

**STANDARDS COMMITTEE ANNUAL REPORT 2012/13****STANDARDS COMMITTEE****18<sup>th</sup> APRIL 2013****COUNCIL****26<sup>th</sup> JUNE 2013****CLASSIFICATION:****Open****WARD(S) AFFECTED****All Wards****Gifty Edila, Corporate Director, Legal, HR and Regulatory Services**

## **1.0 SUMMARY**

- 1.1 This report gives an overview of the work and activities of the Standards Committee over the past year and provides information on the monitoring of the Members' Code of Conduct.

## **2.0 RECOMMENDATIONS**

- 2.1 **That the Standards Committee consider the Annual Report for 2012/13, as attached at Appendix 1, and endorse it for submission to Council.**
- 2.2 **That Council notes the Standards Committee's Annual Report for 2012/13, as attached at Appendix 1.**

## **3.0 RELATED DECISIONS**

- 3.1 This is the first Annual Report of the new Standards Committee established by the Council on 1<sup>st</sup> July 2012.

## **4.0 FINANCIAL CONSIDERATIONS**

- 4.1 This report sets out the work and activities of the Standards Committee over the past year and therefore does not contain any potential financial implications.

## **5.0 COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES**

- 5.1 The Council is currently under a legal duty, under the Localism Act 2011, to promote and maintain high standards of conduct of Members and co-opted Members.
- 5.2 The Council established a new Standards Committee to assist the Council in ensuring high standards of conduct of Members and co-opted Members.

## **6.0 BACKGROUND TO THE REPORT**

- 6.1 This Annual Report is submitted to Council in line with best practice for the Council to maintain an overview of the work of the Standards Committee. This is the first Annual Report of the new Standards Committee established by the Council following implementation of the Localism Act 2011 and the introduction of new ethical governance arrangements.
- 6.2 The Committee is responsible for exercising Council functions relating to the promoting and maintaining of ethical standards amongst Members and Co-opted Members. As part of these functions, the

Committee monitors and makes recommendations on the Members' Code of Conduct and considers complaints made under the Code.

6.3 The Standards Committee during 2012/13 undertook work in the following areas, which are explained in further detail in Appendix 1 of this report:

- Overseeing the implementation of new ethical governance arrangements;
- Monitoring the operation of the Members' Code of Conduct;
- Reviewing of the Register of Interests;
- Reviewing training on the Members' Code of Conduct;
- Considering complaints about Member conduct;
- Considering requests for dispensation;
- Considering reports on the Protocol for Member/Officer Relations and Guidance for Members on Use of ICT;
- Considering complaints about the Council and whistle-blowing complaints.

**Gifty Edila**  
**Corporate Director of Legal, HR & Regulatory Services**

**Background papers:**

None.

## **APPENDICES**

Appendix 1 – Draft Standards Committee Annual Report 2012/13

<b>Report Author</b>	Robert Walker, Governance Services 0208 356 3578 <a href="mailto:Robert.Walker@hackney.gov.uk">Robert.Walker@hackney.gov.uk</a>
<b>Comments of the Corporate Director of Finance and Resources</b>	Ruth Hodson, Head of Finance for CYPS & LHRR 0208 356 3651 <a href="mailto:Ruth.Hodson@Hackney.gov.uk">Ruth.Hodson@Hackney.gov.uk</a>
<b>Comments of the Corporate Director of Legal, HR and Regulatory Services</b>	Gifty Edila Corporate Director, Legal, HR and Regulatory Services 0208 356 3265 <a href="mailto:Gifty.Edila@Hackney.gov.uk">Gifty.Edila@Hackney.gov.uk</a>

**DRAFT STANDARDS COMMITTEE  
ANNUAL REPORT 2012/13**

**1. Introduction from Councillor Sophie Linden, Chair of the Committee and Cabinet Member for ethical governance matters**

The Localism Act 2011 introduced a new ethical governance framework for local government and as part of these changes the legislative requirement on authorities to appoint a Standards Committee was removed. The Council has however, voluntarily agreed to re-constitute a new Standards Committee with responsibility for overseeing the Council's ethical governance arrangements and to assist the Council in promoting and maintaining high standards amongst Members and Co-optees of the Council.

The Council's decision to reconstitute a new Committee was based largely on the effectiveness of the previous Committee in upholding high ethical standards. Members in particular welcomed the valuable contribution and scrutiny from local residents on the old Committee and wanted to ensure that this independent oversight was maintained within the new ethical governance framework. I am pleased that many of the Independent Members from the old Committee decided to continue as co-opted members on the new Committee.

At its first meeting of the municipal year on 18<sup>th</sup> July 2012, the Committee agreed its work programme and held three other meetings - 18<sup>th</sup> October 2012, 21<sup>st</sup> January 2013 and 18<sup>th</sup> April 2013. In addition, two Sub-Committee meetings were held with regard to considering complaints made against Members of the Council under the Code of Conduct.

This Annual Report explains the key areas of work that the Committee has undertaken during 2012/13. The Committee has had a particular focus this year in overseeing the implementation of the new ethical governance arrangements.

**2. Membership**

Membership of the Committee was as follows:

- The Cabinet Member who holds the ethical governance portfolio, Councillor Sophie Linden, who was appointed Chair of the Committee;
- Five non-executive Council Members – Councillor Simche Steinberger, Geoff Taylor, Louisa Thomson, Patrick Vernon and Jessica Webb (vice Chair); and
- Five non-voting co-opted members – Julia Bennett, Elizabeth Coates-Thummel, George Gross, Adedoja Labinjo and Onagete Louison. The co-optees were appointed to the new Committee due to their

knowledge and expertise in ethical governance matters having all served on the previous Standards Committees and participated in discussions regarding the new ethical governance framework which has been implemented.

The Committee would like to place on record its thanks to Erika Forsberg, who was an independent member of the previous Standards Committee of the Council. Erika did not wish to be appointed to the new Committee due to other commitments. The Committee would like to thank Erika for her contribution to the Council.

The table below outlines Members' and co-optees' attendance at Standards Committee meetings during the 2012/13 municipal year. As ever, Members and co-optees had a large number of alternative commitments such as other public meetings, ward commitments, representing the Council on outside bodies and work commitments, and were therefore not always available to attend every meeting of the Committee.

The table also includes attendance at Sub-Committee meetings. Membership of Sub-Committees comprises two elected Members and one non-voting co-opted member.

Members	Meeting Dates					
	02/07/12 (Sub-Committee)	18/07/12	18/10/12	10/12/12 (Sub-Committee)	21/01/13	18/04/13
Cllr Sophie Linden (Chair)	P	P	P	-	P	
Cllr Jessica Webb (Vice Chair)	-	P	A	P	P	
Cllr Simche Steinberger	-	P	P	-	P	
Cllr Geoff Taylor	P	A	P	-	P	
Cllr Louisa Thomson	-	A	P	P	P	
Cllr Patrick Vernon OBE	-	A	P	-	P	
Julia Bennett	-	P	P	-	P	
Elizabeth Coates- Thummel	-	P	P	-	P	
George Gross	-	P	P	-	P	
Adedoja Labinjo	P	A	A	P	A	
Onagete Louison	-	P	A	-	A	

Key:  
P = Present  
A = Absent

### 3. Terms of reference

The Council appointed the new Standards Committee with the following terms of reference:

1. Promoting and maintaining high standards of conduct by the Elected Mayor, Councillors and co-opted members;
2. Assisting the Elected Mayor, Councillors and co-opted members to observe the Members' Code of Conduct;
3. Advising the Council on the adoption or revision of the Members' Code of Conduct;
4. Monitoring the operation of the Members' Code of Conduct;
5. Monitoring progress of the Council's training and development programme for elected Members and voting co-opted members;
6. Advising, training or arranging to train Councillors and voting co-opted members on matters relating to the Members' Code of Conduct and the ethical framework;
7. Granting dispensations to the Elected Mayor, Councillors and voting co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
8. Monitoring the progress of the Council's Members Enquiry Protocol, Corporate Complaints Procedure and Local Government Ombudsman cases;
9. Conducting an ethical governance audit on behalf of the Council;
10. Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
11. Advising the Council on the adoption, alteration, review or amendment of any part of the Council's constitution in so far this affects ethical issues;
12. Hearing complaints against Councillors and voting co-opted members arising from alleged breaches of the Code of Conduct and Codes of Practice.

#### **4. New Ethical Governance Arrangements**

Following extensive work by the previous Standards Committee, the Council approved new ethical governance arrangements to take effect from 1<sup>st</sup> July 2012 to reflect changes introduced by the Localism Act 2011. The new Standards Committee, at its first meeting on 18<sup>th</sup> July 2012, received a report

providing an overview of the new ethical governance framework implemented by the Council.

A new Members' Code of Conduct was agreed by Council at its meeting on 27<sup>th</sup> June 2012 to take effect on 1<sup>st</sup> July 2012. The Code was circulated by the Monitoring Officer to all Members on 29<sup>th</sup> June 2012. Guidance on the Code of Conduct was later circulated to all Members on 31<sup>st</sup> July 2012, following consideration by the Standards Committee. Paragraph 5 below provides further information on the work undertaken with regard to the Code.

Also as part of the report to Standards Committee on 18<sup>th</sup> July 2012, the Committee noted the following:-

- The appointment of an Independent Person on ethical governance matters, Mr Jonathan Stopes-Roe, whose appointment took effect on 1<sup>st</sup> July 2012. The role of the Independent Person is to provide the Monitoring Officer with views on the investigation of allegations of any breach of the Members' Code of Conduct. The Independent Person can also be consulted by Members and co-optees who are the subject of any complaint.
- The new Licensing Code of Practice and Planning Code of Practice.
- The new Procedure for Handling Complaints about Member Conduct.
- The new Register of Interests form for Members and co-optees.
- The new guidance for Members on the Code of Conduct.
- That standing orders had been adopted by the Council requiring Members to leave meetings for items where they had declared disclosable pecuniary interests.
- The new Procedure for Granting Dispensation from Restriction on Participation and Voting at meetings.

At its meeting on 18<sup>th</sup> October 2012, the Committee also considered revised guidance to Members serving on outside bodies, which had been updated to reflect the new ethical governance arrangements. This guidance was circulated to all Members on 31<sup>st</sup> October 2012.

As part of the work programme for 2013/14, the Committee will review the Council's new ethical governance framework and consider whether any changes or further action is required.

## **5. Members' Code of Conduct**

Following adoption of the Members' Code of Conduct by Council on 27<sup>th</sup> June 2012, the Standards Committee considered two revisions to the Code and made recommendations to Council.

### Declaration of Gifts and Hospitality

The Localism Act 2011 removed a previous legislative requirement on Members and co-optees to declare receipt of any gifts and hospitality and as such the new Code of Conduct adopted by the Council did not make provision for gifts and hospitality to be declared. Informal feedback was however received from some Members of the Council requesting that the requirement be re-introduced.

At its meeting on 18<sup>th</sup> October 2012, the Committee considered a report proposing that the Code of Conduct be amended to require Members and co-opted Members to declare on their register of interests form and disclose at meetings any gift or hospitality received with an estimated value of at least £25.

The Committee recommended that Council amend the Code of Conduct to require Members and co-optees to declare on their register of interests form and disclose at meetings any gift or hospitality received with an estimated value of at least £25. The Committee agreed that making this change was in the interests of openness and transparency and welcomed the fact that Members had recommended the change. Council approved the revision to the Code of Conduct at its meeting on 24<sup>th</sup> October 2012.

The Committee also approved new guidance on declaring gifts and hospitality, which was circulated to all Members on 29<sup>th</sup> October 2012.

### Seven Principles of Public Life

The Committee on Standards in Public Life published the report '*Standards matter – a review of best practice in promoting good behaviour in public life*' in January 2013. As part of the report, the seven principles of public life, which local authorities are required to abide by, were revised. Although the principles themselves had not changed, the descriptions of the principles have been updated.

The Standards Committee considered the changes at its meeting on 18<sup>th</sup> April 2013 and agreed that Council be recommended to update the Code of Conduct to incorporate the new principles.

The proposed new seven principles of public life are as follows:-

#### **1. Selflessness**

Members should act solely in terms of the public interest.



## ***2. Integrity***

Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

## ***3. Objectivity***

Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## ***4. Accountability***

Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

## ***5. Openness***

Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

## ***6. Honesty***

Members should be truthful.

## ***7. Leadership***

Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Following consideration and endorsement by the Standards Committee, Council is due to consider the changes at its meeting in June 2013.

## **6. Review of Register of Interests**

Following the Localism Act 2011 being implemented in July 2012, the Council issued a new form to all Members and co-optees to be completed and returned. The new register of interest form incorporated the legislative requirement that Members declare their own pecuniary interests, as well as any pecuniary interests of their spouse or civil partner, or anyone living with them as if they were their spouse/civil partner. The Council also took the view that Members should continue to declare any bodies and organisations of which they are members.

The Corporate Director of Legal, HR and Regulatory Services, who is also the Council's Monitoring Officer, is responsible under the Localism Act 2011 for establishing and maintaining a register of Members and co-opted Members interests and for ensuring that the register is published on the Council's website. As part of this duty, the Monitoring Officer routinely monitors and reviews the register of interest forms completed by Members and co-optees in order to ensure they have been completed.

The Monitoring Officer reported to the Standards Committee meeting on 21<sup>st</sup> January 2013 that all 57 Councillors and the Mayor had completed their forms and that all forms had been completed by co-optees with the exception of two.

The Committee also noted that the wording of the Localism Act 2011 had implied that the legal requirement on Members to declare all interests may not come into effect until after Members were next elected. However, the Government had now advised that by adopting a Code of Conduct, councils would be deemed to have accepted the changes in legislation. Therefore, it was the Government's contention that Members were legally required to declare all details on their register of interests form from the date the new Code was adopted. Members have been encouraged to ensure all relevant information is being declared on their register of interest forms.

## **7. Training on the Members' Code of Conduct**

All Members on their election to office and co-optees on their appointment are required to sign a declaration confirming that they will abide by the Members' Code of Conduct. It is important for them to have good knowledge of the requirements of the Code. Similarly, officers who work directly with Members and co-optees need to have a good understanding of the Code in order to give Members effective support.

Following the introduction of the new ethical governance arrangements, it was necessary for the Council to offer additional training to Members and officers on the new Code of Conduct and to deal specifically with changes introduced by the Localism Act 2011. To date four training sessions have been provided to Members and co-optees, whilst two training sessions have been conducted for officers.

The Committee will continue to monitor training for Members as part of its work programme for 2013/14 and will also consider the induction training programme for Members of the Council, following the 2014 local elections, on the Members' Code of Conduct and the Licensing and Planning Codes of Practice.

## **8. Complaints about Member Conduct**

The standard of conduct by Members and co-optees of the Council has been consistently high. This has been validated by the Audit Commission in their audit in 2010, when Council invited them to do the audit.

During the 2012/13 municipal year, the Standards Committee received five new complaints under the Members' Code of Conduct, which were referred to a Standards Assessment Sub-Committee. Two have been resolved and three are still under investigation.

## **9. Dispensation**

Under the Council's Dispensation Procedure, the Standards Committee is responsible for considering requests for dispensations on the grounds that it is in the interests of residents or that it is otherwise appropriate to grant dispensation for some other reason.

At its meeting on 21<sup>st</sup> January 2013, the Committee approved a request to grant two Councillors a dispensation.

## **10. Protocol for Member/Officer Relations and Guidance for Members on Use of ICT**

The Standards Committee received reports on the Protocol for Member/Officer Relations and Guidance for Members on Use of ICT, respectively at its meetings on 21<sup>st</sup> January 2013 and 18<sup>th</sup> April 2013.

Following comments from the Committee, officers agreed to amend the Protocol for Member/Officer Relations to ensure that it accorded with new legislation.

## **11. Complaints about the Council and Whistle-blowing Complaints**

### Complaints Improvement Work and Complaints and Members' Enquiry Annual Report 2011/12

In line with its terms of reference, the Standards Committee at its meeting on 18<sup>th</sup> October 2012 received the Annual Report on Complaints Improvement Work and Complaints and Members' Enquiry Annual Report 2011/12.

The report provided detailed information on the volume of complaints, time taken to reply and the percentage of complaints resolved at each stage of the Council's procedure. It provided demographic information on who is contacting the Council to make a complaint; how these contacts are made; the issues most often complained about; customer satisfaction with how these complaints were handled and a summary of the actions being taken to address the more serious issues of concern that are being raised by residents. The report also provided detailed information on the training provided to 300 members of staff at the Council and Hackney Homes.

### Whistle-blowing progress report

The Committee at its meeting on 21<sup>st</sup> January 2013 received a progress report on whistle-blowing complaints received by the Council from staff since the last report to the Committee in April 2010.

The report provided an overview of the Council's whistle-blowing procedure and advised that since April 2010, 16 whistle-blowing complaints had been received. The Committee welcomed that the Council would be reviewing its current procedure and would be undertaking a process to re-advertise the procedure to officers.

The Committee will receive annual whistle-blowing progress reports as part of its brief to keep oversight of corporate complaints procedures.

## **12. Conclusion**

The new Standards Committee has played an important role in overseeing the introduction of new ethical governance arrangements, ensuring that all necessary codes, protocols and guidance were introduced in accordance with the Localism Act 2011. The Committee is pleased to see that the new framework has successfully been put in place.

The Committee welcomes the training programme undertaken following the implementation of the new arrangements and that all Members of the Council have complied with the requirement to complete and return their register of interest forms. The Committee believes that Council Members and co-optees continue to demonstrate high ethical standards.

Given that a large number of changes were put in place in July 2012, the Committee's focus for the next municipal year will be to review the new ethical governance framework to ensure that it is efficient and effective in assisting the Council to uphold high standards amongst Members and co-optees. The Committee will also need to factor in any recommendations of the independent governance review regarding the future working of the Committee.

The Committee will also need to think ahead to the May 2014 local elections, and monitor the training programme for new Members on ethical governance matter.

The Committee thanks the Monitoring Officer and her Governance Officer for their assistance and looks forward to working with officers over the next municipal year on the challenges ahead.

**Councillor Sophie Linden**  
**Chair of Standards Committee**