

COUNCIL AGM		
Report Title	Annual Report of the Standards Committee 2017/18	
Key Decision	No	Item No.
Ward		
Contributors	Head of Law/Chair of the Standards Committee	
Class	Part 1	Date: 23 May 2018

ANNUAL REPORT OF THE STANDARDS COMMITTEE 2017/18 presented by the Chair of the Committee, Councillor Bourne

- 1 INTRODUCTION – PERSONAL STATEMENT OF THE CHAIR
 - 1.1 This report sets out the membership of the Standards Committee, some key developments in the past year and our aspirations for the future.

- 2 MEMBERSHIP OF THE STANDARDS COMMITTEE
 - 2.1 The Council’s Constitution provides for the Standards Committee to consist of 16 members – 6 of whom are independent and 10 of whom are councillors. This reflects the abolition of the legislative provisions allowing independent members of the Standards Committee to vote. Consequently the Committee cannot be independently chaired and since July 2012, only those members who are elected members of the Council are allowed to vote on matters before it.
 - 2.2 Throughout this year, the following people have served as independent members of the Committee:-
 - Gill Butler
 - David Roper Newman
 - Cathy Sullivan
 - Leslie Thomas
 - Joy Walton
 - Fasil Bhatti
 - 2.3 Appendix 1 gives a short summary of the background of current independent members.
 - 2.4 Throughout the year the following councillors have been members of the Standards Committee:-

- Councillor Adefiranye
- Councillor Bernards
- Councillor Bourne
- Councillor Brown
- Councillor Elliott
- Councillor Hooks
- Councillor Mallory
- Councillor Milne
- Councillor Moore
- Councillor Morrison

2.5 As Chair of the Committee I would like to express my thanks to all my fellow members of the Committee for their hard work throughout the year.

2.6 As required by the Localism Act 2011 all local authorities must appoint at least one independent person whose views are to be sought and then taken into account by the local authority before it makes a decision on an allegation that has been investigated. Following public advert and interview by the former Chair of the Committee assisted by the Monitoring Officer, Wendy Innes and Erica Pienaar were appointed to act as Independent Persons to the Council to assist in the investigation of complaints under the Council's Member Code of Conduct. Appendix 2 gives a short summary of the background of current Independent Persons.

3 THE ROLE OF THE STANDARDS COMMITTEE

3.1 The role of the Standards Committee is reflected in our terms of reference, which appear in the Council's Constitution.

3.2 The key roles of the Standards Committee are:-

- To promote and maintain the highest standards of conduct within the Council and to assist members to follow the member Code of Conduct
- To consider allegations of breach of the Member Code of Conduct and any sanction where appropriate.

3.3 To fulfil these dual aims, the Committee embarks on other work such as training, reviewing compliance with and the effectiveness of the Code, monitoring whistleblowing allegations and corporate complaints to name but a few, but at no time does it lose sight of the fact that all of this work is geared towards achieving the highest standards of ethical conduct in Lewisham.

4 THE MEMBER CODE OF CONDUCT

- 4.1 The Council adopted a revised Member Code of Conduct to replace the previous national member Code of Conduct which was abolished by the Localism Act 2011. The Code and accompanying protocols appear in the Constitution at Part V - Ethics. It is also available on the Council's website

<http://www.lewisham.gov.uk/mayorandcouncil/aboutthecouncil/how-council-is-run/Pages/constitution.aspx>

- 4.2 There is a dedicated email address, again easily accessed from the Council's website monitoring.officer@lewisham.gov.uk on which complaints can be made. The email address is checked daily for complaints.

5 THE WORK OF THE STANDARDS COMMITTEE IN 2017/18

- 5.1 This year the Committee has met on 2 occasions:-

- 9 May 2017
- 17 October 2017
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Standards Sub Committee A met on the 11th July 2017

- 5.2 At those meetings the Committee has considered the following items, the reports in relation to which and the minutes are available on the Council's website at:

<http://www.lewisham.gov.uk/CouncilAndDemocracy/CouncilMeetings/>

- 5.3 At the May meeting, the Committee considered:-

- Introductions and Role of the Committee
- Review of Code of Corporate Governance 2016-2017
- Work Programme 2017

- 5.4 At the October meeting, the Committee considered:-

- Local Code of Corporate Governance –Review of Compliance 2016-17
- Review of use of RIPA 2017
- Council Review of Whistleblowing Referrals and Policy
- Compliance with Member Code of Conduct
- DCLG – Consultation on Disqualification for Councillors and Directly Elected Mayors
- Local Government Inspection Framework

- 5.5 Standards Sub Committee A met on the 11th July 2017 to consider a complaint in relation to non-disclosure of directorships in the Members'

Register of Interests. The Sub Committee concluded that there had been a technical breach of the Member Code of Conduct. However the Sub Committee also noted that the breach had been promptly rectified. In light of the minor technical nature of the breach the Sub Committee unanimously agreed that no sanction should be imposed.

6 FORMAL COMPLAINTS RECEIVED

- 6.1 This year there have been 7 formal complaints received. All the complaints with one exception have been brought by members of the public. One has been made by a member against another member.
- 6.2 In 5 of the cases on initial assessment by the Monitoring Officer, she concluded that the complaints did not warrant formal investigation. In 2 of those cases the Monitoring Officer concluded that the members complained about were not at the relevant time engaged on Council business. In the other 3 cases the Monitoring Officer concluded that the complaint raised did not raise any issue capable of formal investigation under the Member Code of Conduct or that the allegations even if substantiated would not amount to a breach of the Member Code of Conduct.
- 6.3 The other two complaints are still under consideration and the Deputy Monitoring Officer is currently responding to these complaints.

7 TRAINING AND OTHER EVENTS

- 7.1 In this period, the following training (and other) activities on ethical and related matters have taken place:-

Event	Date
Statement of Chair and annual report to Council AGM	March 2017
Election issues - training for governance and Mayor's office	May 2017
All member briefing – Registering interests /social media	October 2017
Update on Regulation of Investigatory Powers Act 2000 – Standards committee members	October 2017
Election issues/ briefing	February 2018

8 THE FUTURE

- 8.1 In 2018/19, the Committee is keen that the diligent approach that the Council has fostered, over the last decade and more, towards ethical governance should be further promoted. We want to encourage a high degree of compliance with the Member Code.
- 8.2 The Committee has requested that at the next review of the Member Code of Conduct there should be a specific reference to the need to include registration of interests in subsidiary as well parent companies in the Code.
- 8.3 The reports we have received as a Committee have demonstrated a high degree of compliance with the Code of Conduct and a willingness to keep the ethical agenda high. It seems that in the coming year the Committee will need to plan ahead as to what level of support will be necessary to assist members in the new administration following the recent local and Mayoral elections. The Committee will be keen to ensure that there will be no diminution in the level of compliance and that the ethical agenda remains very high within the Council.
- 8.4 Arrangements are in place for the Head of Law /Monitoring Officer to present a briefing on “Decision-Making” at the Welcome Evening for all members on the 17th May 2018. A session on Ethics and Governance is also scheduled to take place on the 22nd May as part of the Member Induction programme. The Monitoring Officer has also suggested that it is timely that Council wide training on the Employee Code of Conduct is delivered.
- 8.5 The Committee hopes that the new administration ensures that the ethical regime continues to have the same high profile as to date. It will be for the new Standards Committee appointed at the Council’s Annual General Meeting to establish its priorities for the coming year.

9 CONCLUSION

- 9.1 There has been much good practice in Lewisham in so far as the ethical governance agenda is concerned. We believe however that there is no room for complacency and urge the Council to ensure that robust arrangements remain in place and continue to give to the ethical agenda its continuing commitment to inspire public confidence in its elected representatives.

10 LEGAL IMPLICATIONS

- 10.1 The constitution and operation of the Standards Committee, as well as recruitment to it and appointment to be its Chair are all defined by regulation. The current legal requirements are reflected in the

Council's constitution and our practice accords with those legal requirements. Save where reflected in this report, there is nothing that requires further legal advice.

11 FINANCIAL IMPLICATIONS

11.1 There are none associated with this report.

12 ENVIRONMENTAL, EQUALITIES, HUMAN RIGHTS AND CRIME
AND DISORDER IMPLICATIONS

12.1 No specific implications are associated with this report.

APPENDIX 1

Cathy Sullivan

Holds a BA (Hons) Social Science and completed Graduate Research in Social Studies of Science. Currently Senior Lecturer, Department of Social Sciences at London Metropolitan University. Has an interdisciplinary background including extensive professional experience in education policy, research and planning at LEA level, Social researcher and evaluator in the field of Information Studies on British Library supported projects and senior manager within Inner and Outer London local authorities. Very experienced in research and analysis.

Gill Butler

Gill is a consultant in a firm of solicitors, Burton Woods, and advises on all aspects of family law. Gill has a degree in Economics from the London School of Economics and has been working in the justice system for 29 years. She has both public and private sector experience, as well as being involved with a number of community organisations. From 1991-2002 Gill was the Chair of Stonewall.

David Roper Newman

David is employed in a Unit within the Department for Works and Pensions dealing with the detection, prevention and investigation of internal fraud and related abuse by employees where he is a Policy and Professional Standards Manager. David has broad experience of investigating grievances and employee related matters. His experience spans over 30 years.

Leslie Thomas Q.C.

Leslie is a practicing barrister who resides within the Borough. Leslie was called to the bar in 1998 and has developed a strong “human rights” dimension to his work. He is regarded as a leading junior barrister who handles many difficult and complex police jury trials. He is a well-known jury advocate and is instructed nationally by solicitors.

Leslie Thomas is also recognised as a leading barrister in the field of inquest law and has represented families in many high profile inquests especially in cases involving deaths whilst in police custody. Leslie regularly speaks and provides training in the area of inquests and is one of the co-authors of “Inquests – A Practitioners Guide”. Leslie was also co –counsel to the New Cross Fire Parents Committee in the fairly recent second inquest.

Leslie is a former director of the Civil Liberties Trust and is a member of the INQUEST management committee. Leslie is also currently Chair of the Central London Law Centre. He was appointed Queen's Counsel in 2014.

Joy Walton

Now living in East London, Joy has a B.A. in European Studies and completed an M.Sc in Corporate Governance in 2015. She has 13 years experience as a Council officer having worked in Newham and Islington where she was Head of Policy and Performance. She also has 8 years experience in housing companies and associations.

Fasil Bhatti

A native of South East London, Fasil has a BSc in Information Systems from Brunel and is a freelance consultant in Property and Digital Marketing. He has been a member of 4 independent fostering panels for 3 years and previously worked for Action for Employment advising a group of 18-25 year olds seeking full time employment

APPENDIX 2

Erica Pienaar

Erica lives in Bromley and has a B.A. Certificate in Education from Goldsmiths as well as an MBA in Education from London South Bank University. She held various teaching posts in Bromley for 25 years before being appointed to the position of head teacher at Prendergast School in 1998, a position she held until 2008 when she was appointed as Executive Headteacher. Though working in Lewisham for the last 15 years, she never been a Lewisham Council employee. Throughout her professional life she has conducted a number of sensitive investigative and disciplinary procedures and hearings. She also served on the Council of Queen Mary College of London University. Having retired recently, she serves as a Chair of Governors at a Lewisham primary School. Erica has been granted the Freedom of Lewisham.

Wendy Innes

Wendy is based in Newcastle upon Tyne. She has an M.A. in Swedish Studies and is a solicitor with extensive experience of advising North Tyneside Council where she was employed for 17 years until 2013, most recently as head of the legal service and deputy monitoring officer there. Before that she worked for 5 years in a commercial legal firm. North Tyneside operates a directly elected mayoral system like Lewisham and Wendy is very familiar with the new ethical framework under the Localism Act, has conducted two independent investigations into allegations of breach of the Member Code of conduct in North Tyneside and presented reports about the investigations to their Standards Committee.