

# Standards Committee

## Annual Report 2009/10



### 1. Introduction

1.1 The full Standards Committee held three ordinary meetings in 2009/10 - on 15 June and 21 October 2009, and on 11 February 2010.

1.2 At the Council's Annual Meeting on 20 May 2009, Sophia Lambert, C.B. was formally re-appointed as Chairman of the Committee for the following year and Jennifer Ware as Vice-Chairman. The full Committee membership in 2009/10 was:

- Miss Sophia Lambert, C.B. (independent Chairman)
- Mrs Jennifer Wade (independent Vice-Chairman)
- Dr. Ike Anya (independent member)
- Cllr. J. M. Blakeman
- Cllr. John Cox
- Cllr. The Lady Hanham, C.B.E.

### 2. Business at Standards Committee meetings

2.1 At its 15 June 2009 meeting the Committee considered, *inter alia*, the following matters:

- (i) the transfer of power, under the Local Government and Public Involvement in Health Act 2007, to grant staff **exemptions from political restriction** (introduced by the Local Government and Housing Act 1989) from an Independent Adjudicator to local standards committees. The Standards Committee agreed a procedure for determining such applications for exemption.
- (ii) the new *Standards Committee (Further Provisions) (England) Regulations 2009* which (a) give Standards for England - as the former Standards Board is now named - **greater powers over the operation of standards committees which are judged to be failing** to perform their functions adequately; (b) provide for the establishment of **joint standards committees** between more than one authority; and (c) revise the provisions relating to **Member dispensations**, i.e. where a member is allowed to be involved in a matter in which they have an interest. The

Regulations were noted by the Committee (which at its meeting on 21 October also approved a protocol for granting Member dispensations under the new regime, for circulation to all elected and co-opted Members).

- (iii) the Council's draft **Annual Governance Statement**, on which the Committee commented prior to its consideration by the Audit Committee.
- (iv) the current **Members' Allowances Scheme, Members' IT Scheme and 'Guide to the Conduct of Members with regard to Planning Applications'**. The Committee requested that (a) details of Members' expenses claims be put on the Council website; (b) the Members' IT Scheme be revised to better reflect the current cost of IT hardware; (c) Members be given clear guidance on what constituted reasonable and/or improper use of these facilities; and (d) a Code, similar to the Planning Code, be considered for the Licensing Committee.

2.2 At its 21 October 2009 meeting the Committee considered, *inter alia*, the following matters:

- (i) **Indemnity for co-opted members** - the Committee received confirmation that co-opted Members were indemnified under the Council's insurance arrangements in the same way as were elected Members.
- (ii) **Co-option of new member** - The Committee agreed to the co-option of Mr. Christopher Troke, a Member of LB Hammersmith and Fulham's Standards Committee. This Council's Standards Committee currently has six Members, which is the minimum number possible to provide a quorum for the sub-committees which may be needed to deal with complaints. The co-option was to provide for situations where for some reason insufficient Committee members were available for a Sub-Committee. Regulations provide that a person who is an independent member of the Standards Committee of a different authority may be appointed as an independent member of another Standards Committee.
- (iii) The Committee's three independent members reported back on the **Annual Assembly of Standards Committees**, which they had all attended. The Committee noted, *inter alia* (a) an atmosphere of self-justification in the face of the expectation that a change of Government might see the abolition of Standards for England; and (b) widespread complaints about aspects of the local assessment regime, and in particular the current system of preliminary assessments.

2.3 At its 11 February 2010 meeting the Committee considered the Town Clerk's major **review of hospitality and expenses-related expenditure across the Council** and the various actions proposed, and made a number of comments and suggestions to be passed to the Administration Committee.

### 3. Code of Conduct Complaints

3.1 Since May 2008 complaints about the conduct of Councillors have been dealt with by individual Councils' Standards Committees under the new local assessment regime. The first complaint under this regime was received in July 2009 and a total of five complaints were received during the year. Each was considered by the Initial Assessment Sub-Committee of the Standards Committee, at meetings on 27 July, 8 August, 2 September and 9 November 2009 and 12 March 2010. The Sub-Committee decided:

- to refer one complaint to the Monitoring Officer for investigation. This case was heard, following that investigation, by the Standards Committee on 26 February 2010 (see paragraph 3.3 below);
- to refer two complaints to the Monitoring Officer requesting specific 'other action' (as allowed under the legislation), as the Sub-Committee concluded that, while there was no need for further action on the substance of the complaints, they did reveal areas where Council procedures were in need of improvement. One of these requests for other action resulted in the issuing of guidance to Members on declaring gifts and hospitality; the other was addressed by the review of business expenses which was reported to full Council on 3 March 2010; and
- to take no further action on two complaints, which concerned matters which the Sub-Committee concluded could not be considered breaches of the Code of Conduct.

3.2. One of the complainants requested a review of the Sub-Committee's decision to take no action on her complaint. The decision was revisited by a Review Sub-Committee with a different composition: it confirmed the original decision.

3.3 At its meeting on 26 February 2010 the Council's Standards Committee met to hear a complaint against Cllr. Phelps. The complaint, made in July 2009, alleged that by virtue of a statement that he made at the 25 June 2008 Council meeting, Cllr. Phelps had failed to comply with several provisions of the Code of Conduct. Whilst the Committee found that Cllr. Phelps had not breached all the provisions cited by the complainant, it did find that he had breached:

- Paragraph 3(1) of the Code, in that he failed to treat a member of the public with respect; and, in addition,
- Paragraph 5 of the Code, in that his statement was such as to bring the Council into disrepute.

3.4 The Standards Committee made the following decisions.

- In respect of the breach of Paragraph 3(1) – the Committee censured Cllr. Phelps.
- In respect of the breach of Paragraph 5 – the Committee required Cllr. Phelps to write a letter of apology to the Mayor of the Royal Borough, in terms specified by the Committee.

3.5 In dealing with all five complaints the Standards Committee has met the timetable prescribed by its own procedures, Standards for England guidance and the Standards Committee (England) Regulations 2008.

#### **4. Other issues**

4.1 In late 2008 the Chairman established a 'virtual network' of London Standards Committee chairmen. Throughout 2009/10 this continued to prove extremely useful for exchanging notes by email on common problems. The Chair of the Greater London Assembly Standards Committee also organised a seminar of London Standards Committees on 11 February 2010 at which experience of the operation of the local assessment regime across London was shared: the Chairman, Vice-Chairman and the Monitoring Officer attended.

4.2 In December 2009 the Chairman, Vice-Chairman, Cllr. Cox and the Monitoring Officer attended a Joint Seminar with Members of the Standards Committee of Hammersmith and Fulham at Hammersmith Town Hall. Sir Bob Chilton, Chairman of Standards for England, attended and spoke about the role of Standards for England and his view of the changes that needed to be made to the local assessment regime.

4.3 In April 2009 the Standards Committee webpages\* were completely revised in line with best practice elsewhere. They were further revised in early 2010 to provide biographical details of Standards Committee Members and details of the recruitment process for independent members.

\* see [www.rbkc.gov.uk/councilanddemocracy/thecouncil/standardscommittee.aspx](http://www.rbkc.gov.uk/councilanddemocracy/thecouncil/standardscommittee.aspx)

4.4 The Committee met informally with the Leader of the Council on the evening of 11 February 2010 for a general discussion on ethical

standards at the Royal Borough and the role of the Standards Committee.

## **5. The Year Ahead**

- 5.1 Meetings of the Standards Committee are currently scheduled for 14 June and 25 October 2010. At the June meeting the Committee will be commenting upon the draft Annual Governance Statement before it is considered by the Audit Committee. During the next year the Committee will also consider whether it might contribute to ensuring high standards are observed by partners working with the Council. The Committee will also need to consider the implementation of revisions to the Members' Code of Conduct which Standards for England is expecting to be laid before Parliament sometime later this year.
- 5.2 The Committee will also be welcoming at least one new Member, as Cllr. Cox is retiring as a Councillor.

## **6. Chairman's Conclusion**

- 6.1 This time last year I was able to report that the Committee had received no complaints under the new local assessment regime and I expressed the hope that the Committee would have no cause to put the new regime to the test in the year to come. Although, in the event, 2009/10 saw five complaints, in only one case did the Committee consider that there had been a breach of the code that necessitated investigation and a hearing. Generally, I continue to believe that the standard of behaviour of the Royal Borough's Members remains high.
- 6.2 It is noteworthy that all the complaints that we have received so far have come from people who are well-known as critics of the policies of the borough or of individual Councillors, and might by some be considered to be no more than the continuation of their campaign against the Council or Councillors concerned by other means. This does not mean, however, that such complaints are necessarily any less valid. This year, even though we decided most of the complaints were unjustified, two of these were nevertheless useful in drawing attention to deficiencies in the Council's procedures, deficiencies which, I am happy to say have now been rectified.
- 6.3 Standards Board guidance suggests that complaints can be dismissed on the grounds that they are 'vexatious'. In my view, none of the complaints we have received to date have been in that category, but this is something for which the Standards Committee will be on the lookout in the case of any serial complainants.

- 6.4 It remains important, of course, that Members are themselves careful not to put themselves in a position where those seeking to criticise can find a reason to register a complaint. One complaint arose because an internal email had been erroneously copied to the complainant. It is only too easy for such things to happen or for emails to leak. It must always be good practice, in internal emails as much as in external communications, for Members to avoid language that could lay themselves open to charges either of treating a member of the public with a lack of respect, or of possible political bias (for instance by referring in communications with officers to the political affiliations of a member of the public who has business with the Council). The Standards Committee had a busy year this last year. We want next year to be quieter.
- 6.5 Especially if there is a change of Government after the election, we may see significant changes to the standards regime. My view remains that both the Code and the procedures are over-complicated and over-prescriptive, and I would welcome measures to simplify them - but I believe that the existence of a Code and some minimal mechanism for enforcing it *are* useful, not least for the sake of Councillors' credibility in a world where the credibility of politicians is at such a low ebb thanks to the shenanigans of certain members of the Westminster Parliament.
- 6.6 Finally, my thanks go to members of the Standards Committee for their excellent work in a busy year, and my best wishes to Councillor Cox, our departing member.

**Sophia Lambert, C.B.**  
**Chairman of the Standards Committee**

**Background papers used in the preparation of this report:** None other than previously published documents.

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