

Ethical Standards and Member Development Committee

7 December 2018

Subject:	National Cases
Director:	Director - Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Trisha Newton Principal Democratic Services Officer Trisha_newton@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. note the contents of the report and the case at Appendix 1 and consider any issues for the Council.

1 PURPOSE OF THE REPORT

- 1.1 Within its terms of reference, the Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst Members. As well as complying with legislation and guidance, the Committee will need to demonstrate learning from issues arising from local investigations and case law. Furthermore it is advisable for the Committee to be kept informed of any particularly notable cases which are publicised as they may also add to learning at the local level.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.

3 STRATEGIC RESOURCE IMPLICATIONS

3.1 There are no resource implications arising from this report.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

4.1 By considering national cases of significance the Ethical Standards and Member Development Committee will be better informed and placed to discharge its duty to promote high ethical standards.

Surjit Tour
Director – Monitoring Officer

Westminster deputy leader took gifts in 50% of his planning cases

It was reported that a Westminster City councillor had received gifts or hospitality from property firms involved in half of the planning applications his committee ruled on in 2016, an investigation revealed.

The councillor had stood aside from his council roles after the Guardian had reported that he had been entertained or received gifts almost 900 times, often from property industry figures, between 2012 and 2017 while in charge of planning in the London borough.

The Conservative councillor chaired the planning committee for 17 years but a detailed analysis of the 120 planning applications he considered in 2016 showed he was entertained by the applicant or their agents in 63 cases, and his committee granted permission on all but five of those occasions.

The councillor strongly denied any wrongdoing. He said: "Any suggestion or implication that I have done anything other than to further the interests of the city and its residents, are baseless and strenuously denied."

The councillor, who was the deputy leader of the council, had held meetings prior to planning committee hearings with 74 applicants in 120 cases that the committee considered in 2016. As he stepped down, he said he had acted at all times with "independence and probity".

Westminster City announced an investigation into the council's planning system saying: "Our residents need reassurance that the planning process is not only impartial, but is seen to be impartial."

The council had appointed James Goudie QC, an independent barrister, to assist the investigation.

The internal investigation found that the councillor had breached the authority's code of conduct and the Conservative councillor, criticised for receiving hospitality or gifts 893 times over six years, frequently from property developers seeking planning permission, has resigned.

Sir Stephen Lamport, the independent person overseeing the investigation, said Davis's judgement was found "wanting" and his "acceptance of gifts and hospitality from developers before or after a planning decision may ... have placed him in a position in which people might seek to influence him in the performance of his duties."

He said he had not seen any evidence that happened, but it still amounted to a prima facie breach of the code of conduct which will now be examined by the council's standards committee.

The review found that "by accepting the large scale of gifts and hospitality Cllr Davis has not promoted and supported high standards of conduct through leadership and by example".

It said there was no evidence of any inappropriate conduct or illegality but the scale of the hospitality was "extraordinary".

Lamport said Davis' acceptance of such a volume of gifts and hospitality "lay open his reputation, and therefore that of the Council, to a perception – fairly or unfairly – that called into question his personal responsibility to promote high standards of conduct".

Davis stood down from his role as deputy leader in March after an outcry at the scale of the hospitality, but denied any wrongdoing and stood again as a councillor in May's local elections, retaining his seat.

Following an internal investigation led by a senior barrister appointed by the council, he was resigning with immediate effect, bringing to an end his 36 years as a councillor in the borough.

He said: "Earlier this year there was some press coverage concerning the hospitality I received during the course of my duties. To avoid this becoming an issue in this year's elections, I agreed to refer myself to the monitoring officer and stand aside as deputy leader while an investigation was carried out. My approach to declarations has always been to be honest, open and transparent. I have nothing to hide.

"An inquiry has been completed by the council. They have confirmed that none of the declarations I made or hospitality I received influenced decisions I took as a councillor and that nothing I did was unlawful.

"However, they have concluded my actions nevertheless created a perception that was negative to the council. While I dispute this, I wish to draw a line under the matter. It is now time for me to move on to the next stage in my life and for the next generation of councillors to lead Westminster."

Taken from The Guardian 8 March 2018 and 10 October 2018