

STANDARDS AND ETHICS INDICATORS 2020

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:

- 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 annual 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 2020.

1. PUBLIC INTEREST REPORTS 2020:

Nil.

2. WHISTLE-BLOWING INCIDENTS REPORTED 2020:

Nil.

3. CHALLENGES TO PROCUREMENT DECISIONS 2020:

Nil.

4. EMPLOYMENT TRIBUNAL (ET) AND EMPLOYMENT APPEAL TRIBUNAL (EAT) CASES RECEIVED AND/OR SETTLED AND/OR ONGOING 2020:

- In 2020, 5 ET cases were considered and subject to a commercial settlement (without admission of liability) ahead of a full hearing relating to:
 - (i) Allegations of unfair dismissal as a result of making a protected interest disclosure

- (ii) Allegations of unfair dismissal, race discrimination, sex discrimination and age discrimination.
 - (iii) Allegations of breach of contract and breach of TUPE Regulations.
 - (iv) Allegations of unlawful withholding of wages.
 - (v) Allegations of race discrimination and constructive dismissal.
- In 2020 1 ET case was withdrawn by the Claimant relating to allegations of race discrimination relating to an existing employee.
 - In 2020, the following cases were received and remain outstanding pending consideration by an employment tribunal:
 - (i) Allegations of unfair dismissal and race discrimination relating to an agency worker; due to delays in the court service, a full hearing is yet to be listed.
 - (ii) Allegations of disability discrimination relating to an existing employee; this case is currently on hold pending negotiations through ACAS.
 - (iii) Allegations of disability and race discrimination relating to an existing employee; this case is currently on hold pending negotiations through ACAS.
 - (iv) Allegations of unfair dismissal and disability discrimination; a full hearing is yet to be listed.

5. **OFFICER DECLARATIONS 2020:**

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

Date	Department / Team	Details
05/056/20	Customer Services	2-year contract with the Resettlement Team to rent out a flat owned by the employee.

ii) **Officer Declarations of Gifts and Hospitality in 2020:**

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 2020 by Directorate is set out below:

Corporate Resources and Services & Finance – Total of 2 declarations (11 in 2019):

- Both were offers of confectionary etc. – 1 accepted and 1 given to the Mayor's Charity.

(former) Residents Services – Total of 2 declarations (26 in 2019):

- Both were offers of confectionary etc. and both given to the Mayor's Charity.

Social Care – To follow

6. MEMBER DECLARATIONS 2020

i) **Declarations of Interest made by Members at Meetings during 2020:**

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.

In 2020 the following declarations were made by Members:

Councillor:		
Ahmad-Wallana 3	Choubedar 2	Money 1
Allen 1	Corthorne 4	Morgan 3
Barnes 1	Curling 2	Palmer 1
Bridges 1	Dhillon 3	Radia 1
Burrows 1	Dhot 1	Tuckwell 3
Chamdal 1	Duncan 3	
Chapman 1	Eginton 4	
	Melvin 2	

Broken down as follows:

29th January 2020 - Pensions Committee

- Councillor Corthorne - Non-Pecuniary - Councillor Corthorne declared a Non-Pecuniary interest in all agenda items because he was a deferred member of the Local Government Pension Scheme. He remained in the room during discussion of the items.
- Councillor Barnes - Non-Pecuniary - Councillor Barnes declared a Non-Pecuniary interest in all agenda items because she was a deferred member of the Local Government Pension Scheme. She remained in the room during discussion of the items.
- Councillor Eginton - Non-Pecuniary - Councillor Eginton declared a Non-Pecuniary interest in all agenda items as he was a retired member of the Local Government Pension Scheme. He remained in the room during discussion of the items.

5th February 2020 - Central & South Planning Committee

H.P.H.3 Hyde Park, Hayes - 67702/APP/2019/3665

- Councillor Dhillon - Non-Pecuniary - Councillor Dhillon declared a non-pecuniary interest in item 11. He remained in the room during the discussion but did not vote on the item.

Bignell House, Horton Parade, Horton Road, Yiewsley - 49780/APP/2019/3545

- Councillor Duncan - Non-Pecuniary - Councillor Duncan declared a non-pecuniary interest in item 16 as she was an 02 mobile network user living in the area and had experienced problems with reception. She remained in the room during discussion of the item but did not partake in the discussion or vote on the item.

11th February 2020 - External Services Select Committee

Safer Hillingdon Partnership Performance Monitoring

- Councillor Allen - Non-Pecuniary - Councillor Allen declared a non-pecuniary interest in Agenda Item 5 - SHP Performance Monitoring as she was a Member of the Independent Advisory Group and remained in the room during the consideration thereof.

12th February 2020 - Petition Hearing - Cabinet Member for Planning and Transportation

Petition to Improve Road Safety in Harlyn Drive, Chamberlain Way & Catlins Lane, Pinner

- Councillor Burrows - Non-Pecuniary - Councillor Burrows declared a non-pecuniary interest in Item 4, as he knew a Councillor who lived in the local area.

19th February 2020 - Major Applications Planning Committee

Bourne Court Site, Ruislip - 11891/APP/2019/3855

- Councillor Tuckwell - Non-Pecuniary - as he had prior involvement with residents regarding the site. He did not vote and left the room during discussion of the item.

4th March 2020 - Central & South Planning Committee

Enforcement Report

- Councillor Chamdal - Non-Pecuniary - Councillor Chamdal declared a non-pecuniary interest in agenda item 19. He did not vote and left the room during the discussion of this item.

18th March 2020 - Major Applications Planning Committee

Land Adjacent to Whiteheath Junior School, Whiteheath Avenue, Ruislip - 64510/APP/2019/1412

- Councillor Radia - Non-Pecuniary - Councillor Radia (Ward Councillor) declared a non-pecuniary interest in agenda item 11 as she was a Governor at Whiteheath Junior School. She remained in the room during deliberation of the item.

7th May 2020 - Major Applications Planning Committee

Hillingdon Hospital, Field Heath Road, Hillingdon - 4058/APP/2020/1003

- Councillor Morgan - Non-Pecuniary - Cllr Morgan declared a non-pecuniary interest in the item, as the Children's Ward at Hillingdon Hospital was one of his three named charities during his term as Mayor.

19th May 2020 - Central & South Planning Committee

Unit UX2, Uxbridge Industrial Park, Ashley Road, Uxbridge - 9117/ADV/2019/81

- Councillor Choubedar - Non-Pecuniary - Councillor Choubedar declared a non-pecuniary interest in respect of item 7, as he had held discussions with petitioners at previous Ward Surgeries. The Councillor remained in the meeting but took no part in discussion or voting for this item.

Enforcement Report

- Councillor Ahmad-Wallana- Non-Pecuniary - Councillor Ahmad-Wallana declared a non-pecuniary interest in respect of item 20, as he knew the individual in question. The Councillor remained in the meeting but took no part in discussion or voting for this item.

4th June 2020 - Central & South Planning Committee

Land Rear of 122-123 High Street, Uxbridge - 6616/APP/2019/3268

- Councillor Ahmad-Wallana- Non-Pecuniary - Councillor Ahmad-Wallana declared a non-pecuniary interest in Items 8 and 9, as he had been engaged in a conversation with a relative relating to the application.

Land Rear of 122-123 High Street, Uxbridge - 6616/APP/2019/3269

- Councillor Ahmad-Wallana- Non-Pecuniary - Councillor Ahmad-Wallana declared a non-pecuniary interest in Items 8 and 9, as he had been engaged in a conversation with a relative relating to the application.

Enforcement Report

- Councillor Choubedar - Non-Pecuniary - Councillor Choubedar declared a non-pecuniary interest in Item 12, as he had discussed the application with residents at a Ward Surgery.

17th June 2020 - North Planning Committee

5 & 6 Firs Walk - 30837/APP/2019/3096

- Councillor Melvin - Non-Pecuniary - Councillor Melvin declared a non-pecuniary interest in respect of Item 6, in that she had been involved with a previous planning application at the site in question. Cllr Melvin would remain in the meeting but would take no part in the discussion or vote.

1st July 2020 - Central & South Planning Committee

16 Frays Avenue, West Drayton - 53156/APP/2020/1393

- Councillor Duncan- Non-Pecuniary - Councillor Duncan declared a non-pecuniary interest in item 9 on the agenda since her home was in the same road as the application site. Councillor Duncan remained in the virtual meeting room during discussion of the item but did not contribute to the discussion, switching her camera off and muting herself at the appropriate time.

14th July 2020 - North Planning Committee

Enforcement Report

- Councillor Morgan - Non-Pecuniary - Before he was a Member of the North Planning Committee, Cllr Morgan helped neighbours in their contest against the development of the property in question.

23rd July 2020 - Executive Scrutiny Committee

Consideration of Executive Decisions Taken and any Call-Ins

- Councillor Money - Non-Pecuniary - Councillor Money declared a non-pecuniary interest in Item 6 - Cranford Park Delivery Stage - as a Member of the Cranford Park Friends Group. He remained in the room for the discussion and vote on the item.

28th July 2020 - Pensions Committee

- Councillor Corthorne - Non-Pecuniary - Councillor Corthorne declared a Non-Pecuniary interest in all agenda items because he was a deferred member of the Local Government Pension Scheme. He remained in the room during discussion of the items.
- Councillor Eginton - Non-Pecuniary - Councillor Eginton declared a Non-Pecuniary interest in all agenda items as he was a retired member of the Local Government Pension Scheme. He remained in the room during discussion of the items.

19th August 2020 - Major Applications Planning Committee

Queensmead School, Queens Walk, Ruislip - 12933/APP/2020/1023

- Councillor Tuckwell - Non-Pecuniary - Councillor Tuckwell declared a non-pecuniary interest in this item as his daughter attended the school.

20th August 2020 - North Planning Committee

5-6 Firs Walk - 30837/APP/2020/1723

- Councillor Melvin - Non-Pecuniary - Councillor Melvin declared a non-pecuniary interest in respect of item 6, 5-6 Firs Walk, as she had been involved with the original application alongside residents. Councillor Melvin remained in the meeting but took no part in discussion or voting for this item.

3rd September 2020 - Central & South Planning Committee

16 The Dingle, Hillingdon - 52360/APP/2020/2254

- Councillor Chapman - Non-Pecuniary - Councillor Chapman declared a non-pecuniary interest in item 13 as he had discussed the matter with local residents.

Land Opposite 237 Station Road, Hayes - 75743/APP/2020/2277

- Councillor Dhillon - Pecuniary - Councillor Dhillon declared a pecuniary interest in item 6 as he lived opposite the application site.

10th September 2020 - Council

Motions

- Councillor Curling - Non-Pecuniary - declared a non-pecuniary interest in Agenda Item 8.1 as his great uncle had been named on the plaque and remained in the meeting during the consideration thereof.

16th September 2020 - North Planning Committee

Land to the side of 17 Woodside Road, Northwood - 29754/APP/2020/1397

- Councillor Dhot- Non-Pecuniary - Councillor Dhot declared a non-pecuniary interest in respect of Item 7, Land to the side of 17 Woodside Road, in that he had been contacted by the applicant. Councillor Dhot confirmed that he had not entered into discussion with the applicant and would remain in the meeting and take part in the discussion and voting for the item.

24th September 2020 - Executive Scrutiny Committee

Consideration of Executive Decisions Taken and any Call-Ins

- Councillor Bridges - Non-Pecuniary - Councillor Bridges declared a non-pecuniary interest in Item 11 on the Cabinet agenda (Setting a licensed deficit) as a member of his family attended Oak Wood School. He remained in the room during the discussion and vote on the item.

30th September 2020 - Pensions Committee

- Councillor Corthorne - Non-Pecuniary - Councillor Corthorne declared a Non-Pecuniary interest in all agenda items because he was a deferred member of the Local Government Pension Scheme. He remained in the room during discussion of the items.
- Councillor Eginton - Non-Pecuniary - Councillor Eginton declared a Non-Pecuniary interest in all agenda items as he was a retired member of the Local Government Pension Scheme. He remained in the room during discussion of the items.

13th October 2020 - Major Applications Planning Committee

Bourne Court - 11891/APP/2020/20

- Councillor Tuckwell - Non-Pecuniary - Councillor Tuckwell declared a non-pecuniary interest in respect of item 8, Bourne Court, as he had previously held discussions with petitioners, as well as local residents regarding the site. Councillor Tuckwell advised he would turn off his camera and mute his microphone when the item was considered and would therefore take no part in the discussion or vote for the item.

28th October 2020 - Pensions Committee

- Councillor Corthorne - Non-Pecuniary - Councillor Corthorne declared a Non-Pecuniary interest in all agenda items because he was a deferred member of the Local Government Pension Scheme. He remained in the virtual meeting during discussion of the items.
- Councillor Tony Eginton - Non-Pecuniary - Councillor Tony Eginton declared a Non-Pecuniary interest in all agenda items as he was a retired member of the Local Government Pension Scheme. He remained in the virtual meeting during discussion of the items.

5th November 2020 - Central & South Planning Committee

Enforcement Report

- Councillor Dhillon - Non-Pecuniary - Councillor Dhillon expressed a non-pecuniary interest in agenda item 11 as he had had previous involvement with the case.

24th November 2020 - Audit Committee

Approval of the 2019/20 Statement of Accounts (Including Annual Governance Statement & External Audit Report on the Audit for the Year Ended 31/03/2020) & External Audit Report on the Pension Fund Annual Report & Accounts 2019/20

- Councillor Eginton - Non-Pecuniary - Councillor Eginton declared a non-pecuniary interest in agenda item 5 arising from the fact that he was a retired member of the Local Government Pension Scheme. He remained for the discussion of all items.

3rd December 2020 - Central & South Planning Committee

10 Frays Avenue, West Drayton - 5235/APP/2020/2411

- Councillor Duncan - Non-Pecuniary - Councillor Duncan declared a non-pecuniary interest in this item as she lived in Frays Avenue. She did not participate in the discussion or voting on this item.

8th December 2020 - Major Applications Planning Committee

Fairview - 58758/APP/2019/3517

- Councillor Morgan - Non-Pecuniary - Councillor Morgan declared a non-pecuniary interest in this item as he had visited the site when he was Mayor of Hillingdon and had been contacted by residents about the application.

10th December 2020 - Cabinet

Voluntary Sector Leases

- Councillor Palmer - Non-Pecuniary - Councillor Palmer declared a Non-Pecuniary interest on a voluntary sector lease in respect of the Wayfarers Lawn Tennis club where she was

a regular player. Cllr Palmer remained in the room during the discussion but did not vote on the item.

10th December 2020 - Executive Scrutiny Committee

Consideration of Executive Decisions Taken and any Call-Ins

- Councillor Curling - Non-Pecuniary - Councillor Curling declared a non-pecuniary interest in Item No. 8 on the Cabinet agenda – WWI Memorial and plaque (Triptych) at St Martin's Church in West Drayton - due to a relative being named on the War Memorial.

ii) Member Declarations of Gifts and Hospitality during 2020:

In 2020, 8 declarations were received (11 in 2019) from:

Councillor Bianco:

- 05.10.20 – Cratus virtual meeting – wine, cheese and crackers - £29 - accepted

Councillor Puddifoot:

- 10.02.20 - Reception at 10 Downing Street hosted by the Prime Minister - accepted.
- 05.03.20 - Guru Nanak Sikh Academy - gift of canvas photo' in frame - approx' £45 - accepted.
- 02.07.20 - membership of Gerrards Cross & Uxbridge Angling Society - £50 - retained.
- 06.08.20 - Kevin & Toni Mullally - bottle of champagne - £40 - retained.
- 20.08.20 - Guru Nanak Sikh Academy - bouquet of flowers - approx' £40 - retained.
- 14.12.20 - Guru Nanak Multi Academy Trust - bottle of whisky and box of chocolates - £52 - retained.

Councillor Riley:

- 20.01.20 – Ruislip Manor Cottage Society Dinner - £30 - accepted

7. STAGE 3 AND OMBUDSMAN COMPLAINTS RECEIVED/SETTLED 2020

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 2020:

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

2020 total = 0

Complaints to the Local Government and Social Care Ombudsman and Housing Ombudsman Service during 2020

In 2020, 67 complaints to the Ombudsman were processed (56 for 2019) and the table below sets out the figures

Service Area	Total complaints	Upheld	Partially Upheld	Not Upheld	Did not investigate
Chief Executive and Finance	7	1	1	1	4
Adult Social Care	7	0	1	2	4
Children Services	1	1	0	0	0
Residents Services	52	10	1	16	25
Total	67	12	3	19	33

Upheld

The Ombudsman determined that the Council was at fault for not providing the complainant with a rent payment card, causing him to fall into arrears. The Council was also at fault for the way it ended the complainant's temporary accommodation. The Council agreed to remedy the injustice caused.

The Ombudsman determined that there were delays by the Council in designing and completing adaptations to the complainant's home resulting in her sharing a room with one of her children for longer than necessary. The Council accepted that delays occurred and agreed to comply with the Ombudsman recommendation.

Upheld

The Ombudsman determined that the Council failed to have due regard to the complainant's human rights when it considered his vehicle crossover application and the subsequent appeal. The Council agreed to allow the complainant to submit a fresh appeal by way of remedy.

The Ombudsman determined that the Council was at fault in the way it determined the complainant's homeless application by not offering the complainant interim accommodation and in preparing a personalised housing plan. The Council agreed to apologise, to remind staff of the requirement to complete a personalised housing plan, to properly consider whether interim accommodation should be offered and to keep clear records of contacts

The Ombudsman determined that the Council was slow in providing the complainant with interim accommodation, provided unsuitable interim accommodation, and failed to follow its complaints procedure. The Council apologised, paid a small payment to the complainant, and issued a reminder to officers of the procedures to follow.

The Ombudsman found that the Council was slow in providing pre-application advice, failed to conduct a site meeting and the advice it did provide included incorrect details. The Council agreed to apologise to the complainant, make a small payment by way of compensation and reviewed the pre-application procedure.

The Ombudsman found fault in the way the Council engaged with the complainant during its consideration of a development. Whilst they concluded that the outcome to the development would not be different it did put the complainant to unnecessary time and trouble for which the Council agreed to apologise.

The Ombudsman found fault in the way the Council handled adaptation work, reports about the Council's contractor's behaviour and its handling of the resulting complaint. The Council apologised and paid a small sum in compensation.

The Ombudsman found that the Council failed to properly investigate or take appropriate action in relation to smoke which entered the complainant's property from the restaurant below. The Council apologised to the complainant and agreed to undertake a further investigation.

The Ombudsman found that the Council failed to take effective action to ensure that the complainant could gain access to the rear of his property by car. The Council apologised and paid the complainant a small amount in compensation.

The Ombudsman found that the Council was at fault in the way it decided whether it owed the complainant a duty in respect of his housing application. The Council apologised.

The Ombudsman found that the Council was at fault for a lack of support in resolving problems with the complainant's housing benefit claim and assisting him with managing his service charge arrears between April and December 2018. The Council apologised and paid the complainant a small amount of money in compensation.

Partially Upheld

The Ombudsman found that the Council incorrectly instructed bailiffs to pursue debts. The Council apologised for this. The Ombudsman found no further fault in how the Council dealt with the complainant's council tax accounts.

The Ombudsman found that the Council wrongly placed the complainant in a short stay in a care home in August 2018, and wrongly invoiced him for the associated care costs. The Council apologised for this. However, the Ombudsman did not find fault in the way the Council placed the complainant in a care home or charging him for it.

The Ombudsman found no maladministration in the way the Council dealt with the complainant's request to be allowed to succeed to the tenancy when her father passes away. The Ombudsman found fault that not all questions raised in the complainant's Stage 1 complaint response had been answered.