

**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 24<sup>th</sup> 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 12<sup>th</sup> March 2020. Further, the Council, on the 9<sup>th</sup> 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.