London Borough of Hammersmith & Fulham

Standards Committee

Minutes

Thursday 10 February 2022

PRESENT

Committee members: Councillors Rebecca Harvey, Alex Karmel, Rowan Ree, Helen Rowbottom and Matt Thorley

Independent members: His Honour John Rylance, Dilina Ostborn

Officers: Adesuwa Omoregie, Kayode Adewumi

1. CO-OPTED MEMBERS

The Committee noted the appointment of His Honour John Rylance, Dr Tom Babbedge and Dilina Ostborn as Co-Opted Members of the Committee.

Members of the Committee introduced themselves and gave a brief description of their roles in the Council.

2. ELECTION OF THE CHAIR

The His Honour John Rylance was elected as the Chair of the Standards Committee.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rory Vaughan and Dr Tom Babbedge.

4. DECLARATION OF INTERESTS

There were no declarations of interest.

5. STANDARDS COMMITTEE TERMS OF REFERENCE

The Terms of reference were noted.

6. LOCAL GOVERNMENT ASSOCIATION MODEL CODE OF CONDUCT

In 2019, the Committee on Standards in Public Life (CSPL) produced a report on "Local Government Ethical Standards". The report made a series of recommendations to ensure that the governance of local authorities was robust and took account of learning across the sector. The production of an updated model Code of Conduct by the Local Government Association (LGA) was one of the recommendations in the report. The report stated that a model Code of Conduct would create consistency across England and reflect the common expectations of the public regardless of geography or tier of local government.

In response to the report, the LGA produced a model Code. Members of the committee were consulted on three drafts of the Code (twice in 2020 and in January 2021). The LGA draft code has considered comments from Councillors, officers, councils, Independent members, and Members of the public from across the Country.

Whilst there is a statutory requirement for every authority to adopt a code of conduct, the LGA's model Code is a template and authorities can choose to adopt it either in whole, with amendments considering local circumstances, or continue with the current Code.

The Chair, Hon John Rylance, strongly recommended against recommending to Full Council to adopting the Code in its current form as in his view the Code was defective for three main reasons: -

- The concept was a mess - The 24 pages long Code is accompanied by a 60-page guidance. The Guidance is not consistent with the Code. The potential for divergence between the code and the guidance is too far. The Code makes no reference to the guidance which could lead to confusion. There must be one document which covers the content of the Code and guidance making it easy for a member of public or Member to refer to.
- Drafting error – The Code has been badly drafted leading to misinterpretations.
- No Sanctions – There are no effective means of determining a breach nor any power to sanction erring Members

Dilina Ostborn noted the new Code is a great improvement on the current one. She observed that there is little room for including sanctions as it stands.

In response to a couple of questions from Members, the meeting was informed that the LGA was commissioned to draft the guidance to support the Code. There had been no comments from the Government on the Committee on Standards in Public Life report published in 2019 until recently when the Minister for Levelling Up Communities, Kemi Badenoch, said she was actively considering the recommendations set out in the Committee's report and will respond "shortly". The CSPL's recommendations included that local authorities should be given the power to suspend councillors without allowances for up to six months for breaches of the code of conduct. The big question for the Government to address is whether it wants to legislate for sanctions. The Council could wait until the Government responds to the Committee's report before it adopts the new Code.

Regarding the perceived conflict between the Code and guidance, the guidance was drafted to complement the Code. The adopted Code would be the document which members of the public would use to understand breaches of the code. There

is no expectation that the adopted code would need to be read in conjunction with the guidance. This does not presently happen with the current code
.
There could appear to be a conflict on the application of the Code due to some loose drafting. Bullet point one and two could have been drafted better. The intention was to provide clarity to a member of the public in relations to action where a member misuses their position as a councillor and actions taken which would give the impression that they are acting as a councillor.

It was suggested that: -

- Committee may review its position after the Government's response to the Committee had been received.
- A section addressing sanction should be included.
- a clear process is required if a complaint is received.

The Committee agreed: -

1. that the comments made tonight be incorporated into a further draft for consideration by the Committee before the election.

2. it could not recommend to Full Council the adoption of the proposed new Member Code of Conduct or that minor changes to the draft code could be delegated to the Monitoring Officer in conjunction with the Chair of the Committee.

Meeting started: 7.00 pm
Meeting ended: 7.50 pm

Chairman .....

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