



City of Westminster

Committee Agenda

Title: **Standards Committee**

Meeting Date: **Thursday 17th March, 2016**

Time: **7.00 pm**

Venue: **Rooms 3 & 4 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Judith Warner (Chairman)
Ian Adams
David Boothroyd
Ruth Bush
Brian Connell
Louise Hyams

Also Invited:

Sir Stephen Lamport (Independent Person)
Baroness Julia Neuberger (Independent Person)
Mr Gerald McEvelly (Independent Person)

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Mick Steward, Head of Committee and Governance Services.

**Tel: 7641 3134; Email: msteward@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

The Head of Committee and Governance Services to report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

To sign the minutes of the meeting held on 19 November 2015.

(Pages 1 - 4)

4. REVIEW OF THE MEMBERS CODE OF CONDUCT

Report of the Director of Law.

(Pages 5 - 28)

5. UPDATE ON TRAINING

Report of the Head of Committee and Governance Services.

(Pages 29 - 30)

6. COMMITTEE WORK PROGRAMME

Report of the Head of Committee and Governance Services.

(Pages 31 - 32)

7. ANY OTHER BUSINESS

To receive any other business which the Chairman considers urgent.

**Charlie Parker
Chief Executive
9 March 2016**



CITY OF WESTMINSTER

MINUTES

Standards Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Standards Committee** held on **Thursday 19th November, 2015**, Rooms 3 & 4 - 17th Floor, City Hall, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Judith Warner (Chairman), Ian Adams, Barbara Arzymanow, David Boothroyd, Ruth Bush and Brian Connell

Apologies for Absence: Councillor Louise Hyams

1 MEMBERSHIP AND INTRODUCTIONS

Councillor Barbara Arzymanow was substituting for Councillor Louise Hyams.

The Chairman welcomed Sir Stephen Lamport, recently appointed Independent Person and Geoffrey Rivlin who was attending his last meeting as an Independent Person. The Chairman thanked Geoffrey Rivlin for his service on behalf of the Council and wished him well in the future.

At the request of the Chairman, Tasnim Shawkat, Director of Law, gave an overview of the duties of the Independent Persons.

2 DECLARATIONS OF INTEREST

None.

3 MINUTES

3.1 **RESOLVED:** That the minutes of the meeting held on 9 July 2015 be approved as a correct record.

4 UPDATE ON ISSUES FROM LAST MEETING (SEE REPORT OF THE HEAD OF THE COMMITTEE AND GOVERNANCE SERVICES)

4.1 Members noted the updates as set out in the report and asked to be updated further in respect of the following:

Directory: All Members of the Committee to be advised of the specific date of when the Council directory will be published.

Member Development: Noted that Members will require continuous updating on significant changes in legislation.

Members IT: Members to be reminded of how to access the WIRE using a VPN token.

Report Writing Course: Members asked to be advised of attendance at the course.

It was noted that a more detailed report on Scrutiny Training/ Development would be submitted to the WSC on 30 November.

A further update on Member Development Training to be submitted to the next meeting. Geoffrey Rivlin advised that Judges were required to undertake refresher training every 12 months.

5 REVIEW OF MEMBERS CODE OF CONDUCT/COMPLAINT (SEE REPORT OF THE HEAD OF COMMITTEE AND GOVERNANCE SERVICES)

- 5.1 The Committee accepted the need to review the Code of Conduct which had not been fully reviewed since its original adoption on 1 July 2012. It noted that only limited time had been available then to produce the Code and that since then lessons had been learned across the sector.
- 5.2 The Committee recognised that once a review had been undertaken further awareness sessions should be carried out on the Code and other key Member duties.
- 5.3 In agreeing that a review should be carried out the Committee advised that it would welcome the input of the Independent Persons. Both Sir Stephen Lamport and Geoffrey Rivlin spoke of the importance of a strong cultural ethical leadership.

Resolved:

- 1. That a review of the Members' Code of Conduct be carried out during 2016, the details of how the review is to be conducted to be discussed with the Chairman.
- 2. That the Committee note the position in respect of complaints made alleging a breach of the Code in the last 12 months as set out in paragraph 4.2 of the report.

6 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

The Chairman advised for the information of the Committee of the circumstances which recently led to the Council having to change Auditors.

The Chairman asked that a further meeting be arranged for March.

The Meeting ended at 8.02 pm

CHAIRMAN: _____

DATE _____

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City of Westminster

Committee Report

Date:	17 March 2016
Classification:	For General Release
Title:	Members Code of Conduct
Report of:	Director of Law
Financial Summary:	There are no financial implications
Report Author and Contact Details:	Mick Steward, Head of Committee and Governance Services Tel: 7641 3134; msteward@westminster.gov.uk

1. Executive Summary

- 1.1 The Standards Committee at its meeting on 19 November 2015 agreed that a review of the Members Code of Conduct be undertaken. The review, led by the Council's Monitoring Officer, also includes input from the Council's recently appointed Independent Persons.
- 1.2 As part of the review the Monitoring Officer has also consulted the party group leaders, Deputy Leaders and Chief Whips.
- 1.3 The review has also looked at some codes in place in other local authorities.

2. Recommendations

- 2.1 That the revised Members Code of Conduct, Appendix A, be recommended for adoption and the General Purposes Committee be asked to recommend to the Council its inclusion in the Council's Constitution and the Monitoring Officer be authorised to make minor drafting adjustments in consultation with the Chairman.
- 2.2 That training in the new code for all Members and Co-opted members be provided for all members by the Monitoring Officer and the take up to be reported in the next meeting.
- 2.3 That all Members be asked to confirm their compliance with the Code by signing the declaration attached.
- 2.4 That the dispensation arrangements previously approved and set out in paragraph 3.6 be endorsed.

3. Background Information

- 3.1 The current Code was originally adopted by the Council with effect from 1 July 2012. This was subject to review which was reported to the Standards Committee in March 2013. It was noted that when the Code was originally adopted within a short timescale which allowed for very little prior consideration. Different suggested versions were submitted by the DCLG and the LGA. The opportunity has now been taken to fully review the Code including taking advice from the Independent Persons whose input is reflected in the recommended version.
- 3.2 The Code has now been fully reviewed in particular to remove any unnecessary requirements and make it simpler. A review of the Codes adopted by other local authorities has also been undertaken and the views of the Independent Persons reflected. Regard to the complaints made about Member Conduct to the Monitoring Officer has also been had to see if any clarity is required.
- 3.3 The Independent Persons view are that the revised Code is an easier document to follow which retains the statutory provisions. A definition of the Nolan Principles is to be included in the training sessions proposed to be held following the adoption of the new code.

The Independent Persons also consider that whilst the broad principles of the Code remain unchanged the new Code provides an opportunity to conduct refresher training. It also allows for a further suggestion from the Independent Members to be implemented, which is that all Members and Co-opted Members sign a declaration upon election that they will abide in the exercise of their duties with all the provisions of the Code. A recommended wording is attached. Following the adoption of the new Code it is recommended that all Members should make (sign) a declaration that they will abide by the Code in the exercise of their duties.

- 3.4 The Leaders, Deputy Leaders and Chief Whips of the Party Groups have also been consulted on the new proposed Code. No issues have been raised as a result of this consultation.
- 3.5 The existing Code is attached as Appendix B for comparative purposes.

3.6 Dispensations to the Members Code of Conduct

1. Members will recall that provision was made by the previous Standards Committee for Members to be able to apply for a dispensation from the Code of Conduct. The Standards Committee agreed a process for the consideration for applications for dispensations.
2. Section 33 of the Localism Act sets out the circumstances when a dispensation can be considered. These are set out below:

Dispensations from Section 31(4)

1. A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in Section 31(4) in cases described in the dispensation.
2. A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority:
 - a) considers that without the dispensation the number of persons prohibited by Section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business.
 - b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business.
 - c) considers that granting the dispensation is in the interests of persons living in the authority's area.
 - d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements considers that without the dispensation each member of the authority's executive would be prohibited by Section 31(4) from participating in any particular business to be transacted by the authority's executive, or
 - e) considers that it is otherwise appropriate to grant a dispensation.
3. A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
4. Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.
3. The circumstances where a dispensation should be required are limited, particularly if the view adopted by the former Standards Committee in respect of planning applications made or objected to by a member of the Council (or their spouse) does not constitute a Prejudicial Interest of Members considering the applications *provided* they could make the declaration outlined below, or a minor variation approved by the Director of Law.

"Councillor _____ has an interest in respect of Item ____ on the agenda. In line with guidance recently agreed by the City Council's Standards Committee, members of the Majority party sitting on tonight's committee are no longer required to apply for a dispensation from the Code of Conduct

provided they can declare that they only know Councillor _____ through their membership of the Majority party and seen him at Council and related events. I am able to give that declaration in relation to Councillor _____”

4. The Committee does, however, need to have in place a procedure for the consideration of applications for dispensations from the Code under the new regime. It should be noted that these are expected to be rare given the limited circumstances for these to be granted. It is suggested that, in accordance with the Act, Members be required to submit a written request for a dispensation to the Director of Law and a Sub-Committee of the Standards Committee with following Constitution and Terms of Reference be established to consider these applications.

Constitution: 3 Members of the Standards Committee (2 Majority Party Members and 1 Minority Party Member)

Terms of Reference: To consider applications made in writing to the Director of Law for dispensations from the Members Code of Conduct and to grant dispensations where, in the opinion of the Sub-Committee, the circumstances in Section 31(2) of the Localism Act are met.

5. It is thought likely, given the provisions of Section 33(2) of the Act detailed above, that only very few applications will be made. Officers will keep the position under review and report further if any changes to the process are considered necessary. As before, any dispensations granted should be for a specific period of time.

3.7 Conclusion

1. In order to ensure that the City Council has sufficient and robust arrangements in place to promote and maintain high standards of conduct amongst its Members and Co-opted Members and to “check-list” full compliance with the requirements of the Localism Act 2001, the following summary of practical considerations have been assessed:
 - The City Council has adopted a Code of Conduct which complies with the requirements of the Localism Act 2011 and which is effective for the requirements of the authority. No issues have arisen in relation to the Code since its adoption in June 2012.
 - The City Council has, in consultation with Members, resolved to retain a Standards Committee with responsibility for matters relating to Member conduct. It has decided to issue a standing invitation to the authority’s Independent Person(s) to attend its meetings.
 - The City Council has adopted arrangements for dealing with allegations of breaches of its Code of Conduct which it considers to be manageable,

effective, non-bureaucratic and which accord with the principles of natural justice in respect of the provision for formal investigations, hearings and the right to an appeal.

- The Monitoring Officer has taken steps to ensure that Members of the authority are clear about the obligations imposed on them by the new Code of Conduct, by the requirements of the Localism Act 2011 and by the Regulations made thereunder. However, as detailed in the main body of this report, further steps to extend and consolidate this understanding are recommended.
 - The Monitoring Officer is clear about her responsibilities relating to standards of conduct of Members and Co-opted Members of the authority and is satisfied that she has access to sufficient resources to enable her to meet these responsibilities.
 - The City Council has appointed to the statutory post of Independent Person and, through the recruitment process, has taken steps to satisfy both the Monitoring Officer and relevant Members that the individuals are able to meet their responsibilities effectively.
2. In light of the above, and with the additional recommendations made in this report, Officers are satisfied that the City Council has fully and effectively complied with the standards requirements of the Localism Act 2011. Having due regard to the fact that a complaint against a Member of the Council has not been investigated since the commencement of the relevant Localism Act requirements, certain aspects of the new arrangements (specifically the new procedure for dealing with complaints against Members) has not been utilised and cannot therefore be properly assessed at this time. However, Officers will ensure that a further full review takes place when all aspects of the arrangements have been tested in practice and will continue to monitor these arrangements on an ongoing basis.

4. Financial Implications

- 4.1 There are no financial implications arising from this report.

5. Legal Implications

- 5.1 These are reflected in the body of this report. Broadly the Council is required by Section 27 of the Localism Act 2011 to adopt a Code of Conduct which must also reflect certain provisions.

If you have any questions about this report, or wish to inspect one of the background papers, please contact:
Mick Steward, Head of Committee and Governance Services;
Tel: 020 7641 3134; msteward@westminster.gov.uk

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Westminster City Council - Member's Code of Conduct

The Code applies to all Members and Co-opted Members of Westminster City Council. The Code is consistent, in the City Council's view, with the following principles:

- a) Selflessness
- b) Integrity
- c) Objectivity
- d) Accountability
- e) Openness
- f) Honesty
- g) Leadership

1. Application

This Code of Conduct applies to Members and Co-opted Members whenever they are acting in a capacity as a Member of the City Council.

2. General Conduct

When Members sign up to this Code they must comply with the following standards of conduct/behaviour.

- 2.1 To act solely in the public interest and never to improperly confer or seek to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.
- 2.2 Not to place yourself under a financial or other obligation to any individual or organisation that might seek to influence you in the performance of your official duties.
- 2.3 To make all decisions on merit when carrying out public duties, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits.
- 2.4 To be accountable for your decisions to the public and to co-operate fully with whatever scrutiny is required.
- 2.5 To be open and as transparent as possible about decisions and actions and the decisions and actions of the City Council and to give reasons for those decisions and actions
- 2.6 To register and declare any pecuniary and non-pecuniary interests, as set out in this Code.
- 2.7 When using or authorising the use by others of the resources of this authority, to ensure that such resources are not used improperly for political purposes (including party political purposes) and to have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

- 2.8 To behave in accordance with all legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources and dealing with confidential information appropriately.
- 2.9 To value and respect colleagues, staff, partners and the public, engaging with them in an appropriate manner that underpins the mutual respect between us that is essential to good local government, and not to act in a manner that could be deemed as bullying, harassment or intimidation.
- 2.10 To promote and support high standards of conduct through leadership and by example.

3. Disclosable Pecuniary Interests

As Members you must -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest.
- 3.2 ensure your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests.
- 3.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 3.4 "Meeting" means any meeting, either formal or informal, organised by or on behalf of the City Council.

4. Other Interests

- 4.1 In addition to the requirements of Section 3, if Members attend a meeting at which any item of business is to be considered and they are aware that they have a "non-disclosable pecuniary interest" or a "non-pecuniary interest" in that item, they must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 4.2 Members have a "non-disclosable pecuniary interest" or a "non-pecuniary interest" in an item of business of the City Council where –
 - 4.2.1 a decision in relation to an item of that business might reasonably be regarded as affecting your well-being or financial standing or that of a member of your family, or a person with whom you have a close association, to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or

- 4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix of this Code but in respect of a member of the Member's family (other than a "relevant person") or a person with whom Members have a close association.

and that interest is not a disclosable pecuniary interest.

5. Gifts and Hospitality

- 5.1 Members must, within 28 days of receipt, notify or arrange for the Monitoring Officer to be notified in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the City Council.
- 5.2 The Monitoring Officer will place the contents on the register of interests of the relevant Member.
- 5.3 Where the Monitoring Officer is of the view that such gift or hospitality is clearly below £25 in value they may decline to include this on the register.

6. Sensitive Interests

- 6.1 In cases where you have an interest and the nature of the interest is such that the Member and Monitoring Officer both consider that disclosure of the details of the interest could lead to the Member or a person connected with the Member being subject to violence or intimidation:
- the Register will not include details of the interest but may state that the Member has an interest about which details have been withheld and
 - where required by this Code to declare the interest in a meeting, the Member may only declare the fact that s/he has an interest in the matter.

7. Dispensations from the Restriction from Participating and Voting in Meetings

- 7.1 This provision applies to a situation where a Member or Members have an interest, which prevents them from taking part in a decision but they feel they ought to be able to participate or that it is necessary to allow them to participate in the interest of proper decision making, as explained below.
- 7.2 One or more Members may apply for a dispensation from the requirement not to participate in or vote in respect of a matter at a meeting by written request to the Monitoring Officer, so that they are able to participate in respect of that matter at the meeting.
- 7.3 The Monitoring Officer (or in his/her absence the Deputy Monitoring Officer) may agree the dispensation on behalf of the City Council, where s/he considers, after having had regard to all relevant circumstances
- 7.3.1 that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be

- so great a proportion of the body transacting the business as to impede the transaction of the business,
- 7.3.2 that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - 7.3.3 that granting the dispensation would be in the interests of persons living in the authority's area,
 - 7.3.4 that if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive ,
or
 - 7.3.5 that it is otherwise appropriate to grant a dispensation.
- 7.4 The Monitoring Officer will grant the dispensation in writing citing the ground or grounds on which it is agreed and it will be published on the Council's website within 7 days of the decision.
- 7.5 The dispensation must be for a fixed time not exceeding a period beyond the next City Council elections and will normally cover only a specific matter or meeting.
- 7.6 A Member may seek a review of the Monitoring Officer's decision to the Standards Committee. The Monitoring Officer may choose to refer any application for dispensation to the Standards Committee and may, in doing so, consult one of the Council's Independent Persons. The Monitoring Officer may also if he/she chooses consult one of the Council's Independent Persons prior to granting a dispensation referred to in 7.3 above.

Appendix 1

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011. Disclosable Pecuniary Interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 **as** either the interest of the Member or the interest of a relevant person **and** the Member is aware that the other person has an interest as follows-

<i>Interest</i>	<i>Prescribed Description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority- (a) Under which goods or services are to be provided or works are to be executed; and (b) Which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any license (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) (a) The landlord is the relevant authority; and (b) The tenant is a body in which the relevant person has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority (b) Either – (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Declaring Interests Flowchart- Questions to ask yourself

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- Is your register of interests up to date?
- In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?
- Have you checked the register to ensure that they have been recorded correctly?

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting ; or**
- **If you are a Cabinet Member making decisions other than in Cabinet what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- **Relate to; or**
- **Likely to affect**

Any of your registered interests and in particular any of your Disclosable Pecuniary Interests

Disclosable Pecuniary Interests shall include your interests and those of:

- Your spouse or civil partner's
- A person you are living with as husband/wife or as a civil partner

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary Interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting.



If the interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register.



Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **Leave the room while the item is being considered/ voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non-Pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature. You may speak and remain in the meeting. You should declare the interest.



If the interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register.

Members' Code of Conduct

As a Member or Co-opted Member of Westminster City Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

As a Member of Westminster City Council my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the public interest, taking into account the needs of the whole community and in a special way my constituents, including those who did not vote for me
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the

interests of the City Council or the good governance of the authority in a proper manner.

- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member/Co-opted Member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

Registration and Disclosure of Interests

The Act further provides for registration and disclosure of interests and in Westminster City Council this will be done as follows:

1. Disclosable pecuniary interests

A note summarising the requirements of the Localism Act 2011 in relation to disclosable pecuniary interests is attached to the Code as **Appendix A**.

2. Notification of interests

1. In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

2. You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect:

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body

(b) exercising functions of a public nature;

(c) directed to charitable purposes; or

(d) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

3. You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

3. Disclosure of interests

1. Subject to sub-paragraphs (2) to (5), where you have a personal interest described in section 2 above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

2. (a) You have a personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- (b) In sub-paragraph (2)(A), a *relevant person* is—
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in paragraph 2(2)(a)(i) or (ii).
3. Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 2(2)(a)(i) or 2(2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
4. Where you have a personal interest but, by virtue of Section 6, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
5. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

4. Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the authority's website.

5. Gifts and Hospitality

You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the authority. The Monitoring Officer will place your notification on a public register of gifts and hospitality. This duty to notify the Monitoring Officer does not apply where the

gift, benefit or hospitality comes within any description approved by the authority for this purpose.

6. Sensitive interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

7. Non participation in case of prejudicial interest

1. Where you have a personal interest in any business of your authority, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—
 - (a) affects your financial position or the financial position of a person or body described in Section 3; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in Section 3.
2. Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of your authority—
 - (a) You may not participate in any discussion of the matter at the meeting.
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) If the interest is not registered, you must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition this Code and Standing Orders requires you to leave the room where the meeting is held while any discussion or voting takes place.
3. Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making

representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

4. Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of:
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
5. Where, as an executive member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

8. Interests arising in relation to Policy and Scrutiny Committees

In any business before a Policy and Scrutiny Committee (or of a sub-committee of such a committee) of your authority on which you are sitting as a member or are participating in a capacity other than a Cabinet Member where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken, you may only attend a meeting of the Policy and Scrutiny Committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

For the avoidance of doubt this does not preclude current Cabinet Members from remaining in the room to listen to the discussion.

- 9. You must not disclose information given to you in confidence by anyone, or information you acquire which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-

- (a) you have the consent of the person authorised to give it; or
- (b) you are required by law to do so; or
- (c) the disclosure is made to a third party for the purposes of obtaining professional advice provided that the third party agrees not to disclose the information to any other party; or
- (d) the disclosure is
 - (i) reasonable and
 - (ii) in the public interest; and
 - (iii) made in good faith and in compliance with the reasonable requirements of the Council”.

Note on Disclosable Pecuniary Interests

This note explains the requirements of the Localism Act 2011 (Ss 29-34) and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, in relation to disclosable pecuniary interests. These provisions are enforced by criminal sanction. They come into force on 1 July 2012.

1. Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
<i>Employment, office, trade, profession or vacation</i>	<i>Any employment, office, trade, profession or vocation carried on for profit or gain.</i>
<i>Sponsorship</i>	<i>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
<i>Contracts</i>	<i>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.</i>
<i>Land</i>	<i>Any beneficial interest in land which is within the area of the relevant authority.</i>
<i>Licences</i>	<i>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.</i>

Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

2. Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

3. Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2).

4. Non participation in case of disclosable pecuniary interest

(a) If you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting.

1. You may not participate in any discussion of the matter at the meeting.
2. You may not participate in any vote taken on the matter at the meeting.
3. If the interest is not registered, you must disclose the interest to the meeting.
4. If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition, in accordance with this Code and Standing Orders, you are required to leave the room where the meeting is held while any discussion or voting takes place.

(b) Where an executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by her/him, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5. Dispensations

The authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

6. Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting.
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
- As an executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

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City of Westminster

Committee Report

Date:	17 March 2016
Classification:	For General Release
Title:	Update on Training
Report of:	Head of Committee and Governance Services
Financial Summary:	There are no financial implications
Report Author and Contact Details:	Mick Steward, Head of Committee and Governance Services Tel: 7641 3134; msteward@westminster.gov.uk

1. Executive Summary

- 1.1 The Committee has previously agreed that those formal Members who sit on bodies within the City Council which carry out a quasi-judicial function should undertake refresher training. This report updates the Committee on the progress with completing the training.

2. Recommendations

- 2.1 That the position as set out in paragraph 3.1 of the report be noted.

3. Background Information

- 3.1 The Council's formal bodies which undertake a quasi-judicial function are as follows:

Planning Applications Committee: The refresher training has been completed.

Licensing Sub-Committee: The refresher training is due to be completed on Wednesday 9 March 2016.

Rating Advisory Panel: The refresher training has been completed.

Discretionary Housing Advisory Panel: The refresher training is due to be completed on Tuesday 15 March 2016.

Education (Awards) Sub-Committee: No meetings are currently programmed. The training will be programmed to take place at the commencement of the next meeting.

Staff Appeals Sub-Committee: No meetings are currently programmed. The training will take place at the commencement of the next meeting.

3.2 The Committee is asked to note that its recommendation that refresher training be carried out for Members sitting on quasi-judicial bodies has been or will be completed as set out in paragraph 3.1 above. Going forward, Members who sit on these bodies will receive training prior to them sitting.

4. Financial Implications

4.1 None

5. Legal Implications

5.1 None.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact:
Mick Steward, Head of Committee and Governance Services
Tel: 7641 3134; msteward@westminster.gov.uk**



City of Westminster

Committee Report

Date:	17 March 2016
Classification:	For General Release
Title:	Work Programme
Report of:	Head of Committee and Governance Services
Financial Summary:	There are no financial implications arising from this report
Report Author and Contact Details:	Mick Steward, Head of Committee and Governance Services Tel: 7641 3134; msteward@westminster.gov.uk

1. Executive Summary

- 1.1 The draft Work Programme for the Committee is set out in the attached Appendix. Members are asked to consider the Work Programme and identify any further items.

2. Recommendations

- 2.1 That the draft Work Programme set out in the Appendix be adopted.
- 2.2 That the Committee meet on the following dates during 2016-2017: 7 July 2016; 15 November 2016; 16 March 2017.

3. Background Information

- 3.1 The production of a work programme is to enable the Committee to review its forthcoming work plan at each of its meetings. The Appendix of this report is a draft Work Programme and adoption for consideration.
- 3.2 In order to ensure the Committee meets sufficiently frequently to undertake its work a programme of 3 meetings per annum is proposed, as set out in 2.2 above.

4. Financial Implications

- 4.1 There are no financial implications.

5. Legal Implications

- 5.1 There are no legal implications arising from this report.

If you have any questions about this report, or wish to inspect one of the background papers, please contact:
Mick Steward, Head of Committee and Governance Services
Tel: 7641 3134; msteward@westminster.gov.uk

Appendix A: Work Programme

1. A suggested Work Programme is set out below. Members are asked to identify any further items for inclusion.
2. The Standards Committee is asked to consider the suggested programme and agree a Work Programme for 2016-2017.

Date	Items	Lead Officer
7 July	Annual Report on Complaints to the Monitoring Officer	Tasnim Shawkat
7 July	Update on Member Complaints Procedure	Tasnim Shawkat
November	Code of Conduct: Training – Update	Mick Steward