposes of the meeting being quorate, any decision taken, or to satisfy the requirement of s85 Local Government Act 1972.

OFFICER(S) JOINTING THE MEETING VIRTUALLY:
Director of Law, Governance and Elections as Monitoring Officer.

Clerk: Senior Committee Manager (in person)

1. Declaration of interests

None were made.

2. Minutes

At this point of consideration, Councillor Obajimi Adefiranye proposed that the meeting should be adjourned to deal with an internet connection issue. The proposal was seconded by Councillor Pauline Morrison, and agreed.

The meeting resumed approximately 5 minutes after the adjournment, and the Committee

RESOLVED those minutes of meetings of the Standards Committee held on 5 August 2020 and 26 May 2021 be confirmed and signed as correct records.

3. Introduction of Jeremy Chambers, new Director of Law, Governance & Elections (Monitoring Officer) - Oral Report

On behalf of the Committee, the Chair, Councillor Obajimi Adefiranye introduced and welcomed Jeremy Chambers as the Council's new Director of Law, Governance and Elections at the meeting. The Director acknowledged the recognition made by the Committee, and informed that although he started full-time as the Monitoring Officer in March 2022, he had been working for the Council since 17 November 2021.

In response to a concern, the Committee was advised that although flexibility in legislation enabled councils to convene meetings virtually, that did not happen across Lewisham's governance arrangements, leading to the Monitoring Officer inheriting a regime where meetings of the Standards Committee did not place for the last two years.

The Committee also noted clarification from the Monitoring Officer that the cases he was about to report on were deliberately vague in details to prevent Members from potential prejudicial or pre-determination situations, considering the timeline towards the forthcoming local councils' pre-election publicity period.

RESOLVED that the report be noted.

4. Update on ongoing cases of Member Complaints

The Committee received an update report by the Monitoring Officer regarding the following cases:

Case A

The Committee was advised that the Monitoring Officer received a complaint on 29 June 2021 against a Councillor, alleging Islamophobia. It was stated that the complaint was acknowledged, and the Ethics form sent out requesting further information was completed and returned to the Monitoring Officer.

Specific to the case, the Committee Monitoring Officer stated that there were suggestions that an exchange took place on social media. Also, a vote by the Councillor complained about, and the explanation provided for voting in a particular way were highlighted by the complainant as constituting a breach of the Members' Code of Conduct.

The Committee noted that the Councillor and the complainant had received a copy of the final investigation report for comment by the close of business on Friday 18 March 2022. It was stated that any comment received would be shared with Bevan Brittan LLP, the external firm of solicitors that conducted the investigation. The Monitoring Officer stated that thereafter, in accordance with the Council's constitutional procedures, and subject to councils' pre-election publicity rules considering the forthcoming local elections in May 2022, he would convene a Sub-Committee of the Standards Committee to undertake an initial consideration of the allegations.

Councillor Obajimi Adefiranye advised the Committee that as the Chair of the Committee, he had received and forwarded the complaint to the Monitoring Officer. Councillor Adefiranye expressed a disappointment that he received no response to requests he made on several occasions for an update on progress.

Case B

The Committee noted that the Monitoring Officer received a complaint from a member of the public on 1 November 2021 against a group of councillors for their lack of care in the community. It was stated that the residents alleged that she was also harassed.

The Monitoring Officer confirmed that the complaint was acknowledged the next day with a request for further information to help assess the issues complaint about. It was stated that the complainant was also advised to contact the police because of the concern she had for her safety. However, no response had been received from the resident to date. The Monitoring Officer stated that the case would be closed within a reasonable period for lack of sufficient information.

Case C

The Committee noted that a complaint was received by the Monitoring Officer on 2 November 2021 from a resident about poor service from their ward councillors. The Monitoring Officer stated that the complaint was acknowledged, and a form was sent to the complainant for further information. However, the form had not been returned, and the complaint would be closed within a reasonable period for lack of sufficient information.

Case D

The Committee noted that a complaint was received by the Monitoring Officer on 25 November 2021 from a resident against a councillor for failure to respond to issues raised. The complaint was acknowledged, and an Ethics form was sent for further information.

The Committee heard that the resident had completed and returned the ethics form. It was stated that the Monitoring Officer had concluded that the matter was not in the public's interest to warrant an investigation. Therefore, the complaint has been closed, and the resident had been notified. It was noted that there was no right of appeal against the Monitoring Officer's determination of a complaint.

Case E

The Committee noted that a complaint was received by the Monitoring Officer on 5 December 2021 from a member of the public, alleging that a councillor had shared his/her information with a council officer.

The Monitoring Officer stated that the complaint was rejected on two grounds. First, it was not in the public interest. Secondly, the office of the Information Commission issued statutory guidance of implied consent that information to the Council can be shared with councillors and officers, unless expressly advised not to do so.

The latter scenario was considered legitimate by David Roper-Newman, who echoed that legislation allows elected representatives to handle issues on behalf

of data subjects. Therefore, councillors in exercising their roles as community leaders and ward members representing their constituents are included.

Case F

The Committee noted that the Monitoring Officer received a complaint on 25 January 2022 regarding the conduct of Blackheath Ward councillors. It was stated that the complaint was acknowledged, and an Ethics form was sent for further information. However, the form had not been returned, and the complaint would be closed within a reasonable period for lack of sufficient information.

Case G

The Committee noted that the Monitoring Officer received a complaint on 16 February 2022 from a councillor alleging that another councillor was acting unlawfully. The Monitoring Officer stated that he had considered and rejected the complaint, as it was found not to be in the public interest to pursue.

Case H

The Monitoring Officer advised the Committee that he received a complaint after the agenda for the meeting in view was published. It was confirmed that the complaint relating to remarks by a councillor at a 'live' recording of a planning appeal was already in the public domain and had gained some attention on social media. The Committee understood that the complaint had been acknowledged and the Monitoring Officer would be reviewing the details.

The Committee also noted responses from the Monitoring Officer to questions raised as follows:

- That there was no requirement in the Council's constitution for complainants to complete the Ethics form. However, the process of dealing with a complaint will not commence until sufficient information to initiate the investigation was received.
- That once a decision was made by the Monitoring Officer to investigate a complaint, the relevant councillor(s) would be notified about the nature of the issues. However, the Monitoring Officer would not automatically inform councillors about the identity of the complaints. It was stated that depending on the nature of the complaint, the Monitoring Officer would make a judgement as to whether or not, or when to notify councillors about the identity of complainants.
- That in addition to the 'public interest' test, there were safeguards in the Council's Constitution for the Monitoring Officer to reject complaints that were trivial, vexatious, motivated by political agenda, or out-right inappropriate. Considering the safeguards, the Monitoring Officer would always act objectively to weigh each circumstance to avoid detracting resources from complaints that the Council should actually be investigating.
- That in view of Case F, the Monitoring Officer would circulate the wards affected regarding the other cases. It was stated that it would be a breach of confidentiality of Members disclose the information without permission in contravention of local councils' pre-election publicity rules.

In his closing remarks, the Councillor Obajimi Adefiranye thanked officers and Members for the support he had received from them over the years. Councillor

Adefiranye asked that it should be recorded that he was advised that the reason why the Committee did not meet to consider its business in the last two years was due to an instruction from a previous Monitoring Officer not to hold Standards Committee meetings. The Chair expressed his disappointment in that regard, commenting that it was unacceptable for an Officer of the Council to take such a unilateral decision without consulting him as Chair of the Committee.

RESOLVED that the report be noted.

5. Dates of Future Meetings

Members noted dates of forthcoming meetings of the Standards Committee for 2022/23 as follows:

- May 25 2022 (Annual General Meeting)
- July 12 2022
- December 8 2022 and
- March 9 2023

The Monitoring Officer stated that the dates listed after 25 May 2022 would be considered for approval at the Annual General Meeting as part of the Council's corporate calendar of meetings.

RESOLVED that the report be noted.

The meeting closed at 6.40pm.