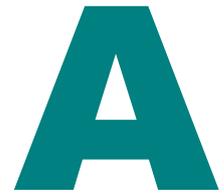




HILLINGDON
LONDON



Standards Committee

Councillors on the Committee

Councillor John Riley (Chairman)
Councillor Nick Denys (Vice-Chairman)
Councillor Janet Duncan
Councillor Duncan Flynn

Date: MONDAY, 4 MARCH 2019

Time: 7.00 PM

Venue: COMMITTEE ROOM 2 -
CIVIC CENTRE, HIGH
STREET, UXBRIDGE

**Meeting
Details:** Members of the Public and
Media are welcome to attend
this meeting

This agenda is available online at:
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Published: Friday, 22 February 2019

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Putting our residents first

Lloyd White
Head of Democratic Services
London Borough of Hillingdon,
Phase II, Civic Centre, High Street, Uxbridge, UB8 1UW

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Agenda

- 1 Apologies for Absence
- 2 Minutes
To approve the minutes of the meeting of the Committee held on 5 March and 10 May 2018 (*attached*)
- 3 Declarations of Interest
To note any declarations of interest in any matter before the Committee
- 4 Confirmation that all items marked Part I will be considered in public and those marked Part II, in private

PART I

- 5 Appointment of Independent Person
To consider the appointment of an Independent Person in accordance with the provisions of the Localism Act 2011
- 6 Standards and Ethics Indicators
To consider the annual report detailing the Standards and Ethics indicators for the authority.
- 7 Local Government Ethical Standards - A Review by the Committee on Standards In Public Life
To note the contents of the report published on 19 January 2019.

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Minutes

Standards Committee
Monday, 5 March 2018
Meeting held at Committee Room 2 - Civic Centre,
High Street, Uxbridge UB8 1UW



Published on:
Come into effect on: Immediately (or call-in date)

Members Present: Councillors Riley (Chairman), Denys (Vice-Chairman) and Bridges

Officers Present: Messrs Alagh and White

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Corthorne for whom Councillor Bridges was substituting.

2. MINUTES

RESOLVED: That the minutes of the meetings of the Committee held on 6 March and 11 May 2017 be approved as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. CONFIRMATION THAT ALL ITEMS MARKED PART I WILL BE CONSIDERED IN PUBLIC AND THOSE MARKED PART II, IN PRIVATE

It was confirmed that all items marked as Part I would be considered in public and those marked Part II, in private.

5. STANDARDS AND ETHICS INDICATORS 2017

The Committee gave consideration to the annual report detailing a range of standards and ethics indicators for the authority for the previous 12 months.

RESOLVED: That the report be noted.

6. CODE OF CONDUCT TRAINING FOR MEMBERS 2018

The Committee gave consideration to the proposed training to be given to all new Members, and as a refresher to existing Members, immediately after the elections on May 3rd 2018. The Committee were happy that the training covered all the essential elements regarding the Code of Conduct and the ethical standards expected of Members of the Council.

RESOLVED: That the training be noted.

7. COMPLAINTS MONITORING

This item was considered in Part II as it contained confidential information as defined in the Local Government (Access to Information) Act 1985.

The Committee noted the number and content of complaints made against elected Members in the previous four years. Members were pleased to note that the amount of complaints was very low and that almost all of them had been administered effectively through the Whips' Protocol process.

The meeting, which began at 7pm, ended at 7.18pm.

Minutes

STANDARDS COMMITTEE

10 May 2018

Meeting held at Council Chamber - Civic Centre,
High Street, Uxbridge



	Committee Members Present: Councillors John Riley (Chairman), Nick Denys (Vice-Chairman), Janet Duncan and Duncan Flynn
1.	ELECTION OF CHAIRMAN (<i>Agenda Item 1</i>) RESOLVED: That Councillor Riley be elected as Chairman of the Standards Committee for the 2018/2019 municipal year.
2.	ELECTION OF VICE CHAIRMAN (<i>Agenda Item 2</i>) RESOLVED: That Councillor Denys be elected as Vice Chairman of the Standards Committee for the 2018/2019 municipal year.
	The meeting, which commenced at 9.55 pm, closed at 10.00 pm.

These are the minutes of the above meeting. For more information on any of the resolutions please contact Lloyd White on 01895 250636. Circulation of these minutes is to Councillors, Officers, the Press and Members of the Public.

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APPOINTMENT OF INDEPENDENT PERSON

Reporting Officers: Borough Solicitor and Head of Democratic Services

SUMMARY

1. In accordance with the provisions of the Localism Act 2011 (the Act), Council in July 2012 agreed the adoption of a new Code of Conduct for Hillingdon Members and co-opted members. Council formally appointed Mr David Smith to the position of Standards Committee Independent Person for a 3 year period to July 2016 and subsequently for a further 3 year period to July 2019.
2. Mr Smith is a retired solicitor and is also involved with a leading animal welfare charity.

RECOMMENDATIONS: That Council be recommended to extend the period of appointment of Mr David Smith as Independent Person for a further three years to June 2022.

3. The Act requires the Council to have in place arrangements under which, firstly, complaints can be investigated and, secondly decisions on complaints can be made. As a part of that process, the Act envisaged a new role for an 'Independent Person'.
4. The Council is required to appoint at least one Independent Person. Although not a member of the Standards Committee, the Independent Person's views are to be sought and taken into account by the Committee when considering complaints about the conduct of a Member or co-opted member of the authority.
5. Since the new Code was adopted there has only been one complaint about a Member which has reached the stage of formal consideration by the Standards Committee - thereby requiring Mr Smith's involvement. This was determined in January 2014.
6. The appointment of an Independent Person is made after the position has been advertised to the general public and Mr Smith was appointed following submission of expressions of Interest and an interview process conducted by the Committee.
7. Moving forward, Mr Smith has indicated his willingness to continue in his role. This option would obviously negate the time and expense of re-advertising and interviewing for the position.
8. The position carries a Special Responsibility Allowance of £1,626.99p.a. (w.e.f 1 April 2019).

Financial Implications

9. The cost of advertising and interviewing for the position could be met from existing budgets and the remuneration for the post is included in the Members' Allowances budget.

Legal Implications

10. Section 28[8] of The Localism Act 2011 prescribes the procedure that a local authority must follow if it wishes to appoint one or more Independent Persons in relation to its Standards regime. The position has to be advertised to the general public and an interview process has to be conducted once expressions of interest have been received - any appointments have to be ratified by full Council.
11. There is nothing in the Act which prohibits the extension of Mr Smith's appointment as an Independent Person

Background Papers: None

STANDARDS AND ETHICS INDICATORS

Reporting Officer: Lloyd White, Head of Democratic Services

SUMMARY

This report sets out summary information on the following range of topics, by which to gauge the corporate the health of the Authority in relation to Standards and Ethics:

- Audit Commission Public Interest Reports;
- Whistle Blowing Incidents;
- Challenges to Procurement Decisions;
- Employment Tribunal and Employment Appeal Tribunal Cases;
- Officer Declarations of
 - Interest in relation to Council Contracts;
 - Gifts and Hospitality
- Member Declarations of
 - Interest at Meetings
 - Gifts and Hospitality
- Stage 3 and Local Government Ombudsman Complaints.

RECOMMENDATION: That the report be noted.

INFORMATION

The Committee has agreed to receive regular reports on a range of standards and ethics indicators and presenting this information in the public arena will demonstrate that the Council is conducting its business in a lawful, transparent manner and that any transgressions are dealt with according to due process. The figures below relate to the calendar year 2018.

1. AUDIT COMMISSION PUBLIC INTEREST REPORTS:

Nil.

2. WHISTLE-BLOWING INCIDENTS REPORTED:

Nil.

3. CHALLENGES TO PROCUREMENT DECISIONS:

Nil.

4. EMPLOYMENT TRIBUNAL (ET) AND EMPLOYMENT APPEAL TRIBUNAL (EAT) CASES RECEIVED AND/OR SETTLED AND/OR ONGOING:

In 2018, 2 ET cases were considered of which;

- 1 claim was subject to a commercial settlement (without admission of liability) ahead of a full hearing relating to alleged unfair dismissal and;
- 1 claim relating to alleged pay arrears was withdrawn by the Claimant on the basis that no costs would be sought against the Claimant.

2 ET cases are ongoing relating to;

- Allegations of unfair dismissal as a result of making a protected interest disclosure. This case is ongoing, a full hearing will take place towards end 2019 and;
- Allegations of unfair dismissal, race discrimination, sex discrimination and age discrimination. This case is ongoing, a full hearing will take place towards end 2019.

In 2018 1 Local Authority Schools ET Case was considered:

- relating to disability and race discrimination. A non-financial settlement was reached with the Claimant on a 'without admission of liability' basis.

5. OFFICER DECLARATIONS:

i) Officer Declarations of Interest in Relation to Council Contracts

Date	Department / Team	Details
05/12/18	Finance / Revenues and Benefits	Employee and wife are small shareholders in a range of companies, including Capita PLC, HSBC and HBOS. Also have small endowment policy which would invest in a range shares and wife has a minor passive interest in a pension pot which would invest in a range of shares.
05/12/18	Finance / Revenues and Benefits	Employee is a member of the West Drayton Social Club, part of the Yiewsley and West Drayton Community Centre. Employee has acquaintance who has contracts with authority. Through church, may possibly know people resident in nursing homes in the Borough.
05/01/19	Chief Executive / HR	Employee is a parent Governor at a primary school within the Borough.
05/12/18	Social Care	Employee receives a Direct Payments budget from the Council on behalf of brother, which is used to employ carers.
06/12/18	Finance / Revenues and Benefits	Employee's husband is the manager of an estate agency in Hillingdon with whom the Council may be in contact regarding purchasing properties.

Date	Department / Team	Details
07/12/18	Finance / Revenues and Benefits	Employee's family members live in Borough
07/12/18	Finance / Health and Safety	Employee's friend owns a company which provides training services to the Council on an ad-hoc basis.
12/12/18	Social Care / Children's Services	Employee has a buy-to-let flat which is occupied by a Council referred tenant, through an agent.
04/12/18	Residents Services / Admin' and Tech'	Employee's father in a Council care home and daughter works for the Council.
04/12/18	Residents Services / Library	Employee receives a Direct Payments budget from the Council on behalf of disabled sons, which is used to employ carers.

ii) Officer Declarations of Gifts and Hospitality:

The Council's Golden Rules on gifts and hospitality require Corporate Directors to keep a register of declarations made by staff and for an annual report to be made to Management Team. The summary of declarations for 2018 by Directorate is set out below:

Chief Executive's & Finance – Total of 6 declarations (18 in 2017):

- 6 offers of hospitality – all accepted.

Residents Services – Total of 16 declarations (17 in 2017):

- 9 offers of hospitality and 7 of gifts.
- 5 offers in total were declined.
- 3 gifts were donated to the Mayor's charity.
- The majority of gifts were thank you, token gifts.
- The majority of hospitality offers were working lunches or industry events.

Social Care – Total of 3 declarations (6 in 2017)

- 1 gift of a watch – donated to the Mayor's Charity
- 2 thank you, token gifts (confectionary etc.) - accepted

6. **MEMBER DECLARATIONS**

i) Declarations of Interest made by Members at Meetings:

Note: A Member with a *pecuniary* interest in any matter being considered must declare that interest, not speak or vote on the item and leave the meeting. A Member with a *non-pecuniary* interest must declare that interest but may remain in the meeting, speak and vote. If, however, a member of the public, knowing all the relevant facts, would view the non-pecuniary interest as so significant that it is likely to prejudice the Member's judgment of the public interest, then that Member must declare that interest, not speak or vote on the item and must leave the room whilst that item is being considered.

Councillor Ahmad-Wallana:

- 29 August, 2018 - Central & South Planning Committee - 6.The Crown P.H., Colham Green Road, Hillingdon - Non Pecuniary – had held discussions with local residents about the application, who approached him as ward councillor of Yiewsley, close to the site of the application. Left the room for the duration of this item.
- 29 August, 2018 - Central & South Planning Committee – land adjacent to 70 Violet Avenue, Hillingdon – Non Pecuniary - had correspondence with local residents over the petition, as he is a ward councillor for Yiewsley. Left the room for the duration of this item.
- 9 October, 2018 - Central & South Planning Committee – Halls Business Centre 1C Pump Lane – Non Pecuniary – left the room during discussion and voting.
- 30 October, 2018 - Central & South Planning Committee – Enforcement report – Non pecuniary – left the room during discussion and voting.

Councillor Allen:

- 8 February 2018 – Children, Young People and Learning POC – Review of Council's Current and Future Relationship with Academies and Free Schools. – Non Pecuniary – had family that worked in an academy in the Borough. Remained in the room for the duration of this item.

Councillor Arnold: Nil

Councillor Barnes:

- 18 July 2018 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 29 October 2018 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.

Councillor Bianco:

- 27 September 2018 – Cabinet – Sale of Site Adjacent to South Ruislip Library to Hillingdon First Ltd – Non Pecuniary as a member of the Council's Shareholder Committee in respect of Hillingdon First Ltd. Remained in the room during discussion and voting.

Councillor Birah:

- 18 July 2018 – Central and South Planning Committee – 16 Chatsworth Road, Hayes – Non Pecuniary – applicant had spoken to him about the application. Left the room for the duration of this item.
- 11 December, 2018 - Central & South Planning Committee – Enforcement report – Non pecuniary – left the room during discussion and voting.

Councillor Bliss: Nil

Councillor Bridges: Nil

Councillor Brightman:

- 18 September, 2018 - Central & South Planning Committee – Enforcement report – Non pecuniary – left the room during discussion and voting.

Councillor Burrows: Nil**Councillor Chamdal:** Nil**Councillor Chapman:**

- 12 September, 2018 – Major Applications Planning Committee – Former Tommy Flynns PH Sutton Court Road, Hillingdon – Non Pecuniary. Left the room during discussion and voting.

Councillor Choubedar: Nil**Councillor J.Cooper:**

- 28 November 2018 – Social Care, Housing and Public Health POC – Universal Credit and other Welfare Benefit Changes – Non Pecuniary – has a relative applying for universal credit. Remained in the room.
- 28 November 2018 – Social Care, Housing and Public Health POC – Housing Assessments– Non Pecuniary – has a relative applying for universal credit. Remained in the room.

Councillor Corthorne:

- 18 July 2018 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 29 October 2018 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.

Councillor Curling: Nil**Councillor Denys:** Nil**Councillor Deville:** Nil**Councillor Dhillon:**

- 23 May 2018 – Major Applications Planning Committee – Building3, Hyde Park, Hayes – Pecuniary – had taken office space at the location. Left the room.
- 9 October, 2018 – Central & South Planning Committee – 1 and 3 Conway Drive – Non Pecuniary. Left the room during discussion and voting.
- 30 October, 2018 – Central & South Planning Committee – 60 Carfax Road, Hayes – Non Pecuniary. Left the room during discussion and voting.

Councillor Dhot: Nil**Councillor Duncan:**

- 6 June 2018 - Central and South Planning Committee – 9 Maygoods Green, Cowley - Non Pecuniary as a member of same Primary School Governors Board as the applicant. Remained in the room during consideration of the item.

Councillor Edwards:

- 6 June 2018 - Central and South Planning Committee – 9 Maygoods Green, Cowley - Non Pecuniary as a member of same Primary School Governors Board as the applicant. Remained in the room during consideration of the item.
- 29 August 2018 - Central and South Planning Committee – Enforcement Report - Non Pecuniary. Left the room during consideration of the item.
- 4 December, 2018 – Major Applications Planning Committee – Land at Rainbow Industrial Estate, Trout Road, Yiewsley – Non Pecuniary. Left the room during discussion and voting.
- 11 December 2018 - Central and South Planning Committee – Enforcement Report - Non Pecuniary. Left the room during consideration of the item.

Councillor Eginton:

- 27 February 2018 – Social Services, Housing and Health POC – Council Support to Hillingdon Armed Forces Community Covenant – Non Pecuniary as son a reserve officer in the RAF. Remained in the room for the duration of this item.

- 28 March 2018 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 11 April 2018 – Audit Committee – 2017/18 Annual Audit Plan and Pension Fund Audit Plan - Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room.
- 18 July 2018 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 26 July 2018 – Audit Committee – 2017/18 Audit of Accounts and Associated Reports - Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 17 October 2018 – Audit Committee – External Audit Annual Letter - Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room.
- 29 October 2018 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.

Councillor Farley: Nil

Councillor Flynn:

- 23 May 2018 - North Planning Committee - Northwood Health and Racquet Club – Non Pecuniary as a member of the club. Left the room during discussion on the item.
- 22 August 2018 – North Planning Committee – Enforcement Report - Non Pecuniary. Remained in the room but did not vote on the item.

Councillor Fyfe: Nil

Councillor Gardner: Nil

Councillor Goddard: Nil

Councillor Graham:

- 5 April 2018 - North Planning Committee – 31 Frithwood Avenue, Northwood – Pecuniary as lives close to the property.

Councillor Haggar:

- 26 September 2018 – Social Care, Housing and Public Health POC – Hillingdon Local Safeguarding Children Annual Report – Non Pecuniary – relating to matters involving the Central North West London NHS Foundation Trust.. Remained in the room.
- 28 November 2018 – Social Care, Housing and Public Health POC – Better Care Fund Plan – Non Pecuniary – relating to matters involving the Central North West London NHS Foundation Trust. Remained in the room.

Councillor Hensley: Nil

Councillor Higgins: Nil

Councillor Hurhangee: Nil

Councillor Jackson: Nil

Councillor Kauffman: Nil

Councillor Lakhmana: Nil

Councillor Lavery:

- 19 June 2018 - North Planning Committee – St Thomas More RC Church, Eastcote – Non Pecuniary as knew the applicant. Left the room during discussion on the item.

Councillor Lewis: Nil

Councillor Makwana: Nil

Councillor Markham: Nil

Councillor Mathers:

- 13 December 2018 – Executive Scrutiny Committee – Assistance to Hillingdon's Local Voluntary Organisations 2019/20 – Non Pecuniary as a Trustee of Relate - London North-West and Herts. Remained in the room during discussion and voting.

Councillor Melvin: Nil

Councillor Milani: Nil

Councillor D.Mills: Nil

Councillor R.Mills: Nil

Councillor Money:

- 20 March 2018 - Central and South Planning Committee – 29 Manor Lane - Pecuniary. Left the room during consideration of the item.
- 20 March 2018 - Central and South Planning Committee - Enforcement Report - Non Pecuniary as he had raised the matter. Remained in the room but took no part in the consideration of the item.

Councillor Morgan: Nil

Councillor Morse: Nil

Councillor Nelson:

- 27 February 2018 – Social Services, Housing and Public Health POC – Council Support to Hillingdon Armed Forces Community Covenant – Non Pecuniary as nephew a member of the armed forces.

Councillor O'Brien:

- 28 March 2018 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 11 April 2018 – Audit Committee – 2017/18 Annual Audit Plan and Pension Fund Audit Plan - Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room.
- 26 July 2018 – Audit Committee – 2017/18 Audit of Accounts and Associated Reports - Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 17 October 2018 – Audit Committee – External Audit Annual Letter - Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room.

Councillor Oswell:

- 12 September 2018 – Major Applications Planning Committee – 579-583 Uxbridge Road, Hayes - Non Pecuniary - as ward Councillor. Remained in the room for the duration of this item.

Councillor Palmer:

- 17 October 2018 – Social Care, Housing and Public Health POC – Telecare Line Update – Non Pecuniary as a previous employer. Remained in the room.

Councillor Prince: Nil

Councillor Puddifoot:

- 27 September 2018 – Cabinet - Sale of Site Adjacent to South Ruislip Library to Hillingdon First Ltd – Non Pecuniary as a member of the Council's Shareholder Committee in respect of Hillingdon First Ltd. Remained in the room during discussion and voting.

Councillor Radia: Nil

Councillor Riley: Nil

Councillor Rodrigues: Nil

Councillor Sansarpuri: Nil

Councillor Seaman-Digby:

- 11 April 2018 – Audit Committee – 2017/18 Annual Audit Plan and Pension Fund Audit Plan - Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room.
- 26 July 2018 – Audit Committee – 2017/18 Audit of Accounts and Associated Reports - Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.

Councillor Simmonds: Nil

Councillor Singh: Nil

Councillor Stead: Nil

Councillor Sweeting: Nil

Councillor Tuckwell:

- 23 May 2018 - North Planning Committee - Northwood Health and Racquet Club – Non Pecuniary as a member of a different club owned by the same company. Remained in the room during discussion on the item.

Councillor Yarrow:

- 11 January 2018 – Central & South Planning Committee – Enforcement report - Non Pecuniary. Remained in the room but did not take part in the discussion or vote.

ii) Member Declarations of Gifts and Hospitality:

In 2018, 12 declarations were received (9 in 2017) from:

Councillor Barnes:

- 08.01.18 - Gift of Prosecco, perfume and chocolates from Resident - accepted

Councillor Bianco:

- 17.07.18 – House of Commons reception – invitation by Curtin & Co.
- 14.10.18 – London Mayor’s Association Civic Service hospitality - accepted.

Councillor Cooper:

- 13.04.18 – Fassnidge Trust, Trustees dinner - £50 - accepted

Councillor Kauffman:

- 19.04.18 – RAF Northolt – dinner - £25

Councillor Puddifoot:

- 06.01.18 - Polish Airmen's' Association - lunch - £40 – attended
- 08.02.18 - RAF Northolt - Group Captain Carver - dinner - £80 - attended
- 16.03.18 - Opening of Battle of Britain Exhibition Centre - gift of two paperweights from LBH - £40
- 07.04.18 - Polish Airman's Association - Easter lunch - £40 – attended.
- 20.07.18 - Membership of Gerrards Cross and Uxbridge District Angling Society - £40 – accepted.
- 17.10.18 - Squadronaires Concert - 2 tickets worth £34

Councillor Yarrow:

- 21.02.18 – Fassnidge Trust – dinner - £35

7. STAGE 3 AND OMBUDSMAN COMPLAINTS RECEIVED/SETTLED

Stage 3 complaints and complaints to the Local Government Ombudsman (LGO) continue to be dealt with within required timescales and in accordance with the Council's Corporate Complaints Policy.

The Policy was reviewed and updated by Cabinet in 2015 with the result that the process has been streamlined and made more efficient for complainants, with less time spent on complaints about 'policy' or complaints that could be labelled frivolous.

Statistically:

Stage 3 Complaints:

2014 total = 60 (10 upheld or partially upheld)

2015 total = 42 (9 upheld or partially upheld)

2016 total = 11 (2 upheld or partially upheld)

2017 total = 1 (1 not upheld)

2018 total = 0

Complaints to the LGO:

In 2018, 90 complaints to the Local Government Ombudsman were processed (54 in 2017) of which 12 were upheld or partially upheld (10 in 2017) as follows:

Service area	Total complaints	Upheld	Partially Upheld	Not Upheld	Did not investigate
Chief Executive and Finance	11				11
Resident Services	64	6	4	16	38
Social Care	7		2	4	1
Children Services	4			1	3
Education	4			1	3
Total	90	6	6	22	56

Partially Upheld

Mr X complained about the way the Council placed and supported his adult son, Mr Y, in a supported living setting. The Ombudsman does not find fault with the way the Council decided to place Mr Y at the setting. The Ombudsman does find the Council at fault for aspects of its provision of support to Mr Y, care planning, risk assessment and review. The Council will now pay Mr Y £600, and smaller amounts to his family, to acknowledge the distress and uncertainty caused by its fault. The Council has also agreed to review its procedures.

Mr B complains on behalf of his late great grandmother, Mrs C. He is unhappy with the care provided to her by a number of organisations which he says led to physical discomfort for her and distress for her family. Subject to further comments, the Ombudsman proposes to uphold a complaint about the Council and CNWL, but not the Surgery, Hospital Trust or NHS England.

Mrs X complains the Council has not taken effective action after she complained about noise from a community centre near her home, which she says has affected her health. The Council

Partially Upheld

is at fault for not keeping adequate records of her reports relating to the nursery and how it has considered them. It is not at fault for the way it considered noise complaints about the main building. The Council to apologise to Mrs X for its failure to keep records.

The Council appropriately investigated Miss X's anti-social behaviour complaints at property 1. But it should have referred her complaints about property 2 and 3 for further investigation. This fault did not cause Miss X any significant injustice because it is unlikely the Council would have taken action because of a lack of evidence.

Ms X complains the Council has not assessed her application for a vehicle crossover fairly. There is no evidence of fault in how the Council assessed her application and came to its decision. However, there is fault in the Council's delay in responding to Ms X's appeal request. The Council apologises to Ms X for the delay and the frustration this caused.

The Ombudsman found that there was maladministration in the Council's handling of a rent account between 15 May 2017 and March 2018. The Council to apologise for this and offer a sum of money in compensation. There was no fault in the way the Council dealt with an associated social housing application.

Upheld

The Council was at fault for the way in which it dealt with Ms R's requests for a reasonable adjustment when attending a reading group at her local library and her complaint about this. Ms R has felt unfairly excluded from the group because of her disability and this has caused her considerable distress. The Council to meet with Ms R to discuss her experience and to apologise. The Council should also provide a piece of specialist equipment to Ms R and review its procedure and training for library staff.

Ms X has complained about the way the Council handled her housing case since she became homeless in June 2017. The Council are at fault for failing to carry out a review of the suitability of one property, failing to carry out repairs at another, failing to assist her with storing her belongings and failings in its complaints handling.

Ms X complains the Council told her to make a homelessness application to another council when she had to leave her home due to domestic violence. She says it did not offer her interim accommodation in its area despite her saying she wished to stay there. The Council has not demonstrated it properly considered whether Ms X could be housed in its area but this did not cause an injustice to Ms X because there was no interim accommodation available in the area at the time. The Council has taken a homelessness application and has decided Ms X is not homeless

Miss X complained about how the Council dealt with her when she became homeless, and its decision not to allow her to join its housing register. Based on the current evidence, the Council was at fault as it did not provide her with accommodation, and it gave false assurances she would be accepted onto its housing register with high priority. It did not consider whether overcrowding at her sister's house should have led it to accept her housing register application. It then refused to take a new homelessness application. Miss X and her daughter spent longer than they should have sleeping on Miss X's sister's sofa. The Council to apologise, pay £450 to Miss X and £150 to her sister, backdate Miss X's housing priority and produce a written policy about home visits.

The Council was at fault when it failed to properly consider the impact of a revised home to school transport journey on Mr X's disabled child and treated his appeal as a complaint. The

Upheld

Council to apologise, pay Mr X £150 and review its procedures to ensure it considers whether a journey is reasonably stress free as well as the safety of the journey.

The Council, as landlord's, failure to respond within timescales, to address all aspects of Mr G's complaint, its failure to apply its complaints policy, and its identification of the wrong Ombudsman constitute service failures. The landlord to pay Mr G £150 compensation (£75 for its failure to communicate in a clear and timely manner with respect to the noise reports and £75 for its failure to respond to the formal complaints in a timely and effective manner.)

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'LOCAL GOVERNMENT ETHICAL STANDARDS' A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

Reporting Officer: Lloyd White, Head of Democratic Services

SUMMARY

On 19 January 2019, the Committee on Standards in Public Life (CSPL) published a report and recommendations on ethical standards in local government, following a year-long review and wide consultation.

The Executive Summary and recommendations are attached at Appendix A for Members' information. The full report may be viewed here:

<https://www.gov.uk/government/collections/local-government-ethical-standards>.

The key recommendations of the report include:

- a new power for local authorities to suspend councillors without allowances for up to six months
- revised rules on declaring interests, gifts and hospitality
- local authorities retain ownership of their own Codes of Conduct
- a right of appeal for suspended councillors to the Local Government Ombudsman
- a strengthened role for the Independent Person
- greater transparency about the number and nature of Code complaints.

RECOMMENDATION: That the report be noted.

INFORMATION

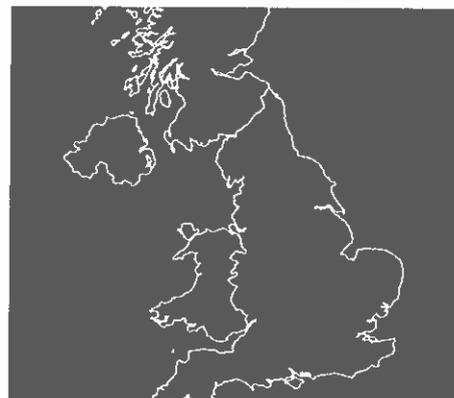
The Committee on Standards in Public Life (CSPL) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders. The CSPL is an advisory non-departmental public body, sponsored by the Cabinet Office.

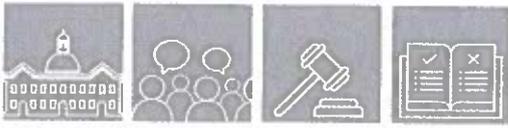
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Local Government Ethical Standards

**A Review by the
Committee on
Standards in Public Life**

**Committee on
Standards in
Public Life**





Executive summary

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

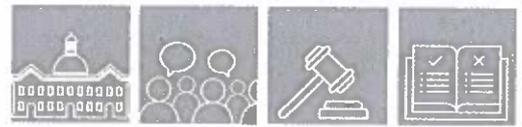
Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public office-holders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

Codes of conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.



There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

Declaring and managing interests

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

Investigations and safeguards

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially, and that councillors are protected against politically-motivated, malicious, or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

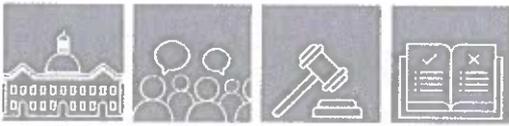
Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

Sanctions

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.



Town and parish councils

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

Supporting officers

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

Councils' corporate arrangements

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

Leadership and culture

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

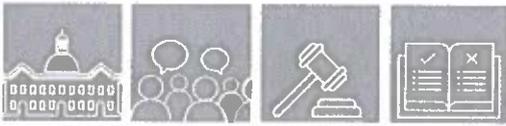
Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be



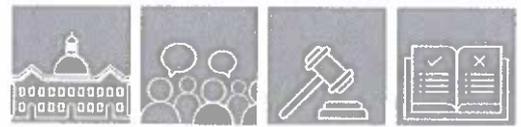
written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.



List of recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government



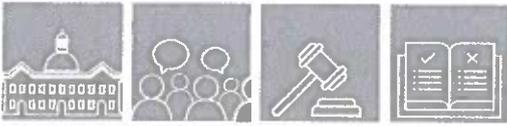
Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government



Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government



Number	Recommendation	Responsible body
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association



List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

Best practice 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.

Best practice 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.

Best practice 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.

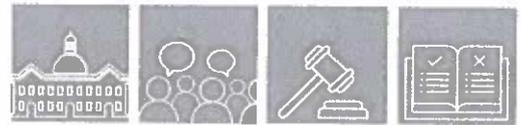
Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 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.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 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.



Best practice 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.

Best practice 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.

Best practice 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.

Best practice 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.

Best practice 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.

Best practice 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.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

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