



City of Westminster

Committee Agenda

Title: **Standards Committee**

Meeting Date: **Wednesday 15th March, 2017**

Time: **7.00 pm**

Venue: **Rooms 10A & 10B - 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:

Baroness Julia Neuberger
Sir Stephen Lamport
Mr Gerard McEvelly

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 Head of Legal & Democratic Services in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

The Head of Legal and Democratic 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 15 November 2016.

(Pages 1 - 6)

4. GOVERNANCE OF IT/DATA PROTECTION/FOI IN RESPECT OF MEMBERS

Report of the Head of IT.

(Pages 7 - 12)

5. ANNUAL REVIEW OF MEMBERS COMPLAINTS

Report of the Monitoring Officer.

(Pages 13 - 26)

6. MEMBER CODE OF CONDUCT TRAINING/MEMBER DEVELOPMENT PROGRAMME

Report of the Head of Committee and Governance Services.

(Pages 27 - 40)

7. WORK PROGRAMME/ACTION TRACKER

Report of the Head of Committee and Governance Services.

(Pages 41 - 44)

8. ANY OTHER BUSINESS

To receive any other business which the Chairman considers urgent.

**Charlie Parker
Chief Executive
7 March 2017**



CITY OF WESTMINSTER

MINUTES

Standards Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Standards Committee** held on **Tuesday 15th November, 2016**, Rooms 3 & 4 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP.

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

Also Present: Baroness Julia Neuberger

Apologies for Absence: Sir Stephen Lamport and Mr Gerard McEvilly

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 There were no Declarations of Interest.

3 MINUTES (7.7.16)

RESOLVED: That the minutes of the meeting held on Tuesday 7 July 2016 be approved and signed by the Chairman as a true and correct record of the proceedings.

3.1 Members were pleased to note that following a discussion at the last Committee meeting an Action Tracker had been introduced to monitor previous decisions/action requests. Councillor Ian Adams suggested it could be developed further through introducing target dates for actions, an approach used by the Scrutiny and Audit and Performance Committees.

Action: The Head of Committee and Governance Services to restructure the Action Tracker.

4 MEMBER DEVELOPMENT PROGRAMME - UPDATE (SEE REPORT OF THE MEMBERS SERVICES MANAGER)

- 4.1 The Committee considered a report by Janis Best, Members Services Manager, who joined the meeting for the debate on this item and answered Members' questions in connection with the report.
- 4.2 The report provided information on the first sessions of the Member Development Programme which had been produced in consultation with Members. Janis Best informed the Committee that it was proposed to hold three bespoke Member Development sessions per annum with the first session having already been held on 13 October 2016 on Personal Safety.
- 4.3 The Committee noted that only five Westminster City Councillors had attended the Personal Safety session and highlighted the importance of ensuring information was disseminated in an efficient way to ensure all Councillors were aware of future sessions. Councillor Ian Adams suggested that future training sessions be programmed into the civic diary alongside Committee meeting dates to provide Councillors with as much notice as possible.
- 4.4 The Committee was interested to know why an external company had facilitated the recent training on Personal Safety. Janis Best explained that the external company had been highly recommended from the Royal Borough of Kensington and Chelsea Council (RBKC). RBKC already had an established Member Development Programme system in place and recent discussions had been undertaken with them to learn how to establish a similar model at Westminster City Council (WCC). Members were particularly interested to note that RBKC had introduced a steering group comprised of Councillors and officers in order to develop and implement a suitable programme for Councillors. The introduction of a more structured training programme was welcomed by the Committee who suggested that in-house training and future opportunities to hold joint training sessions with RBKC be explored further.

RESOLVED:

1. That the report be noted;
2. That the commencement of the programme and the future 2017 training sessions on Scrutiny and FOI/Data Protection Governance and ITC Governance be noted; and
3. That the development of a structured Member Development Programme be noted.

Action: 1) The Head of Committee and Governance Services and Member Services Manager to programme Councillor training sessions into the civic diary; and

- 2) A single database detailing all training provided to Cllrs be produced.

5 OUTSIDE BODIES - GOVERNANCE (SEE REPORT OF THE DIRECTOR OF LAW)

- 5.1 The Committee considered a report by Tasnim Shawkat, Director of Law, introduced the item and answered members' questions in connection with the report.
- 5.2 The report provided details of a proposed addition to the Council's Constitution relating to Outside Bodies which had the intention of making members more aware of the different memberships of outside bodies and any potential legal issues which may arise.
- 5.3 The Committee was pleased to note that a list of outside bodies and the status of the council representative on each one had been produced as it provided clarity on the Councillors role. It was considered further clarity was required though on those organisations where a Councillor was appointed as an individual and not in their capacity as an elected member. It was felt that even though they were acting in their individual capacity it could lead to some possible or perceived conflict. Following discussions with Baroness Neuberger the Committee requested that a supplementary list of organisations Councillors had declared they were members of in their register of interests be produced in order to increase transparency.
- 5.4 Councillor Ian Adams suggested that in order to ensure the outside bodies list was as comprehensive as possible it should also include which Councillor was appointed to the organisation, the length of the appointment and when it would be due for reappointment. It was noted that at other local authorities the appointments to outside bodies was published in the Annual Council papers. Members were of the opinion that this should also be the case at WCC in order to improve transparency and clarity to the process.
- 5.5 The Committee considered that the proposed addition to the Council's constitution regarding outside bodies was very important. It was noted though that the addition was very technical and the possibility of producing a simple, one page guide to the potential issues of being appointed to an outside body should be explored. This could then be circulated to all Councillors to raise awareness of the types of appointment and the various potential legal issues which could arise.

RESOLVED: That the Standards Committee's comments on the proposed addition to the Council's Constitution relating to Outside Bodies be referred to the General Purposes Committee for consideration.

Action: 1) A supplementary list of organisations Councillors were appointed to in an individual capacity be produced;

2) The list of outside bodies be updated to include which Councillor was appointed to each organisation, the length of appointment and when the role was due for reappointment;

3) The list of appointments to Outside Bodies be published in future Annual Council papers; and

4) The Communications Team to produce a simple, one page guide for Cllrs on the different types of appointments to Outside Bodies and the potential legal issues involved.

6 MEMBERS CODE OF CONDUCT - TRAINING (SEE REPORT OF THE DIRECTOR OF LAW)

6.1 Tasnim Shawkat, Director of Law, introduced the report and answered members' questions in connection with the report.

6.2 The report provided details on the three training sessions held on the Members Code of Conduct following its adoption by Council on 13 July 2016. An overview of the progress being made towards achieving 100% coverage for all Members was detailed.

6.3 The Committee was encouraged to note that approximately thirty Councillors had so far attended the training and the Head of Committee and Governance Services would arrange further sessions for those Councillors who so far had been unable to attend. Feedback from the sessions had been very positive and the Committee remarked that it had been very informative, challenging and engaging.

6.4 Members felt that providing a long notice period for the training and the option of attending one of three sessions had resulted in the positive attendance. At the suggestion of Councillor Bush the Committee agreed to attempt to further improve future attendance at training sessions by, if possible, requesting that at meetings of the Full Council the Lord Mayor announce training details during the Mayoral Communications item.

RESOLVED:

1. That the report be noted; and
2. That a further report be submitted to the next meeting of the Standards Committee following the conclusion of the training sessions.

Action: The Head of Committee and Governance Services to explore the possibility of the Lord Mayor announcing future training session dates at meetings of the Council.

7 WORK PROGRAMME AND ACTION TRACKER

7.1 The Chairman reminded Members that a report requesting comments on future ICT training sessions would be coming to the next Standards Committee scheduled for 15 March 2017.

7.2 The Committee noted that the Action Tracker would be further developed by the next meeting.

RESOLVED: That the draft Work programme and Action Tracker be noted.

8 ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

None.

The Meeting ended at 8.00 pm

CHAIRMAN: _____ **DATE** _____

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Standards Committee Report

To: Members of WCC Standards Committee
From: Ben Goward Chief Information Officer (Interim)
Date: 15th March 2017
Subject: **Governance of Member IT, Data Protection Obligations and Training**

1. Summary

Elected Members and the Council both have a legal responsibility to ensure that the Council information they control is stored and used in a legally compliant manner, as defined by the Data Protection Act 1998, and the Freedom of Information Act 2000.

Growth in litigation and fines relating to incorrect use of data (maximum penalty currently £500k, rising to €20m in 2018), growing external cybersecurity risks and the development of new technologies challenge the Council to reconsider current IT governance arrangements, and the guidance and training it provides to Members.

Previously Members were advised to use personal email accounts for all Council correspondence, but continuation of these arrangements may not best meet the legal obligations placed on both parties to safeguard Council data.

An improved approach may be considered which takes into account the three discrete roles each member undertakes, as follows:

Role	Responsibility for data	Best system to use	Rationale
Party member/campaigner/activist	Councillor	Personal email/file system	The Council should not be involved in party affairs
Elected community representative	Councillor & Council	Council Office365	*Ward Members have a duty to secure sometimes sensitive communications from their community. *The Council has a duty to ensure that information sent to ward Members is managed securely and in line with the Data Protection Act 1998 *Office365 fulfils these requirements, and allows Members to use their Council addresses for correspondence
Public Administrator (Cabinet Member, Committee Member etc)	Council	Council Office365	The Council is unambiguously responsible for this data and chooses Office365 as the platform to secure this information

This report provides further information on the above, and focuses on the potential benefits to Members of adopting the recommended approach. It also provides information on the proposed training and support which could be given to Councillors over coming months, and in the run up to the next Elections in 2018.

2. Recommendations

- 2.1 That the Committee note the contents of this report as the proposed basis of training sessions to be provided for all members.
- 2.2 That the Committee comment on the proposed changes and advise if any further issues not set out should be included
- 2.3 That the Committee note that governance information on Member IT is proposed to be included again in the information issued as part of the 2018 Member induction material

3. Reasons for the decision

3.1 Council obligations

The Data Protection Act 1998 places an obligation on the Council to ensure that there is adequate protection for any data it shares with Members. Protection does not just refer to security, but importantly the ability to maintain and access information assets that are ultimately owned by the Council as the primary Data Controller.

As Data Controller the Council has a duty to ensure that the information it provides to those acting on its behalf, such as Members, is kept secure, accessed by those authorised to see it, and is destroyed when no longer needed. The Council cannot devolve its legal responsibilities to a third party; hence where Members are processing Council information the Council remains potentially liable should this processing result in a breach of the Act.

3.2 Member Obligations

Under the Act, Members are also classed as Data Controllers with responsibility for the Council information they handle. All Members are individually registered with the regulator (the Information Commissioners Office, "ICO") – this is undertaken annually by Member services on their behalf and describes the nature of the processing of personal data which councillors will undertake.

Where information is provided by a resident to their elected representative the Member is a Data Controller in their own right and is liable for ensuring the secure handling of this information. Such information should only be kept for as long as is necessary and should be destroyed in a secure and timely manner.

Members may be asked to provide copies of information they hold about an individual. The law states that as a Data Controller they must respond by providing written copies within 40 calendar days. Failure to do so amounts to a breach of the Act. Individuals can complain to the ICO who in turn can impose conditions, including ordering Members to disclose.

3.3 Challenge to existing IT Governance arrangements

Current IT governance arrangements are predicated on a straightforward split between a Member's information handling activities, and those of the Council. Specifically, although all Members have an "@westminster.gov.uk" email address which is advertised on the Council's website, this is typically forwarded to a personal email address (e.g. Yahoo or Hotmail) which is managed by each Member. By auto forwarding emails the Council ensures that Member electronic communications are not captured or stored on the Council's network.

However, whilst this approach had the advantage of keeping Members' party and personal data separate from Council data, it complicates the Council's ability to fulfil its legal obligations (Section 3.1) and places a significant burden of risk on Members. Forwarding emails to personal accounts carries risk because the Council cannot guarantee the adequacy of external webmail services to handle sensitive information.

The expansion of mobile technology has made information sharing easier and quicker, changing the communication landscape for Members, officers and members of the public. However there has been a concurrent expansion in cybercrime, identity theft, hacking, and denial of service risk. These threats require all organisations to re-evaluate the nature of the compliance controls needed to protect personal and other confidential information.

Compliance legislation is attempting to keep abreast of these changes by imposing tougher sanctions, and demanding greater organisational transparency over how information is managed. The obligations placed on Members by laws such as the Data Protection Act mean that they - as well as the council - are responsible for any failure to secure or handle information appropriately.

Penalties for Data Controllers (legal entities and individuals) can reach up to £500,000 under the current regime. However, this is set to rise up to €20m under the new EU General Data Protection Rules [GDPR] which will come into force on 28th May 2018. The UK government has confirmed that the UK decision to leave the EU will not affect the commencement of GDPR.

3.4 Advantages of new IT governance arrangements

During 2016 the Council replaced its legacy email systems with the cloud based Microsoft Office365 technology platform. All email accounts, including those of Members were migrated to this platform. In addition to email, Office365 offers a host of facilities, designed to share and communicate information in one secure place.

This report proposes that training be provided to support the cessation of all existing Member email auto-forwarding. Members will be strongly encouraged to use Office 365 directly to send, receive and store Council data. Members own private correspondence, i.e. party political or personal should continue to be provisioned by Members directly and responsibility remains with Members to find adequate external email provision.

Using Office365 to access Council data has the following advantages:

- The Council will ensure that information provided to Members has the same technical safeguards as all other council information shared with its officers
- Members may securely access their council related email and other electronic records 'anywhere' 'anytime' including documents and notes. The ability for modern mobile devices to open multiple mailbox/accounts means this information may be blended with their personal accounts at point of consumption to provide a "single inbox" experience without compromising data integrity
- Data Protection obligations around storage and retention can be easily applied to council information
- A clear distinction between council activities and private correspondence can be maintained
- Members can share information with confidence as secure encrypted email is a feature of Office365.
- The privacy of Member emails is maintained as the management of such correspondence remains under the purview of Members
- Legal rights of access to council related information can be easily fulfilled enabling both Members and the Council to meet their statutory obligations

- Any information requests under FOI and Data Protection involving Member correspondence can now be managed jointly by the council and Members – that is advice/guidance over the use of exemptions, as well as the editing of information before it is disclosed.
- Both Members and the Council will attain a higher level of compliance assurance and thus significantly reduce the threat of a data breach, through inappropriate sharing or loss of data.

These proposals are in keeping with the legislative requirements and associated penalties which are set to increase under GDPR with respect to information handling by individuals, organisations and public sector bodies.

3.5 Potential for improved training

The Council intends to invite Members to interactive training sessions over the course of the summer 2017 providing practical guidance and advice on understanding how the Data Protection Act impacts on their different roles and responsibilities. The sessions will be run three times over the summer to afford all Members an opportunity to attend. Using real case scenarios, Members will be able to bring to bear their own experience and understanding, as well as be provided with practical tips and solutions on handling council and constituency data.

In addition Members will also be offered practical guidance on managing their Office365 accounts, in relation to storage and email. All such advice and guidance will also be afforded to new Members as part of the induction process.

Training will be based on scenarios covering the different Member roles as follows:

3.5.1 Member/campaigner/activist scenario:

“A council received a complaint notice from the ICO with regard to the use of email. It is alleged that the council has shared email addresses with a Member sitting on a Planning Committee, who had in turn used it to canvass support on behalf of his/her political party during an election year. The Council was able to demonstrate it had not provided ANY email for a non-council purpose, and that as the Member was a Data Controller in their own right, then the complaint should be re-directed to them. The ICO accepted this argument.” Please note the following:

- a) Initially the council was deemed responsible. This is because as a Data Controller it has a responsibility to ensure any data sharing is done lawfully. In the above scenario the council would have had to obtain consent from the recipients that their email addresses could be provided to a councillor for party political purposes – without such consent, any actions taken by the *Member* were deemed unlawful.
- b) The Member was solely responsible for how this information was handled, i.e. was aware that the information provided was not for the purpose of political campaigning.
- c) Any liabilities including fines would be levied at the Member and *not* the council who had given the email addresses for a specified official council purpose. It was the Member and not the council who had gone on to use it for a non-council purpose

3.5.2 Elected community representative scenario:

“A social worker is contacted by a Councillor and is asked to disclose certain personal and sensitive personal data about a service user. The Councillor explains that he/she is representing the person in a

dispute with the local authority regarding the service they received from Adult Social Care, and requires the information to enable him to assist the individual with the complaint.”

Please note the following a Member must:

- a) represent their ward constituent
- b) be able to provide evidence of consent by the constituent if so requested by the Council
- c) use the information for the specified purpose
- d) only share the information with other third parties, including political colleagues unless authorised by the Council and/or importantly in line with their official Council role
- e) receive and transmit information securely

3.5.3 Public administrator scenario:

“A Councillor on the Family and Children’s Services Committee attends a meeting regarding a family who are appealing a decision to reduce their financial support for their disabled child. The Councillor is provided with relevant personal information regarding the family”. Please note the following:

- a) The Council should only disclose sufficient information to assist a Member in undertaking their official role
- b) the information provided by the Council cannot be used for any other purposes
- c) the information must be securely maintained by the Member
- d) the personal details of the case must not be shared with unauthorised “others” (including other Members) where individuals can be identified either directly or anecdotally.

Permanent written guidance will be produced to supplement all face to face training carried out under the above proposal.

4. Legal Implications

4.1 The legal implications are contained within the body of this report

5. Financial Implications

5.1 There are no financial implications as the training costs will be met from within ICT base budgets

Report Author

Ben Goward

Chief Information Officer (Interim)

ICT Shared Services

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City of Westminster

Standards Committee

Date:	15 March 2017
Classification:	For General Release
Title:	Annual review Complaints Made against Members under the Code of Conduct
Report of:	Director of Law
Wards Involved:	Not Applicable
Financial Summary:	There are no financial implications
Report Author and Contact Details:	Rhian Davies Tel: 020 7641 2729 Email: rdavies@westminster.gov.uk

1. Executive Summary

1.1 During the last year the Council has revised and adopted a new code of conduct for Members and the Monitoring officer has received 5 complaints on Members' conduct.

2. Recommendation

2.1 That the Standards Committee note this report

3. Background

3.1 The Standards Committee is responsible for advising the Council on the adoption and revision of the Members' code of conduct. On 13th July 2016 the Council adopted a revised version of the Members' Code of Conduct ("the code").

4. Training Members on the new code

4.1 The Monitoring Officer has offered training to all elected and co-opted members. Over half of the elected members have attended to date and further dates are being arranged.

5. Register of Interests

5.1 All Members have submitted the requisite forms to register their disclosable pecuniary interests. Most have done so via the online system for the registration of interests and the majority of Members are using the system to update their registrations and to declare any gifts or hospitality.

- 5.2 Members should make sure that their register of interests is kept up to date firstly, because it is a requirement of the Localism Act 2011 and a criminal offence if they do not and secondly, because members of the public, as they are entitled to, regularly check that Members have updated their interests.

6. Complaints

- 6.1 In the past 12 months five complaints have been received by the Monitoring Officer alleging a breach of the Code. In all of the cases the Monitoring Officer decided not to refer the complaint for investigation as there was no evidence of a breach. The Monitoring Officer also received one complaint about a Parish Council Councillor; the complaint was not referred for investigation as there was no evidence of a breach.
- 6.2 None of the Complainants exercised their right to appeal to the Chief Executive to review the Monitoring Officer's decision.

7. Committee on Standards in Public Life Annual Report 2015-2016

- 7.1 The latest Annual Report of the Committee on Standards in Public Life was published on 4 August 2016. Their work during the year included a review on how regulators uphold the seven principles of public life, the issue of party funding and the Police and Crime Commissioner elections in 2016.
- 7.2 The extract from the report dealing with standards in local government is at Appendix A. The report also sets out the proposed forward plan of work for the Committee and provides in relation to local government;

Local Government

104. The Committee regularly receives correspondence on the issue of ethical standards in local government, at both officer and elected member level. So, looking further ahead, we intend to undertake a review to clarify the topics of substantive concern, research the underlying causes and to identify best practice in well-governed authorities. This work will straddle the Committee's work programme for 2016/17 and 2017/18.

8. Legal Implications

- 8.1 There are no legal implications.

9. Financial Implications

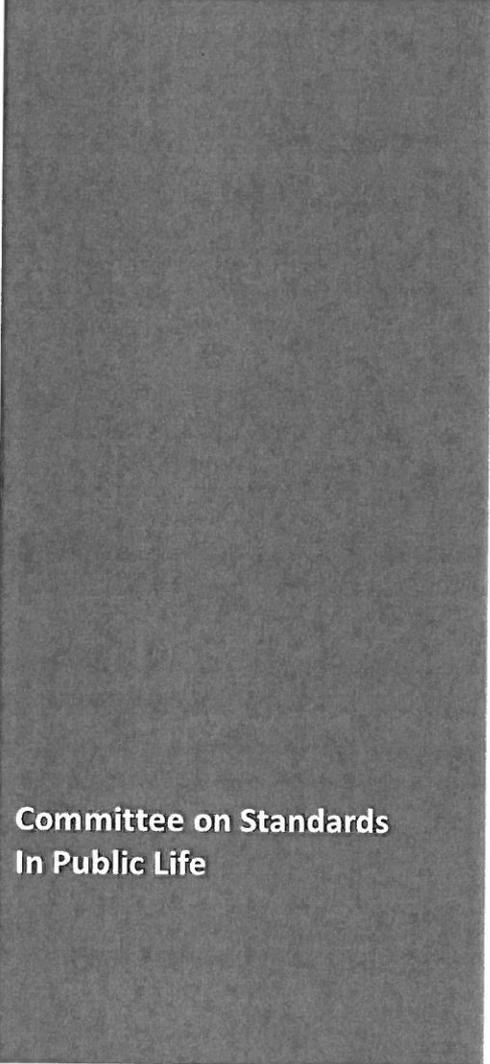
- 9.1 There are no financial implications.

10. Other Implications: None

**If you have any questions about this report, please contact Rhian
Davies: 020 7641 2729
Email: rdavies@westminster.gov.uk**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1972
BACKGROUND PAPERS - None**

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Committee on Standards
In Public Life

Annual Report 2015–16

Forward Plan 2016–17

THE SEVEN PRINCIPLES OF PUBLIC LIFE

The Seven Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The Principles also have application to all those in other sectors delivering public services.

SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY

Holders of public office should be truthful.

LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

These principles apply to all aspects of public life. The Committee has set them out here for the benefit of all who serve the public in any way.

The Seven Principles were established in the Committee's First Report in 1995; the accompanying descriptors were revised following a review in the Fourteenth Report, published in January 2013.

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FOREWORD

This report provides an overview of the Committee's activities over the course of the past year and also sets out our forward plan of work for 2016–17.

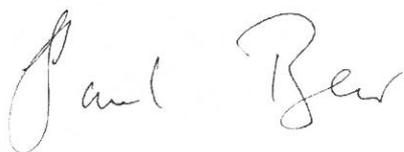
It is twenty one years since the First Report of this Committee made recommendations for reform. They have formed the basis of the language and infrastructure of standards of propriety in public life, which remain in place today. Nolan set out the Seven Principles of Public Life and the mechanisms for embedding and enforcing those principles.

This year the Committee has been undertaking a comprehensive review of how regulators seek to uphold the Seven Principles of Public Life. Despite the central role they play in public life, this is the first dedicated review of regulators that the Committee has undertaken. Created to operate in the public interest, their decisions impact on individuals and organisations. Like much of the public sector, regulators face reduced expenditure and unprecedented scrutiny on how they operate. Our report will argue that it is critical therefore, that regulators are robustly independent of those they regulate and demonstrate high standards with their own activities and decisions. And with the referendum decision to leave the EU, and Britain facing the prospect of having to rewrite much of its regulatory arrangements, these issues have become all the more acute and complex. We will be publishing the review in September 2016.

This year, the Referendum on whether the UK should stay in the EU has dominated the press. We received a number of complaints regarding the conduct of players in the referendum and much has been said as to whether both sides followed the rules. The Committee is clear that the topic requires ongoing review and analysis. To this end, the Committee intends to hold a seminar on referenda.

The issue of party funding has also been raised again – it remains a matter of significant public concern centred on the confluence of money, power and influence. The Committee's own efforts on this issue have continued to play a key role in taking the debate forward, our previous report from 2011 led to further discussion via the Trade Union Bill and subsequent House of Lords Select Committee Report. The Committee has undertaken further research in this area by commissioning [a study into party finances](#), building on previous work. The issue of party funding cannot be resolved without political will; the Committee believes it is long overdue for the main political parties to show leadership, put aside partisan positions and re-convene talks to reach cross-party agreement on possible reforms. Given the destructive nature of this issue for politics in the UK, I believe it is necessary to continue to press for reform.

Finally I must conclude by thanking our departing members. Patricia Moberly and Lord Alderdice have both made invaluable contributions to the Committee. Their knowledge, insight and judgement will be greatly missed. Patricia's contributions in particular to our reports, *Tone from the top* and, most recently, *Ethics for Regulators* have proven absolutely fundamental to the success of these projects. We wish them both well in their future endeavours.

A handwritten signature in black ink that reads "Paul Bew". The signature is written in a cursive, flowing style.

Paul Bew

Chair

July 2016

ABOUT THE CSPL

1. The Committee on Standards in Public Life monitors, reports and makes recommendations on all issues relating to standards in public life.¹ This includes not only the standards of conduct of holders of public office, but all those involved in the delivery of public services.
2. As an independent Committee we are uniquely placed to consider the ethical landscape as a whole. As a standing committee we have a constant presence, which enables us to monitor progress on different issues, including our own recommendations, over time. It also enables us to respond quickly when an ethical issue arises which requires our consideration.
3. Our purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest through:
 - monitoring standards issues and risks across the United Kingdom (by invitation in the devolved areas);
 - conducting inquiries and reviews and making practical and proportional recommendations that are generally implemented;
 - researching public perceptions on standards issues relating to specific areas of concern, and also over time.
4. The Committee's status is that is an independent advisory non-departmental public body (NDPB). It is not founded in statute and has no legal powers to compel witnesses to provide evidence or to enforce its recommendations. Our secretariat and budget are sponsored by the Cabinet Office.
5. To fulfil our remit effectively it is important that we remain robustly non-partisan and independent of the Government that appoints us. It is for that reason that the chair and other members, other than those representing the political parties, are now appointed through a fair and transparent public appointment process, for non-renewable terms. The Committee's political members are nominated by Party Leaders at the time of appointment.
6. By convention, the Committee consults the Prime Minister before starting an inquiry, and can be asked by the Prime Minister to mount an inquiry on a specific subject, but the decision on whether to proceed will be our own.

¹ See Appendix 1 for our terms of reference

Parliamentary Standards

75. The Committee continues to contribute to the issue of Parliamentary Standards. As noted above we responded to the Parliamentary Commissioner's review into the current Code of Conduct for MPs, as well as giving evidence at a session by the Parliamentary Standards Committee which was exploring the same issue. In addition we will be contributing to the Independent Parliamentary Standards Authority's consultation on MPs' scheme of business costs and expenses.
76. The Committee continues to stress role of guidance, education and training on the rules and principles of the standards regime particularly with regard to recall. The public remain highly critical of MPs and are unlikely to accept ignorance of the principles or the rules as a defence in cases of alleged misconduct and, for their part, MPs are unlikely to accept unclear advice on opaque rules. We welcome the recent appointment of four additional lay members to the House of Commons Committee on Standards, which results in an equal number of MPs and lay members on the committee.
77. The Parliamentary Standards Commissioner (the post recommended by this Committee) and the Standards Committee will need to continue the work started with the House Authorities and the political parties on induction training to raise awareness and understanding of a clear and transparent standards regime amongst MPs.

Local Government Standards

78. The Committee on Standards in Public Life has a long-standing interest in local government standards. In our 2014/15 Annual Report we stated that the Committee had agreed at the time of the Localism Act to maintain a watching brief on:
- the need for a mandatory code of conduct,
 - strong local leadership,
 - effective independent persons; and,
 - concern at the lack of sanctions.
79. We continue to note that there is some evidence to suggest that the role of the independent person is generally well received and that vexatious complaints are falling. However, the effectiveness of the sanctions regime is still a concern.

80. The Committee maintains a watching brief of national and local media on this issue, as well as correspondence. We receive correspondence both from members of the public, Councils and councillors on this issue. This correspondence includes, for example, calls for a national code of conduct, strengthened guidelines or sanctions or a power of recall.
81. The Committee promotes the Seven Principles as consistent descriptors of ethical standards which represent common standards and core values. They can then be translated into outcome focused, locally based rules, codes or methods of implementation which are flexible enough to adapt to changing circumstances. We continue to invite councils to consider whether their own local standards frameworks are sufficient to address standards breaches and build public trust.
82. We will continue to liaise with the relevant stakeholders on the way in which ethical standards can effectively be embedded in all parts of local government.

Civil Service and government

83. The Committee has, over the years, made a number of recommendations relating to the regulatory regime for appointments to the Civil Service and how best to achieve high standards of conduct and propriety by civil servants. Many of these recommendations have been adopted.⁴ In October 2014, the Committee responded to the Triennial Review of the Civil Service Commission. We argued that there is a continuing need for the Civil Service Commission, specifically as an independent body, with its remit and the regulatory arrangements for Civil Service appointments, as well as the Civil Service Code values of honesty, integrity, impartiality and objectivity, remaining on a statutory basis.
84. On 11 March 2016, the Government published Sir Gerry Grimstone's review of the Public Appointments Process. As stated above, the Committee's response was to welcome the review, while expressing unease about the cumulative effect of some of its recommendations.
85. On 7 April 2016, the Committee submitted evidence to the Public Administration and Constitutional Affairs Committee (PACAC) inquiry on the review of the public appointments process.

⁴ For example, putting the civil service, the Civil Service Code and the principle of appointment on merit after a fair and open competition on a statutory basis (First Report, Sixth Report, Ninth Report); an active role for the (then) Civil Service Commissioners in scrutinising the maintenance and use of the Civil Service Code, particularly in induction and training (Ninth Report); convergence between the regulatory regime of the (then) Civil Service Commissioners and the Commissioner for Public Appointments (Tenth Report).

86. Our submission welcomed the Government's intention to seek further views and consult on the Code of Governance, as the quality of the Code will be vital in ensuring the success of the new system. However the Committee continued to express its unease, about the potential cumulative effect of the changes proposed in the review. The Committee fears that, taken together, the changes proposed may remove too many of the checks and balances on Ministerial powers in relation to the public appointments process. In addition, our concerns are greater where the public appointment is to a sensitive or high profile organisation and in particular appointments to regulatory bodies.



City of Westminster

Standards Committee

Date:	15 March 2017
Classification:	For General Release
Title:	Code of Conduct: Training
Report of:	The Head of Committee and Governance Services
Wards Involved:	Not applicable
Financial Summary:	There are no financial implications
Report Author and Contact Details:	Mick Steward, Head of Committee and Governance Services, Tel: 020 7641 3134 Email: msteward@westminster.gov.uk

1. Executive Summary

- 1.1 This report updates the Committee on the position with regards to the Members Code of Conduct training being held following the adoption of a new Code on 13 July 2016.

2. Recommendations

- 2.1 That the report be noted.
- 2.2 That the Committee note that it is due to review the Member Development Programme at its next meeting.

3. Background Information

- 3.1 The Committee, following the adoption of the Code, agreed a related training programme. This has so far been attended by 35 members. Previously 100% of Council members received training on the Code.
- 3.2 Whilst not as high as had been hoped and given the position in the electoral timetable it is proposed to arrange one further session in order to accommodate Members who have specifically requested a daytime session. Further sessions will be included in the induction programme for all members following the May 2018 Council elections. Those members who have not attended one of the recent sessions will be written to by the Monitoring Officer and advised that the offer of training remains and that she and her senior

colleagues are available to answer questions. The presentation will also be made available.

3.3 The feedback received is included in the training evaluation attached. Regard will be had to this feedback when the session, as part of the May 2018 induction is produced.

3.4 Since the last report three more Member Development sessions have been held:

- Two IT sessions on Office365 and one on scrutiny – the attendance at the IT sessions was seven Members in January and three in February and there were six in attendance at the scrutiny session.
- There are a number of further sessions planned which include Procurement (9th March), rough sleeping and homelessness (April/May) and FOI and data protection (June).
- Dates have been secured for sessions in the year 2017-18 in February and October and an induction programme for Members will be provided in May after the local elections.
- The IT team are developing a session to be held in the summer which is subject to a separate report in this agenda.

3.5 A session on scrutiny was held this session was planned as part of the Corporate Member Development Programme. It was facilitated by Councillor Adams, Muge Dindjer and Ed Hammond from the Centre for Public Scrutiny. The Session covered:

- a) The Richardson Review
- b) Scrutiny's role in proactive policy development
- c) The Scrutiny process and
- d) From Ed Hammond – How Scrutiny can add value during times of transformation

3.5.1 Suggestions arising from discussion

- Broadening the range of sources and people who can input into developing the work programme:
 - An anonymous channel for staff who can report problems with services
 - More public engagement including via the Open Forum meetings
 - Minority party involvement – possibly through attending meetings with Chairman and Cabinet Member
 - Ward members being asked to contribute to work programmes
- Member development re evidence – particularly quantitative evidence (stats, data, etc.)
- Minority members chairing at least one committee as per other boroughs - is there an appetite for this?
- Increasing the PR and communications around scrutiny

- Consider whether the Commission could have a task group- a more proactive role in cross cutting work and joining up portfolios
- Consider scrutiny's role in major procurement exercises to add some challenge

3.5.2 The attendance was select but the quality of the discussion was very good. The session was attended by; Councillors Jason Williams, Patricia McAllister, Tim Roca, David Boothroyd and Robert Rigby.

3.5.3 Cllr Adams comments that it is my assessment that we can do more to try to capture key transformation work streams and integrate scrutiny into the process at the appropriate time. This will be considered as part of the work programme development for next year.

4. Other Implications

4.1 None.

**If you have any questions about this report, please contact
Mick Steward: 020 7641 3134
Email: msteward@westminster.gov.uk**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1972
BACKGROUND PAPERS - None**

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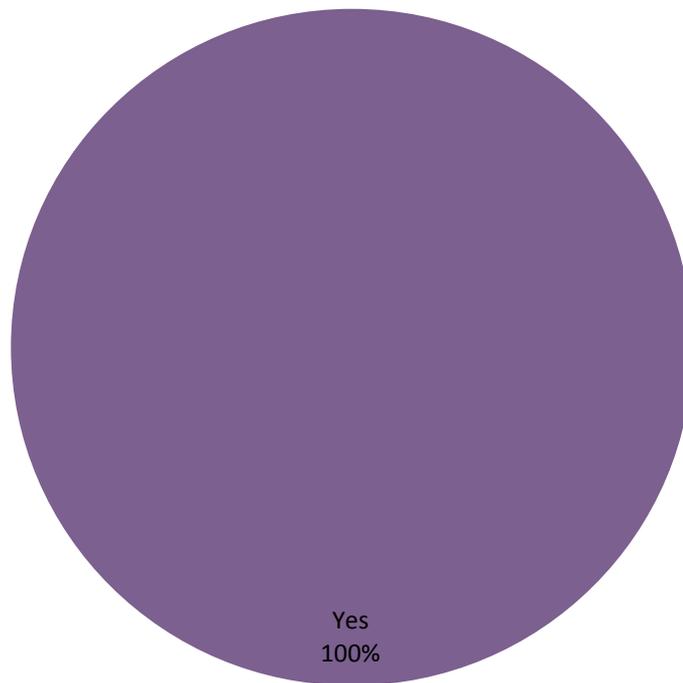
Report for Member Code of Conduct Training Evaluation

Member Code of Conduct Training Evaluation

Response Statistics

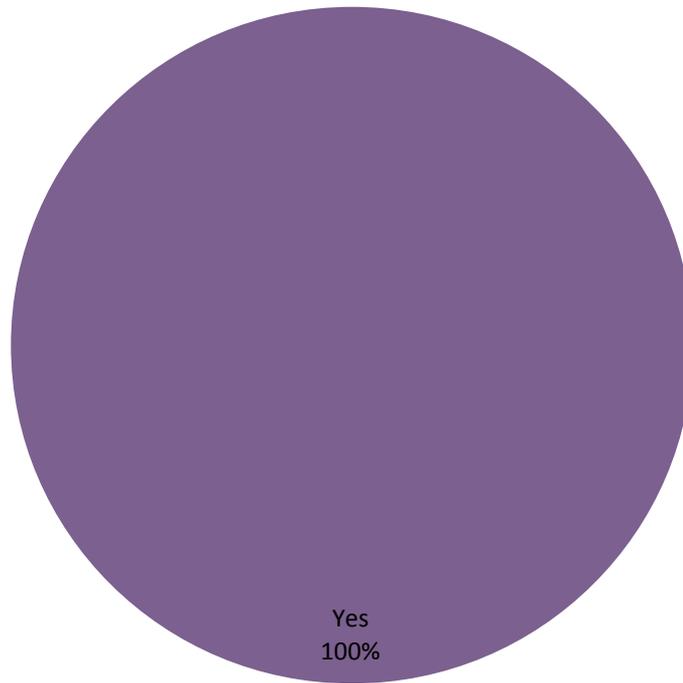
	Count	Percent
Complete	15	100
Partial	0	0
Disqualified	0	0
Total	15	

Did the training meet your requirements?



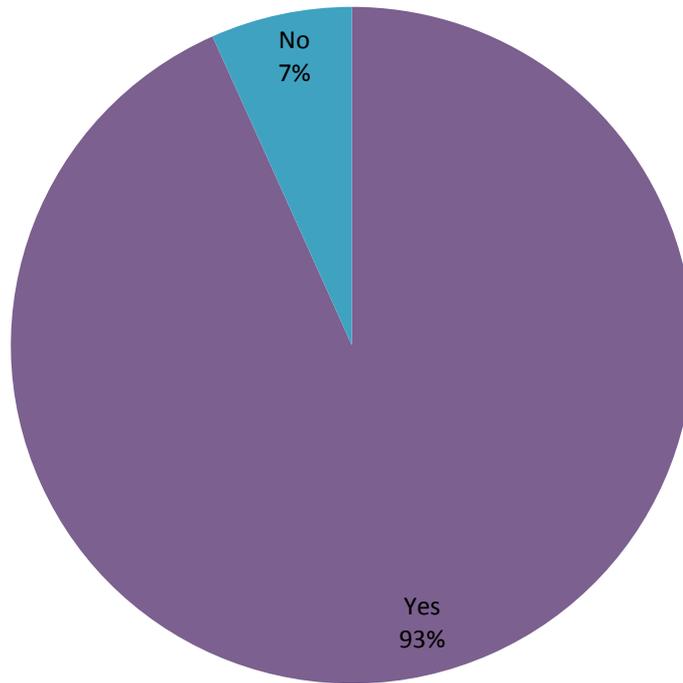
Value	Percent	Count
Yes	100.0%	15
	Total	15

Did the session help you to understand the issues?



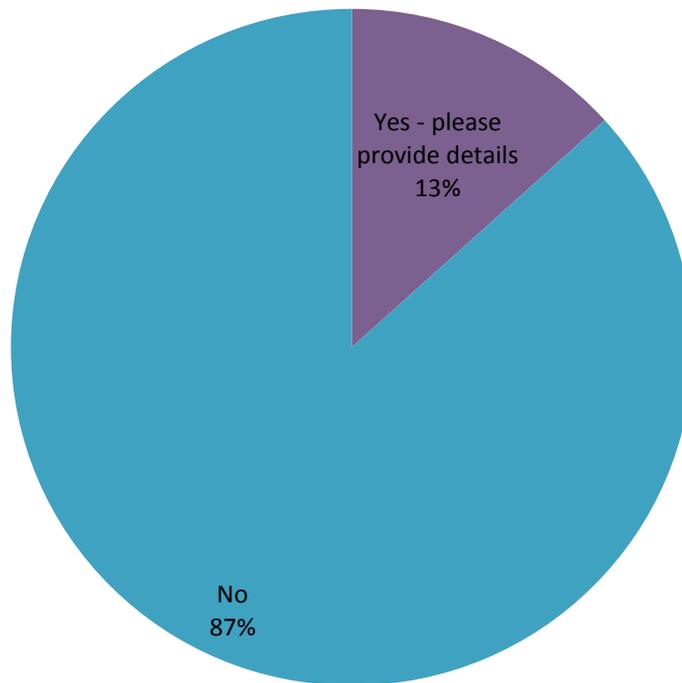
Value	Percent	Count
Yes	100.0%	15
	Total	15

Was the length of the session adequate?



Value	Percent	Count
Yes	93.3%	14
No	6.7%	1
	Total	15

Was there anything not covered during the session which would have been helpful?



Value	Percent	Count
Yes - please provide details	13.3%	2
No	86.7%	13
	Total	15

Yes - please provide details	Count
Just one or two more examples of the difficult cases would have been good.	1
Ward budget accountability.	1

Total	2
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Do you have any other feedback or comments?

Count	Response
2	No.
1	Dry subject, well presented in an engaging fashion and using relevant examples. Certainly, some learning involved.
1	Generally very helpful but could have been slightly longer to allow one or two more examples to illustrate the rules.
1	None.
1	Not really except to say it was very helpful and perhaps it would be useful to hold such a meeting once a year.
1	Not really. It was helpful, delivered in a knowledgeable and friendly way and members contributed well to discussion.
1	The IT should have been setup beforehand!
1	The training provided was helpful and the right content.
1	The training was very helpful but might more interesting if we have more example of people who might have gone wrong on their code of conduct.

1	The worked examples seemed to me more directed at what caused difficulties for officers rather than for members. Needs an understanding of the realities of being in the public eye and obliged to be open even when a strict interpretation of the law would not require it.
1	The worked examples were very useful.
1	Very helpful.
1	Well delivered, lively and I liked the exercises.
1	No.

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City of Westminster

Committee Report

Date:	15 March 2017
Classification:	For General Release
Title:	Work Programme and Action Tracker
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 was approved at the last meeting. Members are asked to consider the Work Programme and identify any further items.
- 1.2 Following the last meeting an Action Tracker has been produced to enable the Committee to monitor its previous decisions/action requests.

2. Recommendations

- 2.1 That the draft Work Programme set out below be noted.
- 2.2 That the Action Tracker be noted.

3. Background Information

- 3.1 The production of a work programme is to enable the Committee to review and update its forthcoming work plan at each of its meetings. The draft Work Programme set out below is submitted for consideration and updating.
- 3.2 In order to ensure the Committee undertakes its work a programme of 3 meetings per annum have been programmed.
- 3.3 The Action Tracker is attached for the Committee to review, as Appendix A.

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

Background Papers: None.

Date	Items	Lead Officer
15 March 2017	Annual Report on Complaints to the Monitoring Officer, including examples from elsewhere	Tasnim Shawkat
15 March 2017	Data Protection/IT/FOI Governance	Ben Goward
6 July 2017	Review of Member Development Programme – to date	Janis Best
7 December 2017	Outline of Member Induction Programme and Material	Janis Best
22 March 2018	Annual Report on Complaints to the Monitoring Officer	Tasnim Shawkat

Standards Committee Action Tracker – 15 November 2016

Item	Actions	Officer	Response	Progress
Member Development Programme - Update	Future training dates to be programmed into the civic calendar	Janis Best	These have been added.	On-going
	An update on the development of the Member Development Programme be circulated to the Committee before the meeting on 15 March 2017.	Janis Best	See Report.	On-going
	A single database detailing all training provided to Cllrs be produced.	Janis Best	Under investigation.	On-going
Outside Bodies - Governance	A supplementary list detailing Cllrs membership of organisations not categorised as Outside Bodies be produced.	Mick Steward	This is being collated for inclusion on the website.	Due for completion in April
	The existing list of Outside Bodies be amended to include details on who the Cllr representative is and the length of appointment.	Mick Steward	This has been completed.	Complete
	The Cllr appointment list to outside Bodies be published in the Annual Council agenda.	Mick Steward	The appointments to outside bodies are made by officers in consultation with Party Whips.	No action required
	The Communications department to produce a simple, one page guide for Cllrs on the different types of appointments to Outside Bodies and the potential legal issues involved.	Mick Steward to consult Communications	This is being produced.	Due for completion in early April
Members Code of Conduct training -	Training sessions to be scheduled for those Cllrs who have not yet	Mick Steward	A further session is being arranged particularly for Members with day	On-going

Updates	attended the Code of Conduct training.		time availability.	
	Make inquiries to assess whether the Lord Mayor is able to announce future training sessions at Full Council during the Mayoral Announcements item.	Mick Steward	Completed.	Complete