

## 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 2019.

**1. AUDIT COMMISSION PUBLIC INTEREST REPORTS 2019:**

Nil.

**2. WHISTLE-BLOWING INCIDENTS REPORTED 2019:**

Nil.

**3. CHALLENGES TO PROCUREMENT DECISIONS 2019:**

Nil.

**4. EMPLOYMENT TRIBUNAL (ET) AND EMPLOYMENT APPEAL TRIBUNAL (EAT) CASES RECEIVED AND/OR SETTLED AND/OR ONGOING 2019:**

In 2019, 3 ET cases were considered of which all 3 were subject to a commercial settlement (without admission of liability) ahead of a full hearing relating to:

- (i) alleged constructive dismissal, race and disability discrimination;
- (ii) alleged disability discrimination and unfair dismissal and
- (iii) alleged discrimination by association with a disabled person.

In 2019, 4 ET cases were ongoing relating to;

- Allegations of unfair dismissal as a result of making a protected interest disclosure. Due to a backlog of cases at Watford Tribunal this case has been ongoing since 2018, a full hearing is not due to take place until summer 2020;
- Allegations of unfair dismissal, race discrimination, sex discrimination and age discrimination. Due to a backlog of cases at Watford Tribunal this case has been ongoing since 2018, a full hearing is not due to take place until summer 2020;
- Allegations of breach of contract and breach of TUPE Regulations. The full hearing is yet to be listed.
- Allegations of unfair discrimination and race discrimination. The full hearing is yet to be listed.

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**5. OFFICER DECLARATIONS 2019:**

**i) Officer Declarations of Interest in Relation to Council Contracts in 2019:**

| <b>Date</b> | <b>Department / Team</b>                               | <b>Details</b>  |
|-------------|--|---|
| 04/04/19    | Chief Exec's / Legal                                   | Employee's sister works for a recruitment agency who may supply candidates to LBH   |
| 29/05/19    | Chief Exec's / Democratic Services                     | Employee's husband works for Co-op Funeral Service  |
| 05/06/19    | Social Care/<br>Adult Resources<br>Residential<br>Care | Employee's husband works for The Nelson Trust to whom LBH may refer clients.  |
| 18/07/19    | Social Care /<br>Children' Social<br>Work              | Employee established a Supported Living provision with the intention to register as a provider with LBH and offer services. |

## ii) Officer Declarations of Gifts and Hospitality in 2019:

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 2019 by Directorate is set out below:

### **Chief Executive's & Finance** – Total of 11 declarations (6 in 2018):

- 7 offers of hospitality – 5 of which were accepted and 2 declined.
- 4 offers of confectionary etc. – 1 accepted, 2 given to the Mayor's Charity and 1 to a different charity.

### **Residents Services** – Total of 26 declarations (16 in 2018):

- 10 offers of hospitality and 16 of gifts.
- 5 offers of hospitality were declined and 5 accepted.
- 10 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 11 declarations (3 in 2018)

- 11 gifts of confectionary / alcohol etc. – 10 donated to the Mayor's Charity

## 6. **MEMBER DECLARATIONS 2019**

### i) **Declarations of Interest made by Members at Meetings during 2019:**

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:** Nil

**Councillor Allen:**

- 10 October 2019 – Corporate Services, Commerce and Communities POC – Review of Local Commerce, Employment, Skills and Job Creation. – Non Pecuniary – member of Hayes Town Partnership.

**Councillor Arnold:** Nil

**Councillor Barnes:**

- 21 January 2019 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 20 March 2019 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 17 July 2019 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.

- 30 October 2019 - 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:** Nil

**Councillor Birah:** Nil

**Councillor Bliss:** Nil

**Councillor Bridges:** Nil

**Councillor Brightman:**

- 10 January 2019 - Central & South Planning Committee – 6 Compton Road, Hayes – Non Pecuniary – had raised a query on the site - left the room during discussion and voting.

**Councillor Burrows:** Nil

**Councillor Chamdal:** Nil

**Councillor Chapman:**

- 19 February, 2019 – Major Applications Planning Committee – Former Master Brewer Site, Freezeland Way, Hillingdon – Non Pecuniary as had prior involvement with the applicant. Left the room during discussion and voting.
- 2 May 2019 – Central & South Planning Committee – Enforcement Report – Non Pecuniary. Left the room during discussion and voting.

**Councillor Choubedar:** Nil

**Councillor J.Cooper:**

- 18th March, 2019 - Social Care, Housing and Public Health Policy Overview Committee - Universal Credit and Other Welfare Benefit Changes - Non Pecuniary had a relative who was applying for Universal Credit. Remained for the discussion of the item.
- 11th April, 2019 - Social Care, Housing and Public Health Policy Overview Committee - Universal Credit and Other Welfare Benefit Changes -- Non Pecuniary had a relative who was applying for Universal Credit. Remained for the discussion of the item.

**Councillor Corthorne:**

- 21 January 2019 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 20 March 2019 – Pensions Committee – All agenda Items – Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room for all items.
- 18 April, 2019 – Cabinet - Conservation Area Appraisal Statement for Northwood Town Centre, Green Lane Conservation Area and the addition of 14 locally listed buildings in Northwood to the Council's List of Buildings of Architectural or Historic Importance - Non Pecuniary as employer engaged on a project referenced in the report but not relating to the decision in question. Left the room for the discussion and decision on the item.
- 17 July 2019 – 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 September, 2019 – Cabinet - Conservation Area Appraisal Statement for Northwood Town Centre, Green Lane Conservation Area and the addition of 14 locally listed buildings in Northwood to the Council's List of Buildings of Architectural or Historic Importance - Non Pecuniary as employer engaged on a project referenced in the report but not relating to the decision in question. Left the room for the discussion and decision on the item.
- 30 October 2019 - 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:**

- 21 February, 2019 – Council - General Fund Revenue Budget, Housing Revenue Account and Capital Programme 2019/2020 - Non Pecuniary as Governor at The Harefield Academy. Remained in the room and deliberated on the item.
- December, 2019 – Cabinet - Grants to Hillingdon's Local Voluntary Organisations 2020/21 - Non Pecuniary as a Trustee of HART. Left the room during discussion on the matter.
- 17 December, 2019 - Executive Scrutiny Committee - Consideration of Executive Decisions Taken and any Call-Ins - Non Pecuniary as a Trustee of HART. Left the room during discussion on the matter.

**Councillor Denys:** Nil

**Councillor Deville:** Nil

**Councillor Dhillon:**

- 6 November 2019 – Central and South Planning Committee – Enforcement Report - Non Pecuniary as had prior knowledge of the site. Remained in the room but did not vote.

**Councillor Dhot:** Nil

**Councillor Duncan:**

- 30 January, 2019 - Major Applications Planning Committee - 11 Morrison Supermarket, 41-67 High Street, Yiewsley - Non Pecuniary as a Governor of St Matthews' School. Remained in the room for the consideration of the application, but did not participate in the discussion or vote.
- 4 June, 2019 - Central & South Planning Committee - Land Adjacent to 26 Hawthorne Crescent - Non Pecuniary as had been conversing with residents about this case. Left the room.
- 16 October, 2019 - Major Applications Planning Committee - Civic Amenity Site, Old Coal Depot, Tavistock Road, Yiewsley - Non Pecuniary as was involved with the local Residents' Association. Left the room during the discussion of the item.

**Councillor Edwards:**

- 11 April, 2019 - Social Care, Housing and Public Health Policy Overview Committee - Carers Strategy - an update on work to support Carers in the Borough - Non Pecuniary due to his work with the Charitable Incorporated Organisation (CIO) H4All. Remained for the discussion of the item.
- 15 May, 2019 - Major Applications Planning Committee - Ventura House, 74-72 Station Road, Hayes - Pecuniary as was a shareholder in Vodafone. Left the room during discussion of the item.
- 12 June, 2019 - Social Care, Housing and Public Health Policy Overview Committee - Universal Credit and Other Welfare Benefit Changes - Non Pecuniary as he and one of the witnesses present were fellow trustees of a local organisation. Remained for the discussion of the item.
- 6 August, 2019 - Central & South Planning Committee - Enforcement Report – Non Pecuniary as had reported the action taken at the site to the Planning Department.
- 4 December, 2019 - Central & South Planning Committee - 13A North Common Road, Uxbridge - Non Pecuniary as knew one of the petition organisers as a trustee of an organisation that was irrelevant to the application. Remained for the discussion of the item.

**Councillor Eginton:**

- 21 January 2019 – Pensions Committee – All agenda Items – Non Pecuniary as a retired member of the Local Government Pension Scheme – Remained in the room for all items.
- 6 February, 2019 - Audit Committee - EY 2018/19 Annual Audit Plan & Pension Fund Audit Plan - Non Pecuniary as was a retired member of the Local Government Pension Scheme. Remained for the discussion of all items.
- 21 February, 2019 – Council - General Fund Revenue Budget, Housing Revenue Account and Capital Programme 2019/2020 - Non Pecuniary as a Governor at

- Minet Nursery and Infants School and Hillside Junior School. Remained in the room and deliberated on the item.
- 20 March 2019 – Pensions Committee – All agenda Items – Non Pecuniary as a retired member of the Local Government Pension Scheme – Remained in the room for all items.
  - 25 April, 2019 - Audit Committee - EY- Annual Grant Audit Letter - Non Pecuniary - as a retired member of the Local Government Pension Scheme. Remained for the discussion of all items.
  - 17 July 2019 – Pensions Committee – All agenda Items – Non Pecuniary as a retired member of the Local Government Pension Scheme – Remained in the room for all items.
  - 30 October 2019 - Pensions Committee – All agenda Items – Non Pecuniary as a retired member of the Local Government Pension Scheme – Remained in the room for all items.
  - 4 November, 2019 - Residents, Education and Environmental Services Policy Overview Committee - Update on the review into the Council's current and future relationship with Academies and Free Schools - Non Pecuniary as a Governor at two maintained primary schools within the Borough.

**Councillor Farley:** Nil

**Councillor Flynn:** Nil

**Councillor Fyfe:** Nil

**Councillor Gardner:** Nil

**Councillor Goddard:**

- 12 March, 2019 - Major Applications Planning Committee - Uxbridge College - Non Pecuniary due to prior involvement. Left the room when the item was considered.
- 15 May, 2019 - Major Applications Planning Committee - Ventura House, 74-72 Station Road, Hayes - Pecuniary as a shareholder in Vodafone. Left the room during discussion of the item.
- 22 May, 2019 - Petition Hearing - Cabinet Member for Planning and Transportation - Harefield Road, Uxbridge, Petition Requesting a 20mph Speed Limit and a "Slow Down" Sign - Non Pecuniary - as lived in the road. Remained in the room during the consideration thereof.

**Councillor Graham:** Nil

**Councillor Haggart:**

- 11 April, 2019 - Social Care, Housing and Public Health Policy Overview Committee - Carers Strategy - an update on work to support Carers in the Borough- Non Pecuniary - as the Carers Champion. Remained for the discussion of the item.

**Councillor Hensley:** Nil

**Councillor Higgins:** Nil

**Councillor Hurhangee:** Nil

**Councillor Jackson:** Nil

**Councillor Kauffman:** Nil

**Councillor Lakhmana:** Nil

**Councillor Lavery:**

- 21 February 2019 - Council – General Fund Revenue Budget, Housing Revenue Account and Capital Programme 2019/2020 - Non Pecuniary - as a Governor at Ruislip High School and a Trustee of the Vanguard Learning Trust. Remained in the room and deliberated on the item.

**Councillor Lewis:** Nil

**Councillor Makwana:** Nil

**Councillor Markham:** Nil

**Councillor Mathers:** Nil

**Councillor Melvin:**

- 19 June, 2019 - Major Applications Planning Committee - Northwood Recreation Ground, Chestnut Avenue Northwood - Pecuniary as a member of the club. Left the room when the item was determined.
- 19 June, 2019 - Major Applications Planning Committee - Northwood College Educational Foundation, Maxwell Road Northwood - Non Pecuniary due to prior involvement. Left the room when the item was determined.

**Councillor Milani:** Nil

**Councillor D.Mills:** Nil

**Councillor R.Mills:** Nil

**Councillor Money:** Nil

**Councillor Morgan:** Nil

**Councillor Morse:**

- 21 February 2019 - Council – General Fund Revenue Budget, Housing Revenue Account and Capital Programme 2019/2020 - Non Pecuniary - as a Governor at Harlington School. Remained in the room and deliberated on the item.

**Councillor Nelson:** Nil

**Councillor O'Brien:**

- 6 February 2019 – Audit Committee – 2018/19 Annual Audit Plan and Pension Fund Audit Plan - Non Pecuniary as a deferred member of the Local Government Pension Scheme – Remained in the room.

**Councillor Oswell:** Nil

**Councillor Palmer:**

- 27 November 2019 – Social Care, Housing and Public Health POC – Telecare Line Update – Non Pecuniary as a previous employer. Remained in the room.

**Councillor Prince:**

- 21 February 2019 - Council – General Fund Revenue Budget, Housing Revenue Account and Capital Programme 2019/2020 - Non Pecuniary - as a Governor at Minet Junior School. Remained in the room and deliberated on the item.

**Councillor Puddifoot:** Nil

**Councillor Radia:**

- 20 November, 2019 - Major Applications Planning Committee - Land Adjacent to Whiteheath Junior School, Whiteheath Avenue, Ruislip - Non Pecuniary as a Governor of Whiteheath Infant School; it was thought the Infant School had been consulted regarding the application. Did not speak on this item but remained in the gallery during the discussion.

**Councillor Riley:** Nil

**Councillor Rodrigues:** Nil

**Councillor Sansarpuri:** Nil

**Councillor Seaman-Digby:** Nil

**Councillor Simmonds:** Nil

**Councillor Singh:** Nil

**Councillor Stead:** Nil

**Councillor Sweeting:** Nil

**Councillor Tuckwell:**

- 21 February 2019 - Council – General Fund Revenue Budget, Housing Revenue Account and Capital Programme 2019/2020 - Non Pecuniary - as a Governor at Ruislip High School. Remained in the room and deliberated on the item.
- 17 July 2019 - North Planning Committee – Scout Hut, 4 Ladygate Lane – Non Pecuniary as a trustee of the scout association. Left the room during discussion on the item.
- 21 August 2019 - North Planning Committee – Scout Hut, 4 Ladygate Lane – Non Pecuniary as a trustee of the scout association. Left the room during discussion on the item.

**Councillor Yarrow:**

- 19 February 2019 – Major Applications Planning Committee – 1-12 Harefield Road, Uxbridge - Non Pecuniary as had prior involvement with the applicant.. Left the room during consideration of the item.

## ii) **Member Declarations of Gifts and Hospitality during 2019:**

In 2019, 11 declarations were received (12 in 2018) from:

### **Councillor Barnes:**

- 30.05.19 – gift of a pen from Hillingdon Friendly Bowlers – accepted
- 30.05.19 – gift of flowers from a resident – accepted.

### **Councillor Bianco:**

- 04.07.19 – House of Commons reception invitation from Curtin & Co - accepted
- 27.11.19 – Breakfast meeting with Stockley Park Directors – accepted.

### **Councillor Kauffman:**

- 04.06.19 - R&DABA Bessingby Park Rangers AFC - Gift Voucher £100 - utilised to purchase 20 purchase trophies for the clubs.

### **Councillor Palmer**

- 01.01.19 - KICA awards, Sofitel, London, Heathrow - lunch provided - Approx' £20 - accepted.

### **Councillor Puddifoot:**

- 18.07.19 - Guru Nanak Sikh Academy - gift of mantle clock - approx' £85 - accepted.
- 03.10.19 - Guru Nanak Sikh Academy - gift of watch & keyring - approx' £40 - accepted.
- 31.10.19 - Guru Nanak 550th Birthday - gift of 2 books and 2 commemorative coins - approx' £70 – accepted
- 17.12.19 - Guru Nanak Sikh Academy - gift of bottle of whisky - approx' £40 - accepted.
- 23.12.19 - Uxbridge High Street Flower Stall - vase of flowers - £40 - retained.

## **7. STAGE 3 AND OMBUDSMAN COMPLAINTS RECEIVED/SETTLED 2019**

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 2019:**

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

2019 total = 0

### Complaints to the Local Government and Social Care Ombudsman and Housing Ombudsman Service during 2019

In 2019, 56 complaints to the Ombudsman were processed (90 for 2018) of which 13 were upheld or partially upheld (12 in 2018) as follows:

| Service Area                | Total complaints | Upheld   | Partially Upheld | Not Upheld | Did not investigate |
|-----------------------------|------------------|----------|------------------|------------|---------------------|
| Chief Executive and Finance | 7                | 1        |                  |            | 6                   |
| Adult Social Care           | 9                | 2        | 2                | 1          | 4                   |
| Children Services           | 2                |          |                  |            | 2                   |
| Residents Services          | 38               | 5        | 3                | 8          | 22                  |
| <b>Total</b>                | <b>56</b>        | <b>8</b> | <b>5</b>         | <b>9</b>   | <b>34</b>           |

#### Upheld

The Council failed to properly deal with complaints about anti-social behaviour. The Council has agreed to apologise, properly deal with the complaints, and take action to prevent similar failings in future.

The Ombudsman found fault in the way the Council dealt with an application to join the housing register. The Council had failed to explore information provided or approach health professionals and had failed to consider exercising discretion following the application and appeal submissions.

The Ombudsman found that the Council's children's services had failed to properly consider the complainant's and her daughter's needs, or suitability, when providing them with accommodation out of borough. The Council had failed to show this was the only available accommodation.

The Council forced a homecare package on the complainant's parents that they did not want. There was also a delay in responding to their request to cancel the package. The Ombudsman found fault with the Council's failure to ask the complainant whether he agreed to receive the proposed care support package and explain to him there could be a charge. If it had done, the care support would have been refused. As such, the Council will waive the cost of the care package received between April and July 2018.

There was fault in the Council's handling of a housing benefit claim which meant that the complainant did not receive the benefit to which they were entitled. The Council will apologise, make a payment and review its procedures

The Council did not deal properly with the reconstruction of a footway crossing outside the complainant's home. The Council was at fault because it did not give the complainant the required notice that it was going to carry out work. The complainant suffered inconvenience because there was no proper access to her home. The Council has apologised and taken action to ensure the correct notice is given for all future works.

**Upheld**

The Council failed to consult the complainant about a planning application or properly consider the impact it would have on her. The Council was at fault because it did not consult the complainant before it made its decision. The Ombudsman could not show the fault made any difference to the outcome, but the Council has agreed to apologise and take action to avoid reoccurrence.

The Ombudsman found that the Council failed to provide the care and support needed to meet the complainant son's eligible care needs.

**Partially Upheld**

The complainant complained on behalf of his daughter, that the Council had failed to properly assess her housing application and need for a second bedroom for an overnight carer. The Ombudsman found the Council was not at fault in how it completed its assessment. However, there were delays in dealing with the application and contacting the doctor for information. These delays did not cause an injustice as the daughter was not assessed as having a housing need.

The complainant complained about the Council's delay in responding when asked to review his mother's care following an increase in Nursing Home fees. The Council was not at fault for not carrying out an unplanned care review. However, it was at fault as it had not arranged the appropriate third party top-up agreement in 2014 when it began paying for the care. The Council did not have sufficient oversight of the fees and this had led to a large debt accruing. The Nursing Home wrongly pursued the complainant for fees, for which the Council was at fault. These faults have caused prolonged stress and inconvenience for the complainant. The Council has agreed to apologise and pay £500. It has also agreed to make a decision about the complainant's mother's future care, arrange the appropriate written agreements going forward and remind the Nursing Home of correct procedures.

The complainant complained that the Council delayed completing major adaptations necessary for his wife's safety, causing them both distress and resulting in her untimely death. The Ombudsman does not find fault in the Council's handling of adaptations but finds the Council failed to communicate properly with the complainant. The Ombudsman recommends the Council provides an apology and payment to the complainant.

The complainant complained that there was fault in the way the Council had granted planning permission for a residential development close to his home. The Ombudsman found no fault in the way the Council considered the application, apart from the failure to have regard to the Draft London Plan. The Ombudsman did not consider that this fault caused any injustice, because the decision would likely have been the same.

The complainant complained that the Council failed to control light pollution from a development on her property causing harm to her amenity. The Council failed to properly discharge planning conditions concerning lighting at the development but that did not cause injustice as the Council assessed the impact of the lighting did not unduly affect her amenity, and did not cause her a statutory nuisance.