

Royal Borough of Kensington and Chelsea **Independent Ethics Panel Annual Report**

Introduction

The Independent Ethics Panel for Kensington and Chelsea Council was established in 2018 as part of the Council's commitment to maintaining the highest ethical standards in governance and management.

The issues the Panel considers are frequently of a confidential or sensitive nature, especially where it relates to individual complaints, so meetings of the Panel are held in private. This also enables the Panel to provide honest and independent feedback to the statutory officers responsible for promoting ethical conduct at the Council

This annual report provides an overview of our work by outlining how we have sought to fulfil the roles and remit of the Panel during 2020/21.

Membership

The Ethics Panel is made up of three Independent Persons appointed under the auspices of the [Localism Act 2011](#). Members of the Panel are appointed by the Council following an open recruitment process. The current members of the Panel are:

Revd Ijeoma Ajibade (2018-) - Ijeoma currently works for Mission to Seafarers as Regional Director, Europe. Ijeoma spent most of her career working in local government and she also worked for the London Assembly and for two Mayors of London (Ken Livingstone and Boris Johnson). She ministers at St Philips Earls Court and is also Honorary Minor Canon at Southwark Cathedral.

Ms. Johanna Holmes, OBE (2018-) - Johanna's working career since 1973 in housing and homelessness spans the public, private and voluntary sectors. Her most recent activity in this field was as Chair of a housing association – East Homes – from 2007 to 2013. Johanna Holmes has lived in North Kensington for more than forty years and has served the Council as an Independent Person since 2013.

Mr Shajad Hussain (2019-) - Shajad is a Licensing Manager for Transport for London, responsible for London Taxi and Private Hire Vehicles, including the investigation of complaints against drivers. Mr Hussain was appointed by the Council in late 2019 to replace Dr Sadie Regmi.

The Panel meets quarterly, together with the Chief Executive and Monitoring Officer. As in so many walks of life, the way the Panel has worked in the last twelve months has been reshaped dramatically by the Covid-19 global pandemic, so panel meetings have taken place remotely.

Role and remit

The Panel's role is to:

- advise the Council on the best practice to promote and maintain high standards of conduct by Councillors and officers
- advise the Council on the adoption or revision of a Members' Code of Conduct.
- advise the Council on the adoption or revision of the arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct.
- advise whether a complaint relating to a breach of the Code should be investigated
- make recommendations to be taken into account by the Audit and Transparency Committee before it takes a decision on a complaint which has been investigated.
- advise the Council on matters relating to ethics and ethical conduct, anticipate ethical challenges and foster good practice.
- make relevant recommendations on these matters to the Chief Executive and the Monitoring Officer.

Progress and activities

Best practice, the Member Code of Conduct and other guidance

The Panel has strengthened the overall framework for conduct and behaviour at the Council, by advising the Monitoring Officer about the development of local policies and guidance, and by responding to consultations from Government and national organisations.

In 2019 the Committee for Standards in Public Life published a report on local government ethical standards, including fifteen best practice recommendations. At the time the Ethics Panel considered the report in detail and advised the Monitoring Officer on how they might implement relevant recommendations. This process informed a full review of the Members' Code of Conduct and the arrangements for dealing with complaints.

During 2020 the Committee requested that local authorities report on the progress they have made in implementing their best practice recommendations. The Panel

supported the Council's response, which can be read, along with those from other Councils, at the Committee's website.

<https://www.gov.uk/government/publications/local-government-ethical-standards-progress-made-against-best-practice-recommendations>

The Committee for Standards in Public Life also began a new consultation, *Standards Matter 2*, a wide-ranging review of the institutions, processes and structures in place to support high standards of conduct. The Panel has responded, particularly emphasising the importance of ethical conduct in navigating the pressing public service challenges of the future.

Following consultation, the Local Government Association published their Model Councillor Code of Conduct 2020. The Panel are in the process of considering the Councillor Code of Conduct in the light of this, and will make recommendations for any necessary amendments.

Complaints

The central role of the Ethics Panel is to strengthen the arrangements for handling complaints about the conduct and behaviour of elected members. In performing this function, we also fulfil the statutory role as Independent Persons by advising the Monitoring Officer on complaints relating to Councillor conduct.

Where wider lessons might be drawn, we will advise the Monitoring Officer and/or the Chief Executive about action they may wish to take. Details of investigations undertaken are reported to the Audit and Transparency Committee in accordance with the Council's arrangements for dealing with complaints.

In the period covered by this report the Monitoring Officer sought the advice of members of the Panel in connection with five complaints that councillors had breached the Code of Conduct. No action was required in respect of one complaint because the event complained about did not happen when the councillor was carrying out their councillor role. Another complaint was quickly resolved as the complainant had complained about the councillor's lack of response to their query but had been using incorrect contact details.

There were no common themes in the complaints although in two cases the complaints were settled informally when the councillor made a prompt and genuine apology accepted by the complainant. The Ethics Panel appreciates that councillors will sometimes get things wrong, for the most part not intentionally, but a swift

acceptance of any mistake and a genuine apology will satisfy the complainant and settle the complaint without the need for further action.

One complaint highlighted the issue we refer to below when commenting on the differing cultural, generational and political approaches to the issues of equality and diversity. In the event the complaint was settled in a way which was acceptable to the complainant and the councillor, but it reflected the wider debates in society on the appropriate balance between freedom of speech and the expression or endorsement of views which others consider unacceptable.

Wider Ethical Issues

Impact of Covid-19 - During the period of the pandemic the Council has taken on significant new responsibilities to respond at a local level. These have presented officers and members with new ethical challenges with regards to managing a test and trace programme; holding member-level meetings online while maintaining public participation; assessing the varying health risks to staff and contractors; and supporting residents in economic difficulty.

The Panel is particularly interested in the engagement of members in these issues and in the distribution of resources to support different communities. The Panel will continue to review this emerging area of work and it evolves during 2021.

Ethics and Equalities

Ethical considerations in local government inevitably lead to considerations of fairness and equality in outcomes. During 2020 the Council has sought to strengthen its approach to issues of equality, diversity and inclusion through a new corporate equalities approach. Elevated public concern about racial injustice and the disproportionate impact of the Covid-19 pandemic has made this all the more urgent and vital. The Panel has spent time this year advising the Chief Executive on this developing approach.

Differing cultural, generational and political approaches to issues of equality and diversity present challenges to public authorities and elected members in addressing them. As the profile of Black Lives Matter as a movement has increased, so have debates about its political goals (such as police and justice reform) and its theoretical and ideological underpinning, for example.

This is in a context where the courts have held that, in assessing the application of a councillor code of conduct, freedom of speech in the political context must be protected even if the views expressed are controversial or unacceptable to others.

The right to freedom of expression does not outweigh all other interests but has to be balanced against the rights of those who complain about what is said.

Elected representatives may find it challenging to navigate these debates in a way that is respectful of difference and understanding of the experience of prejudice others may have, whilst authentic to their own political and ethical views.

The Panel has seen the Council make a clear political commitment to proactive and meaningful action to address racism and discrimination. We recommend that this is supported by councillors taking advantage of learning and development opportunities to further their understanding of the emerging debates in this area. The Ethics Panel will continue to advise and support the Council as this work continues.

Conclusion

We intend in the forthcoming year to deepen our support for the Council's approach to community engagement and equality and diversity, as well as continuing to strengthen our local standards regime. As we approach the end of this Council term, the Panel will be looking back at its work over this period, reviewing its operations, and making recommendations for the future of the Panel. As ever, we hope to be a resource for both Council and community, and welcome the views of residents, officers and councillors about where they think we can be of help.

The Independent Ethics Panel

Revd Ijeoma Ajibade
Johanna Holmes
Shajad Hussain