



General Purposes Committee

Date:	4 July 2012
Classification:	For General Release
Title:	Standing Order Relating to Code of Conduct
Report of:	Head of Legal and Democratic Services
Wards Involved:	Not Applicable
Policy Context:	High Ethical Standards
Financial Summary:	There are no financial implications
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1. Executive Summary

- 1.1 The Council, at its meeting on 25 June, on the recommendation of the Standards Committee, has agreed to the adoption of a new Code of Conduct for Members and Co-opted Members with effect from 1 July 2012.
- 1.2 As part of its considerations the Standards Committee had previously considered whether Standing Orders should provide that Members with a Disclosable Pecuniary Interest, or an interest otherwise disclosable under the new Code should be required to leave the room while discussion and voting on the item takes place. Under the new Standards regime in the Localism Act 2011 this is a matter left to local authorities to deal with at their discretion.
- 1.3 This report recommends the adoption of a new Standing Order consistent with the views of the Standards Committee. The related issue of whether a Member should be allowed to view the proceedings from the public gallery is also addressed.

2. Recommendations

- 2.1 That the Council be recommended to adopt the following new Standing Order:
 - (i) "Members and Co-opted Members who have a Disclosable Pecuniary Interest, or any other interest required to be disclosed under the Council's Code of Conduct for Members, shall, having disclosed the

interest and subject to paragraph (ii) below , withdraw from the meeting room for the duration of the consideration of the item of business including the debate and any related vote.

- (ii) In cases where members of the public are allowed to attend a meeting and to make representations Members and Co-opted Members may with the consent of the Chairman of the meeting attend the meeting for the purposes of making representations, answering questions or giving evidence relating to the matter. Once the Member has finished making their submission, or the Chairman of that meeting decides that they have finished, the Member must leave the room and may not remain in the room during the discussion or vote on the matter.
- (iii) Members must not when they have a disclosable Pecuniary Interest seek to view or listen to the proceedings from the public gallery”.

- 2.2 That the Head of Legal and Democratic Services be authorised to include the new Standing Order in the Council’s Standing Order and re-number accordingly.

3. Background Information

- 3.1 The Council, on 25 June 2012, adopted a new Members Code of Conduct which came into effect on 1 July 2012. The new Code includes an Appendix setting out the statutory provisions relating to Disclosable Pecuniary Interests, as that term is defined by Regulations, and contains additional obligations relating to the disclosure by Members of other prejudicial interests. The Localism Act 2011 provides that it is an offence for a member with a Disclosable Pecuniary Interest in a matter to fail to disclose the interest, or to participate in discussion on the matter or to vote. However the legislation leaves it to each local authority to decide whether to provide, by way of Standing Orders, that such a member should also be required to leave the room. It is also a matter for local discretion what other matters, if any, should be required to be disclosed by the Code, and whether members should be required to leave the room on disclosure of those other interests. The Code now approved by full Council makes provision for Members and Co-opted Members who have declared a Disclosable Pecuniary Interest, or any other interest, to leave the meeting room for the relevant meeting for the duration of the discussion of the item, including the vote, if any.
- 3.2 The Standards Committee asked that in addition to this requirement being included in the Code that it also be reflected in the Council’s Standing Orders. The draft Standing Order, set out in paragraph 2.1 above, is therefore submitted for consideration and discussed further in paragraph 3.3 below.
- 3.3 The proposed Standing Order seeks to preserve the position under the previous mandatory national Code of Conduct, which permitted members with an interest to participate for the purpose of making representations, at meetings where members of the public had a similar right. The Standards Committee discussed if this Standing Order should relate, in particular, to

meetings of the Planning and City Development Committee and also the Planning Applications Sub-Committees where Members of the public could be given the right to address the meeting but this is only rarely given. The Committee questioned whether this should be the same for Members and therefore this should only be given where a similar right is not only given to members of the public but also exercised on a consistent basis. As drafted the Standing Order will leave this to the discretion of the Chairman of the relevant Committee.

- 3.4 The changes to the Members Code, adopted by the Council on 25 June 2012 arise from the implementation of the provisions of Chapter 7 of the Localism Act 2011 which came into force on 1 July 2012. The adoption of a related Standing Order is not a requirement but a request of the Standards Committee.
- 3.5 The position regarding the new Code of Conduct is to be reviewed and there will be a further report to the Standards Committee and in due course to the General Purposes Committee, if a further change to Standing Orders is sought.

4. Legal Implications

- 4.1 The Council, having adopted a Members Code of Conduct on 25 June 2012, has complied with the requirements of the Localism Act to have a new Members and Co-opted Members Code of Conduct in place by 1 July 2012.
- 4.2 The Council has an express power to make Standing Orders relating to the attendance by members with a Disclosable Pecuniary Interest at meetings in Section 31(10) of the Localism Act 2011. There is no such express power with respect to members with other kinds of interest, but there is a general power to make Standing Orders with respect to the conduct of Council business in the Local Government Act 1972

5. Other Implications: None.

<p>If you have any queries about this Report or wish to inspect any of the Background Papers please contact Mick Steward; Tel: 020 7641 3134; email: msteward@westminster.gov.uk</p>

BACKGROUND PAPERS

- Report to Standards Committee – 18 June 2012