

# Standards Committee

10 March 2010

7.00 pm

Town Hall, Peckham Road, London SE5 8UB

## Membership

Mark Roelofsen (Chair)  
Councillor Dora Dixon-Fyle (Vice-Chair)  
Councillor James Barber  
Councillor Paul Bates  
Councillor Michelle Holford  
Councillor David Hubber  
Councillor Mackie Sheik  
Councillor Robert Smeath

## Reserves

Councillor Mark Glover  
Councillor Peter John  
Councillor Linda Manchester  
Councillor Chris Page  
Councillor Caroline Pidgeon  
Councillor Lewis Robinson

## Independent Members

Peter Bibby, Wendy Golding, Christopher Gurney and Bola Ogun

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## INFORMATION FOR MEMBERS OF THE PUBLIC

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### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

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### Contact

Andrew Weir on 020 7525 4326 or email: [andrew.weir@southwark.gov.uk](mailto:andrew.weir@southwark.gov.uk)  
Webpage: <http://www.southwark.gov.uk>

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Members of the committee are summoned to attend this meeting

**Annie Shepperd**

Chief Executive

Date: 2 March 2010



# Standards Committee

10 March 10 2010  
7.00 pm  
Town Hall, Peckham Road, London SE5 8UB

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
<b>1.</b>	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
<b>2.</b>	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
<b>3.</b>	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
<b>4.</b>	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
<b>5.</b>	<b>MINUTES</b>	1 - 4
	To approve as a correct record the Minutes of the open section of the meeting held on 3 February 2010.	
<b>6.</b>	<b>CIVIC AWARDS 2010</b>	5 - 9
	To consider the recommendations of the Civic Association for nominations for civic awards and the Mayor's Award and grant awards as appropriate.	
<b>7.</b>	<b>POLITICALLY RESTRICTED POSTS</b>	10 - 12

Item No.	Title	Page No.
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To note the issues outlined in the report and agree whether to form a sub-committee to carry out the functions and instruct the monitoring officer to draft procedure rules.

8.	<b>STANDARDS FOR ENGLAND ANNUAL RETURN</b>	13 - 26
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To note the draft annual return in appendix A, and provide any comments to the monitoring officer.

9.	<b>WORK PROGRAMME</b>	27
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To consider the current work programme and to update it as appropriate.

**ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

**EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

**PART B - CLOSED BUSINESS**

The following motion should be moved, seconded and approved if the sub-committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

10.	<b>CIVIC AWARDS 2010</b>	
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To receive the recommendations of the Civic Association for nominations for Civic Awards and the Mayor’s Award.

**ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF**

**Item No.**

**Title**

**Page No.**

**THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.**

Date: 2 March 2010



## Standards Committee

MINUTES of the OPEN section of the Standards Committee held on Wednesday 3 February 2010 at 7.00 pm at Ground Floor Meeting Room G02A, Tooley Street, London SE1 2TZ

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**PRESENT:** Mark Roelofsen (Chair) – Independent member  
 Councillor Paul Bates  
 Councillor Michelle Holford  
 Councillor David Hubber  
 Councillor Robert Smeath  
 Councillor Linda Manchester (Reserve)  
 Peter Bibby – Independent member  
 Bola Ogun – Independent member

**OFFICERS:** Deborah Collins, Strategic Director of Communities, Law & Governance  
 Graham Love, Head of Democratic Services  
 Norman Coombe, Principal Lawyer, Governance Team  
 Andrew Weir, Constitutional Officer

### 1. APOLOGIES

Apologies for absence were received from Councillors Dora Dixon-Fyle, James Barber and Mackie Sheik and independent member Wendy Golding.

### 2. CONFIRMATION OF VOTING MEMBERS

The members listed as present were confirmed as the voting members.

### 3. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were none.

### 4. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none.

### 5. MINUTES

**RESOLVED:**

That the open minutes of the meetings held on 14 October 2009 and 23 November 2009 be approved as a correct record and signed by the chair, subject to Peter Bibby and Bola Ogun being added to the list of attendees for the meeting on 14 October 2009.

**6. CIVIC AWARDS - CATEGORIES AND ELIGIBILITY CRITERIA**

The head of democratic services presented the introductory report to the civic awards, categories and eligibility criteria.

Representatives from the Civic Association then addressed the committee and presented their proposals for the categories and eligibility criteria.

The committee asked questions of the Civic Association representatives.

The committee had some concerns regarding the Mayor's Discretionary Award and asked that the title of the award should be changed to the Mayor's Award. Members also asked that officers explore safeguards in place in other boroughs to ensure that the award would be politically neutral and that guidance be given to the Mayor prior to the Mayor making a nomination for the award.

The committee also expressed concern that the Civic Association had experienced problems when trying to promote civic awards in Southwark Life and in the John Harvard Library, where there was no public notice board available.

The committee asked that the information on reasons for nominations given to the committee be more standardised than in past years. The Civic Association representatives advised they would endeavour to ensure that this request was fulfilled.

Both the standards committee and the Civic Association representatives agreed that it had been productive to meet to discuss civic awards matters and would continue to do this each year going forward.

**RESOLVED:**

1. That the committee received the recommendations of the Civic Association for the categories and eligibility criteria for civic awards and agreed the recommended categories and eligibility criteria subject to:
  - i) The Mayor's Discretionary Award being renamed the Mayor's Award.
  - ii) That officers explore safeguards in place in other boroughs to ensure that the Mayor's Award will be politically neutral and that the Mayor be given guidance on making any such award.
2. That relevant officers be called to attend the next meeting of the committee in order to resolve the problems the Civic Association had experienced when trying to promote civic awards in Southwark Life and in the John Harvard Library.

## 7. AMENDMENT TO THE LOCAL FILTER PROCEDURES RULES

The committee received a report from the principal lawyer, governance team on the amendment to the local filter procedure rules.

Members asked questions of officers and expressed their concerns over the current, overly bureaucratic structure of the standards regime, as sanctioned by Standards for England.

Officers advised that the council had to comply with the guidance from Standards for England.

### RESOLVED:

1. That the standards committee noted the report.
2. That the standards committee agreed to amend the local procedure rules as shown in appendix A of the report.
3. That the committee asked that its concerns over the current, overly bureaucratic structure of the standards regime, as set out in the guidance from Standards for England, be noted.

## 8. PRESENTATION

The committee received a presentation from the monitoring officer on the current standards regime.

The presentation covered a number of issues including, the number of complaints nationally, the outcomes of complaints nationally, the level of bureaucracy and cost of the current system and some possible amendments to the current system.

Members asked questions of the monitoring officer and advised that they felt that more power should be given to monitoring officers to filter complaints.

## 9. WORK PROGRAMME

Members considered the work programme.

Officers advised that the whistle blowing report may not be ready for the March.

### RESOLVED:

1. That the committee noted the work programme.
2. That the following items be added to the work programme:
  - i) Changes to the Regulation of Investigatory Powers Act 2000 and the

role of the standards committee

- ii) The new appeals process for politically restricted posts
- iii) Guidance for the Mayor's Award
- iv) Post election roundup of issues in which the committee may be interested

#### **EXCLUSION OF PRESS AND PUBLIC**

It was moved, seconded and

#### **RESOLVED:**

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in category 7c of paragraph 10.4 of the Access to Information Procedure Rules of the Southwark Constitution.

The following is a summary of the decisions taken in the closed section of the meeting.

#### **10. MINUTES**

#### **RESOLVED:**

That the closed minutes of the meeting held on 23 November 2009 be approved as a correct record and signed by the chair.

The meeting ended at 8.38pm.

**CHAIR:**

**DATED:**



<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 10 March 200	<b>Meeting Name:</b> Standards Committee
<b>Report title:</b>		Civic Awards 2010	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

### RECOMMENDATIONS

- 1 That members consider the recommendations of the Civic Association for nominations for civic awards and grant awards as appropriate.
- 2 That members consider the nomination from the Mayor for a discretionary award and grant the award as appropriate.

### BACKGROUND INFORMATION

- 3 The Civic Association was founded in 1996 to promote civic awareness, civic responsibility and civic pride within the borough and currently the main focus of the association is the annual Civic Award Scheme which they administer on behalf of the council. This enables the award scheme to remain and be seen to be non political. Civic awards are formally made by the council. The court of the association makes recommendations to the standards committee, for the granting of civic awards.
- 4 59 nominations were received this year and at the civic court meeting on February 20 2010 recommendations to make 22 awards to individuals and 8 awards to organisations were agreed and are presented for consideration (see the closed report).
- 5 The court of the Civic Association are not required to give specific reasons to standards committee for not recommending a particular award but typical examples are: paid employment, Southwark employee, resident outside the borough and activities not carried out within the borough, have received an award in a previous year, insufficient evidence on the nomination form to grant an award and length of time of voluntary contribution not long enough.
- 6 The award ceremony this year will take place at St Giles Church on Saturday 8 May 2010 at 2.00pm, followed by a reception at the Town Hall, Peckham Road, SE5 8UB

### KEY ISSUES FOR CONSIDERATION

- 7 The granting of awards is a constitutional function of standards committee and members have the final discretion whether or not to grant an award, and the level of award which should be granted. At the standards committee meeting of 3 February 2010 the categories and eligibility criteria for the awards were agreed (see appendix A). Members need to be satisfied that the nominations meet the criteria before granting awards.
- 8 In November 2009, council assembly agreed the introduction of a new discretionary Mayor's award. There is one such nomination from the Mayor (see the closed report). The Mayor's office protocol contains guidance on eligibility and is included in appendix B.
- 9 Financial and legal checks are undertaken on nominees regarding outstanding debt to the council and council records are checked to ascertain whether there is any reason

not to grant an award (e.g. arrears owed to the council for which no arrangements have been made to repay, or where the council is taking legal action against the nominee).

- 10 Standards committee is asked to grant awards in principle, subject only then to the checks being undertaken and to delegate authority to the Director of Communities, Law & Governance to make the final decision. Such delegation would only allow for an award not to be made on the grounds set out above.

### Resource implications

- 11 The Civic Association is largely self-funding, through subscriptions and donations. The awards are administered, the ceremony organised and the awards provided by the Civic Association. The council supports the awards by distributing application forms, displaying posters and providing administrative support to the selection and awards process. The council also provides support by posting out invitations and providing the catering for the ceremony, which is met from existing budgets.

### Community impact statement

- 12 The council is committed to promoting civic engagement and good relations in our communities. Application forms are distributed widely throughout the borough and any person is able to submit a nomination to the Civic Association. The awards attract media interest and recognise the voluntary work of a number of people and organisations within Southwark thus strengthening community cohesion.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark constitution	On line	Ian Millichap 020 7525 7225
Civic Association constitution	Tooley Street PO Box 64529, London, SE1P 5LX	Gill Allwright 020 7525 7235
Standards Committee reports	On line	Andrew Weir 020 7525 4326

### APPENDICES

No.	Title
Appendix A	Southwark Civic Association – Award Categories, Criteria and Eligibility
Appendix B	Southwark Civic Association – The Mayor's Award Criteria

### AUDIT TRAIL

<b>Lead Officer</b>	Graham Love, Head of Democratic Services	
<b>Report Author</b>	Graham Love, Head of Democratic Services	
<b>Version</b>	Final	
<b>Dated</b>	1 March 2010	
<b>Key Decision?</b>	No	
<b>Consultation with other officers / directorates / executive member</b>		
Officer Title	<b>Comments Sought</b>	<b>Comments included</b>
Strategic director of communities, law & governance	No	No
Executive member	No	No
Date final report sent to Constitutional Team	1 March 2010	

## Appendix A

### SOUTHWARK CIVIC ASSOCIATION

#### AWARD CATEGORIES, CRITERIA and ELIGIBILITY

Southwark Civic Awards are recommended to Southwark Council by the Court of the Southwark Civic Association following review of community generated nominations which demonstrate a sustained contribution or commitment by an individual, group, organisation or business for the benefit of Southwark residents and/or the interests of the London Borough of Southwark more generally.

Key examples would include: outstanding personal service in support of the young or elderly, community organisation, initiative or event; excellence in community cohesion; innovation in local business; enhancement of the borough's culture, heritage and reputation.

#### Award Categories:

There are two main categories of Award, which satisfy most circumstances:

- ***Letter of Commendation***
- ***Liberty of the Old Metropolitan Borough (... of Southwark, Bermondsey or Camberwell)***

In addition, and in exceptional circumstances, there are options for further **Award categories**, as appropriate:

- ***Mayor's Award***
- ***Southwark Lifetime Award***
- ***Young Southwark Civic Award***
- ***(...) of the Year Award***
- 

#### Award Criteria:

- ***Letter of Commendation***  
A Letter of Commendation may be awarded to a nominee who has demonstrated an exceptional contribution to the life of the local community, usually for a period exceeding five years.
- ***Liberty of the Old Metropolitan Borough***  
A Liberty of the Old Metropolitan Borough will be considered when a nominee has demonstrated exceptional commitment to the life of the community, usually for a period exceeding ten years.
- ***Mayor's Discretionary Award***  
A Mayor's Discretionary Award may be made to an individual/organisation that, during the Mayor's term of office, has attracted special notice for exceptional community activity.
- ***Southwark Lifetime Award***

## Appendix A

A Southwark Lifetime Award may be recommended where an individual has demonstrated an outstanding contribution to the life of the community, typically for a period exceeding twenty years.

- **Young Southwark Civic Award**  
A Young Southwark Civic Award may be made to a young person of 18 and under who has demonstrated exceptional community spirit and civic responsibility but, by virtue of their age, is ineligible for a Letter of Commendation.
- **.... of the Year Award**  
An '... of the Year Award' may be made in circumstances where alternative awards (above) are considered to be inadequate/inappropriate and the nominee is clearly outstanding in their category.

### **Eligibility:**

- *(individual) unpaid voluntary activity which is unrelated to or additional to the nominee's current employment*
- *community group, organisation or business which is based in and/or benefits the Southwark community.*

### **Exclusions:**

- *Serving members of the Court of the Southwark Civic Association*
- *Current elected members of Southwark Council*
- *Employees of Southwark Council (unless for unpaid voluntary activity which is unrelated to or additional to current employment)*
- *Previous Honorands of equal or greater Awards*

AMW  
20.2.10

## Appendix B

### Southwark Civic Association The Mayor's Award, To be known as: The Mayor of Southwark's Award

#### Criteria.

#### Background:

The Mayor of Southwark apart from being Patron of the Southwark Civic Association is at the very centre of civic life in the borough. The First Citizen and Queen's Representative, there will no one that will travel the length and breadth of our borough, meeting organisations, groups or individuals during their time in Office, than The Mayor.

Attending functions, chairing meetings, visiting organisations, community groups, charities, and individual people, who improve the lives of their fellow citizens of the London Borough of Southwark on a voluntary basis.

#### The Award:

The award to be called "**The Mayor of Southwark's Award**" will be awarded at the sole discretion of the incumbent Mayor of Southwark, and is to be drawn from an organisation, charity, School, community group or individual that The Mayor feels has made a significant contribution to the lives of citizens of the London Borough of Southwark, as a whole or to a local area.

This award can only be granted once to the recipient(s) in the instance that the same recipient(s) are nominated by the serving Mayor on a successive occasion, unless a suitable period of time (to be determined) has elapsed.

The award will be issued in the form of a pre-framed scroll bearing the current London Borough of Southwark Coat of Arms (only), and will declare that "This award has been given at the personal behest of The Worshipful The Mayor of Southwark (*Name of Mayor, (optional)*) to *Name of Recipient(s)* for services to the citizens of the London Borough of Southwark" (final wording to be agreed).

The award is to be personally awarded to the recipient(s) by The Mayor of Southwark at the Annual Civic Awards Ceremony.

#### Ensuring Political Neutrality

- Nominations for this award must not be used to obtain or reward political favour
- Nominations should not be made to an individual or organisation for their political activities
- Nominations to individuals or organisations with known political affiliations should be avoided.

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 10 March 2010	<b>Meeting Name:</b> Standards Committee
<b>Report title:</b>		Politically Restricted Posts	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law and Governance	

## RECOMMENDATION(S)

1. That the committee note the issues outlined in this report.
2. That the committee agree whether to form a sub-committee to carry out the functions and instruct the monitoring officer to draft procedure rules.

## BACKGROUND INFORMATION

3. The Local Government and Housing Act 1989 (“the 1989 Act”) requires every local authority to prepare and maintain a list of politically restricted posts. The original legislation identified categories of post deemed to be politically restricted on the basis of one or more defined characteristics.
4. The effect of including a council employee on the list of politically restricted posts, debars that individual from having any active political role either in or outside the workplace, in particular:
  - standing for candidature for public elected office, unless the employee resigns prior to announcing his/her candidature;
  - acting as an election agent or sub-agent for any candidate for election;
  - holding office in a political party;
  - canvassing at elections (not restricted to Southwark);
  - speaking or writing publicly (other than in an official capacity) with the intention of affecting public support for a political party.
5. Currently Section 2 of the 1989 Act lists “politically restricted” posts as follows:
  - a) chief executives;
  - b) chief officers;
  - c) deputy chief officers;
  - d) monitoring officers;
  - e) any person holding a post as an assistant for a political group; and
  - f) any person not falling within these categories whose post is listed by the authority on the grounds that it involves giving advice to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority; to any committee of that executive; or to any member of that executive who is also a member of the authority on a regular basis or speaking on behalf of the authority to journalists or broadcasters on a regular basis.

- g) officers whose posts were remunerated at or above a prescribed level (currently equivalent to spinal point 44 £36,730).
6. The Local Government Act 2007 amended the 1989 Act so that the granting and supervision of exemptions from the political restriction will be the responsibility of the standards committee. This Act also provides that the Secretary of State may issue general advice with regard to the making of decisions on political restrictions. Before giving such general advice, the Secretary of State must consult those representatives of local government he considers appropriate.

### KEY ISSUES FOR CONSIDERATION

7. The Local Democracy, Economic Development and Construction Act 2009 removed the salary category [shown in paragraph 6 (g) above] with effect from 12 January 2010, and provided for appeals to decisions on political restrictions to be heard by the Standards Committee. Changes to the constitution to reflect the latter change will be considered by council assembly in March.
8. The head of human resources is responsible for drawing up the list of politically restricted posts in consultation with chief officers. With regard to the post falling within paragraph 6 (f) the criteria for making decisions on inclusion is more judgmental. The application of the salary criteria was factual and captured most posts. Officers will therefore put in arrangements to deal with queries about inclusion on the list.
9. In practice, it is expected that appeals on politically restricted posts will be few, essentially where a member of staff believe that the council has wrongly applied the criteria, i.e. the duty related criteria has been misinterpreted. The procedure will be that they may write to the head of human resources in the first instance setting out their reasons with reference to their existing job description and work plan.
10. The head of human resources would then review the inclusion of the post taking account of comments from the relevant chief officer and giving an initial view. If the member of staff remains unhappy with this review then they could appeal to the standards committee for the final determination.
11. it is proposed that standards committee would determine these appeals based on the remaining two criteria in 6(f):
- any person giving advice to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented; or where the authority are operating executive arrangements, to the executive of the authority; to any committee of that executive; or to any member of that executive who is also a member of the authority on a regular basis or
  - speaking on behalf of the authority to journalists or broadcasters on a regular basis.
12. There is no further right of appeal under the legislation.
13. The committee should consider whether these determinations should be made by the full committee or whether a sub-committee should be formed to carry out this function. Officers consider that a sub-committee based on the assessment sub-

committees would be the most cost-effective way of carrying out these determinations.

### Community impact statement

14. These changes are unlikely to have no or very little impact on local people and communities.

### Resource implications

15. Changes can be contained within existing budgets.

### Legal implications

16. The specific legal implications relating to this report have been included in the report.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
The Constitution.	<a href="http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html">http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html</a> 2nd floor, PO Box 64529, London, SE1P 5LX	Lesley John 020-7525-7228

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Norman Coombe, Principal lawyer	
<b>Version</b>	Final	
<b>Dated</b>	1 March 2010	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law and Governance	Yes	Incorporated
Finance Director	No	No
<b>Executive Member</b>	N/A	N/A
<b>Date final report sent to Constitutional Team</b>	1 March 2010	



<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 10 March 2010	<b>Meeting Name:</b> Standards Committee
<b>Report title:</b>		Standards for England Annual Return	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Communities, Law & Governance	

## RECOMMENDATIONS

1. That the standards committee notes the draft annual return in appendix A, and provides any comments to the monitoring officer.

## BACKGROUND INFORMATION

2. As reported at the meeting on 1 July 2009 as part of their role in ensuring the effectiveness of local standards arrangements the Standards for England ("SfE") collect information about how local authorities are supporting ethical conduct. The enactment of section 66B of the 2000 Act means in addition to quarterly returns which provides statistics on complaint handling, the annual return is now part of a statutory requirement to provide information to SfE.
3. The purpose of the annual return is to find out what arrangements Southwark has in place to ensure and promote high ethical standards. It looks at the way the authority supports ethical standards as a whole, not just how it handles complaints.
4. The annual return complements the quarterly return. Maintaining an ethical environment not only requires processes and protocols, such as codes of conduct, but also a culture that supports them. Therefore, while the quarterly return for the most part focuses on case handling and the annual return collects information that will allow SfE to understand the culture and wider governance arrangements in authorities.
5. The questions on the form will change each year in line with the development of the framework. This year's return focuses on the following topics:

### Communications

The responses to this section will help SfE to collect examples of the different ways that standards committees communicate messages about ethical standards, both within the authority and to the wider public.

### Influence

SfE considers that a key factor in creating a strong ethical framework in authorities is clear ethical leadership from leaders and chief executives, setting the tone for the rest of the organisation.

### Training and Support

#### Investigations

#### Relationships with Parish and Town Councils [not applicable to Southwark]

6. The SfE state that the information collected in the annual returns will be used to drive up performance, champion the work of standards committees, and to ensure that we have an effective overview of local standards frameworks.
7. In particular the SfE will:
  - Collect notable practice examples of standards committee activities which we can then disseminate.
  - Identify national gaps in local standards frameworks.
8. A copy of draft 2010 annual return, to be submitted in April is attached as appendix A.
9. The standards committee may wish to consider if this years annual return identifies any gaps or suggests any improvements in Southwark's current arrangements.

### **Community Impact Statement**

10. Good governance is very important in aiding the decision-making process and helping to boost public confidence in the council.

### **Legal Implications**

11. The legal implications are included in the report.

### **Resource Implications**

12. Any resource implications will be contained within existing budgets.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
The Constitution.	<a href="http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html">http://www.southwark.gov.uk/YourCouncil/HowTheCouncilWorks/councilconstitution.html</a> 2nd floor, PO Box 64529, London, SE1P 5LX	Lesley John 020-7525-7228
Annual Return Guidance Notes	2nd floor, PO Box 64529, London, SE1P 5LX	Norman Coombe 020-7525-7678
Annual Return Review 2009	<a href="http://www.standardsforengland.gov.uk/media/Annual%20Review%202008-09.pdf">http://www.standardsforengland.gov.uk/media/Annual%20Review%202008-09.pdf</a> 2nd floor, PO Box 64529, London, SE1P 5LX	Norman Coombe 020-7525-7678

**APPENDICES**

<b>No.</b>	<b>Item</b>
Appendix A.	Annual Return 2010

**AUDIT TRAIL**

<b>Lead Officer</b>	Deborah Collins, Strategic Director, Communities, Law & Governance	
<b>Report Author</b>	Norman Coombe, Principal lawyer	
<b>Version</b>	Final	
<b>Dated</b>	25 February 2010	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director, Communities, Law & Governance	Yes	incorporated
Chief Finance Officer	No	No
<b>Executive Member</b>	N/A	N/A
<b>Date final report sent to Constitutional Support Services</b>	25 February 2010	

## Appendix A

# PART 1: COMMUNICATION

The main roles of a standards committee are:

- to promote and maintain high standards of conduct by members
- to assist members in observing the Code of Conduct.

Your responses to this section will help us to collect examples of the different ways that standards committees communicate messages about ethical standards, both within the authority and to the wider public.

### Annual Report

#### 1) Does the standards committee produce an annual report?

NO. The Standards Committee considered whether to produce an annual report at its meeting of {x date} and resolved not to do so. If yes go to q2. If no go to q4

#### 2) What does the report contain?

- A personal statement by the standards committee chairman
- Information about the members of the standards committee
- The role of the standards committee
- The standards committee terms of reference
- Information about the Code of Conduct
- Statistical information about complaints that have been received
- Information about the length of time taken dealing with complaints
- A summary of complaints which have led to investigation, sanction or other action
- Details about training/events provided
- The forward work plan of the standards committee
- Other (*You will be asked for more details if selected*)

#### 3) How is the standards committee annual report circulated?

Note: If your return is not on the website please forward a copy to us. See the guidance notes for details.

- Sent to all senior officers
- Sent to all members
- Sent to parish/town councils (This is only displayed if your authority is applicable)
- Available on the authority intranet
- Available as a specific item on the authority website (You will be asked for the website address if selected)
- Available in the standards committee papers published on the authority website (You will be asked for the website address if selected)
- Included as a full authority meeting agenda item
- Publicised in local newspaper / press release
- Distributed to households
- Available at authority offices
- Not circulated outside of the standards committee
- Other (You will be asked for more details if selected)

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### Publicising Complaints

#### 4) How can the public access information about how to make a complaint against a member?

- Through a 'compliments and complaints' type section of the council website (You will be asked for the website address if selected)
- Through the standards committee section of the website (You will be asked for the website address if selected)
- Complaints leaflets available from the authority
- Included as part of a council newsletter
- Advertised through parish councils
- Information is not available to the public
- Other (You will be asked for more details if selected)

The council has a webpage which enables complaints against a member to be submitted.

<http://www.southwark.gov.uk/YourCouncil/ContactSection/complaintscomplimentscomments.html>

The council has a webpage <http://www.southwark.gov.uk/YourCouncil/CouncillorsHome/> which explains the role of councillors and this also links to a webpage

<http://www.southwark.gov.uk/YourCouncil/CouncillorsHome/Unhappywithcouncillorsbehaviour.html>

#### 5) How can the public access information about the outcome of initial assessment decisions?

- Written summary available for public inspection
- Press release issued for all initial assessment decisions
- Press release issued only if the subject member agrees
- Assessment decisions published on the authority website
- Articles published in the authority newsletter
- Other (You will be asked for more details if selected)

The public cannot access the outcome of the initial assessment.

#### 6) How can the public access information about the outcome of investigations?

- Hearings are open to the public
- Press release issued for all investigation outcomes
- Press release issued only if the subject member agrees
- Published on the authority website
- Decision notices are available for public inspection
- Articles in the authority newsletter
- Other (You will be asked for more details if selected)

Under our procedure rules a summary of the full written decision will be published on the council's website and in at least one local newspaper.

Where the hearing sub-committee determines that there has not been a breach of the Code of Conduct, providing the subject member agrees, the summary will state that the committee found that the subject member had not failed to comply with the Code of Conduct and will give its reasons for reaching that finding,

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**7) Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant and witnesses.**

YES . If yes go to q8. If no go to q9

**8) If yes, please can you describe the process?**

There have been very few complaints so far to consider. The Council's monitoring officer however maintains an open door policy for those affected to discuss any issues with her, and is in close dialogue with the whips through regular quarterly meetings where any general issues with the mechanisms can be discussed.

### **Communicating the role and work of the standards committee and standards generally**

**9) What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?**

- > Dedicated standards committee pages on intranet
- Standards committee has its own newsletter / bulletin
- Standards committee issues briefing notes
- > Articles in employee newsletter / bulletin
- Standards committee independent members **observe** other authority meetings
- Standards committee independent members **contribute** to other authority meetings (*a box will appear to ask for further details about what kind of contribution*)
- > Other (*you will be asked for more details if selected*)

The council has recently improved its web presence, following discussion at the standards committee, with a dedicated webpage which includes a letter to all members and an open letter from the chair. The council operates a member e-bulletin which includes important probity/conduct issues.

**10) How can the public access information about your standards committee?**

- > Dedicated standards committee section on the authority website (*you will be asked for the website address if selected*)
- Within 'council and democracy' type section of website (*you will be asked for the website address if selected*)
- > Ethical standards issues have been included in the local press / media
- > Standards committee minutes, agendas, and reports are available to the public
- Leaflets and/or posters are placed in public buildings
- > Places articles in the authority newsletter / bulletin / other publication
- Standards committee meetings are observed by members of the public
- Information is not available to the public
- Other (*you will be asked for more details if selected*)

As can be seen from the above list, a variety of media are used to provide public information about the Standards Committee. A particularly interesting example was that

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the Standards Committee recently agreed that all councillors expenses would be published on the Council's website, and this was given exposure in the local press

### **11) What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?**

The Independent Chair of Standards Committee has been invited to contribute to the Induction Programme for new Councillors to be elected in May 2010

The Chief Executive and the Deputy Chief Executive discuss with major development partners the Standards Committee as those partners will often approach councillors directly.

An explanation of the role of the Standards Committee is included in the Chief Executive induction programme for all new staff joining the authority.

## Appendix A

### PART 2: INFLUENCE

A key factor in creating a strong ethical framework in authorities is clear ethical leadership from leaders and chief executives, setting the tone for the rest of the organisation.

Your responses to this section will help us to understand how closely your standards committee works with political and officer leadership in the authority, and the ways in which the leadership encourages strong ethical standards.

**12) How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?**

- Formal meetings between standards committee members and senior figures specifically set up to discuss standards
- Informal discussion on particular standards issues
- Senior figure attendance at standards committee meetings
- > Monitoring Officer is a member of or attends Corporate Management Team (or equivalent) meetings
- Executive or senior member has portfolio responsibility for standards
- Chair (or other standards committee member) addresses full authority meeting(s)
- > Other (*you will be asked for more details if selected*)

Meetings held between the Independent Chair of Standards Committee and Chief Executive specifically set up to discuss standards

**13) How do the senior figures in your authority demonstrate strong ethical values?**

- > Through a strongly promoted whistle-blowing policy
- > By ensuring there are references to ethics in the authority vision / objectives
- > Demonstrating appropriate behaviours
- Senior figure(s) makes personal commitment to standards in statements to public/employees
- > Other (*you will be asked for more details if selected*)

By including a number of member related protocols in the constitution

**14) Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?**

NO however one is being worked on

**15) What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?**

- > Informal discussion/mediation
- > Monitoring Officer mediation
- Chair of standards committee mediation
- > Senior figure mediation (e.g. Chief Executive)



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- Advice from Human Resources department
- Solicitor / legal adviser consulted
- Informal hearing
- No mechanisms other than normal complaints process
- > Other (you will be asked for more details if selected)

All as documented in our Member and Officer Protocol

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### PART 3: TRAINING AND SUPPORT

A specific function of a standards committee is to train members on The Code of Conduct, or arrange for such training. A standards committee can also arrange training on the local standards framework. Your responses to this section will help us to form a view about what the most common topics and methods of training are so that we can share them with the rest of the standards community.

**16) Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members in relation to their responsibilities on standards of conduct?**

YES If yes, go to q18. If no, go to q17

**17) If no, please give your reasons why?**

Open question. Go to q19

**18) If yes, what needs were identified?**

- > Introduction to the Code of Conduct
- > Elements of the Code of Conduct
- > The role and responsibilities of the standards committee
- > Ethical governance/behaviour
- None

**19) What training/support was provided during the period 1 April 2009 to 31 March 2010?**

- > Introduction to the Code of Conduct
- > Elements of the Code of Conduct
- Role and responsibilities of the standards committee
- > Ethical governance/behaviour
- Other (You will be asked for more details if selected)
- None (go to q25)

**20) Who received training/support?**

- Standards committee chair
- Independent members
- Other standards committee members
- All authority members
- > Specific authority members with particular needs (e.g. new members, planning committee members)
- Other (*you will be asked for more details if selected*)

**21) What methods were employed to give training/support?**

- Internal training (presentations/seminars/workshops)

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- External trainer/speaker
- > One on one training
- Joint/regional training event
- Online learning
- Guidance notes/briefing materials
- Standards for England materials
- Ethical governance toolkit
- Other (*you will be asked for more details if selected*)

### 22) In which areas of the Code of Conduct has training/support been provided?

(*Only displayed if 'elements of the Code of Conduct' is selected at q19*)

- > Respect
- > Personal/Prejudicial Interests
- > Use of resources
- > Bullying
- > Disrepute
- Predisposition, Pre-determination and bias
- > Equality
- > Confidentiality
- Other (*you will be asked for more details if selected*)

### 23) What other training/support has been provided on areas of an authority member's role or activities they may engage in?

- Chairing skills
- Lobbying
- Predetermination, Predisposition and bias
- Blogging and/or the use of social media
- Electioneering
- Freedom of Information (FOI)
- Other (*you will be asked for more details if selected*)
- > None

### 24) In general, how well attending was the training provided?

- > 75% or more of those invited
- 50-75%
- 25-50%
- 0-25%

### 25) Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?

Open question

All new members are required to attend induction training which includes sections on code of conduct and other probity issues. Members elected in by-elections have one to one training on these issues.

### 26) In which areas of the role and responsibilities of the standards committee

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**has training/support been provided for standards committee members?**  
**Please tick all that apply.** (*Only displayed if 'role and responsibilities of the standards committee' is selected at q19*)

## Appendix A

# PART 4: INVESTIGATIONS

27) How many investigations have been conducted during the period 1 April 2009 – 31 March 2010?

Enter number

2

If the answer is '0', go to q33 (only if your authority is parished). If you do not have parished you will have completed the questions.

If the answer is '1' or more go to q28

28) Of the investigations completed during the period, for how many have external investigators been used?

NOTE: This includes employees of other authorities

Enter number

1

29) Overall, what was your principle reason for out-sourcing the investigation(s)? (Only appears the number given in question 28 is more than 0)

- Impartiality
- > Lack of staff resources
- > To complete the investigation sooner
- Skills required
- Cost
- Other (you will be asked for more details if selected)

30) What type of external investigator(s) did you use?

- Employee of another authority
- Self-employed investigator
- Private law firm
- Other (you will be asked for more details if selected)

Employee of another authority

31) For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s)?

Open question (for an amount)

£1000

**Appendix A****32) Please provide a brief overview of the processes you have in place to ensure the quality of local investigations.**

Open question

All investigations are carried out in accordance with Standards for England guidance and investigating officers have induction in the process. The investigating officer is mentored by another officer to ensure investigation is according to the investigation plan. Following the determination hearing the investigating officer and mentoring officer meet to consider points for action generally.

**STANDARDS COMMITTEE 2009-10****WORK PROGRAMME (DRAFT)**

<b>March 2010</b>	Civic Awards Nominations from the Civic Association (Graham Love/Gill Allwright)
	Standards for England Annual Return (Norman Coombe)
	Politically Restricted Posts (Ian Millichap/Norman Coombe)
	Mayor's Award Guidance (Appendix in Civic Awards Nominations Report) (Graham Love/Gill Allwright)
<b>Other Reports to be Programmed</b>	Revised Whistle Blowing Report (Norman Coombe)
	Changes to the Regulation of Investigatory Powers Act 2000 and the Role of the Standards Committee (Norman Coombe)
	Post election Roundup of Issues in Which the Committee May be Interested
	Review of Independent Member Selection Process (Ian Millichap) (put on hold for a year until late 2010/early 2011)
	Appointments to External Bodies - Guidance Note
<b>Ongoing Items of Interest to the Committee</b>	Consolidation of ethical issues on one area of the council's website.

**STANDARDS COMMITTEE - YEAR 2009-10 DISTRIBUTION LIST - OPEN**

NOTE: Original held in Constitutional Team. All amendments to Andrew Weir on Telephone Number: - 020 7525 4326

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