



City of Westminster

Committee Agenda

Title: **Standards Committee**

Meeting Date: **Thursday 21st March, 2019**

Time: **7.00 pm**

Venue: **Room 18.01, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**
Judith Warner (Chairman)
David Boothroyd
Danny Chalkley
Louise Hyams
Patricia McAllister
Robert Rigby

Also invited: Asif Iqbal MBE and Baroness Julia Neuberger



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 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, Toby Howes, Senior Committee and Governance Officer.

**Tel: 7641 8470; Email: thowes@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 the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

To sign the minutes of the meeting held on 6 December 2018.

(Pages 3 - 10)

4. Q&A WITH THE LEADER OF THE COUNCIL ON ETHICAL STANDARDS

5. REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS BY COMMITTEE ON STANDARDS IN PUBLIC LIFE

Report of the Director of Law.

(Pages 11 - 24)

6. ANNUAL REPORT ON COMPLAINTS TO THE MONITORING OFFICER

Report of the Director of Law.

(Pages 25 - 28)

7. WORK OPTIONS AND WORK PROGRAMME

Report of the Head of Committee and Governance Services.

(Pages 29 - 34)

8. ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

**Stuart Love
Chief Executive
13 March 2019**



CITY OF WESTMINSTER

MINUTES

Standards Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Standards Committee** held on **Thursday 6th December, 2018**, Room 3.4, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Judith Warner (Chairman), David Boothroyd, Danny Chalkley, Jonathan Glanz, Louise Hyams and Patricia McAllister.

Also Present: Asif Iqbal MBE (Independent Person) and Baroness Julia Neuberger (Independent Person).

1 MEMBERSHIP

- 1.1 It was noted that Asif Iqbal MBE had been appointed as an Independent Person on the Committee.

2 DECLARATIONS OF INTEREST

- 2.1 There were no declarations of interest.

3 MINUTES

3.1 RESOLVED:

That the Minutes of the meeting held on 5 July 2018 be signed by the Chairman as a correct record of the proceedings.

4 REVIEW OF THE MAY 2018 INDUCTION PROGRAMME AND MEMBER DEVELOPMENT UPDATE

- 4.1 Janis Best (Member Services Manager) presented the report and referred to the lessons learnt from the two programmes. This included the need to ensure that Members be advised that the induction sessions should be prioritised in their diaries, especially in the case of newly elected Members. Janis Best suggested that Frontline Services be integrated into the main service led part of any future induction programme. It was also recommended that there be mandatory Code of Conduct and governance/safeguarding sessions and the service led induction sessions should commence two weeks after elections. Janis Best advised that a report would go to the Leader regarding the

timetable for Member Development. A new session on IBC, the new payroll system, was also available for Members.

- 4.2 During discussions, Councillor David Boothroyd stated that Member attendance had been disappointing in some instances, although he noted that all Members booked for the Code of Conduct session had attended. He welcomed Governance and Safeguarding becoming mandatory sessions. Councillor Patricia McAllister expressed disappointment on the lack of new Members who had attended sessions and she felt there was a role for the Group Whips to play to ensure better attendance.
- 4.3 Councillor Danny Chalkley concurred that new Members should be attending more sessions and he welcomed the content of the Induction Programme and Member Development Programme. Councillor Jonathan Glanz also agreed that new Members should attend sessions. He commented that most professions had continuous professional development and the same should apply for councillors. He felt that it would be useful to keep a record of training undertaken by each Member.
- 4.4 Councillor Louise Hyams also expressed disappointment on the number of Members attending and she suggested that all Members should undertake first aid training. Asif Iqbal MBE (Independent Member) asked what time the sessions took place and whether there was equality and diversity training.
- 4.5 In reply to issues raised, Janis Best advised that there was a record of Members' training on the Council's website and she would look into whether first aid training could be offered to Members. Most training sessions took place during the evening, although some involving frontline services took place during the day. There were not yet any sessions on equality and diversity, although consideration was being given into putting together such sessions in future.
- 4.6 The Chairman welcomed the Induction Programme and Member Development Programme and commented that it was well organised. She suggested that new Members should be obliged to attend sessions that were considered to be of particular importance and this should be looked into further. The Chairman requested that consideration be given as to how to measure the effectiveness of the training received by Members to see if it led to improvements.

4.7 **RESOLVED:**

That the contents of the report be noted.

5 USE OF SOCIAL MEDIA

- 5.1 Hazel Best (Principal Solicitor) introduced the report which followed on from a previous report at the last meeting on 5 July, where Members had considered an example of guidance on social media for members from another local authority. The update included proposed guidance for Members and a list of 'dos and don'ts'.

- 5.2 During discussions, Councillor David Boothroyd welcomed the guidance and he felt the 'dos and don'ts' were set out clearly. In respect of the last bullet point on page 27 of the report, bullet point 4 under 'Don'ts', he suggested that this be made clearer and it was important that social media was not used to name individual officers. He also suggested that it be made clear that members' own social media was not covered by the Council's legal indemnity.
- 5.3 Councillor Patricia McAllister felt that the guidance used clear, straightforward language, although there could be further explanation with regard to 'exercising caution.' Councillor Danny Chalkey commented that the guidance was sound and encouraged Members to use common sense. Councillor Louise Hyams stated that social media could present an unpleasant aspect of what both councillors and officers could face.
- 5.4 Councillor Jonathan Glanz also felt the guidance offered sensible advice and queried what kind of protection the Council could offer where a councillor was being trolled, particularly where the troll was anonymous. He suggested that it also be spelt out that it was inappropriate for councillors to follow undesirable people on social media, including Twitter, as it would add credibility to such people, or to be linked to malicious sites that were defamatory and incited hatred. Asif Iqbal MBE (Independent Person) asked what steps were taken where councillors or officers were repeatedly victimised. He also suggested that 'buzz' words could be used to help reinforce messages in respect of Members' use of social media.
- 5.5 In reply, Hazel Best advised that the Council could take action against those who abused councillors and officers on social media, and this had been done in the past. Tasmin Shawkat (Monitoring Officer) added that steps could be taken to help Members report such abuse and posts could be removed where the provider of the site in question was known. The Council could also report to the Police or to the web host in respect of repeated victimisation, although Tasnim Shawkat acknowledged this was more difficult where the attacks were anonymous.
- 5.6 The Chairman suggested that the list of 'dos and don'ts' be circulated on the Members bulletin on a regular basis, possibly every quarter, to publicise and remind members regarding use of social media. It could also be raised during Members' development. A contact point should also be provided for members if they were encountering any issues on this matter.
- 5.7 Members agreed that bullet point 4 of 'don'ts' on the list of 'dos and don'ts' also state that social media not be used to attack or insult Council staff whether in a person's own name or anonymously.

5.8 **RESOLVED:**

That the draft guidance on use of social media by Members be agreed, subject to the amendment to bullet point 4 of Don'ts under 'Dos and Don'ts' as suggested above.

6 GIFTS AND HOSPITALITY

- 6.1 Tasnim Shawkat (Monitoring Officer) presented the report and drew Members' attention to the recommendations proposed. The recommendations including noting that the Cabinet has requested that the guidance to Members involved in planning decisions be restated and that a further update on this issue would be brought to this Committee. The report also included a recommendation to note that Members need to pay particular attention to gifts and hospitality if there is a perception of conflict, for example, in the context of planning decisions.
- 6.2 Tasnim Shawkat advised Members that the Chief Executive had instructed Planning Advisory Services (PAS) to undertake a review of the Council's Development Management Service in May 2018. An internal audit was also undertaken to assist this process. PAS had been asked to consider the effectiveness of the Development Management Service, the role hospitality plays, the delivery of corporate objectives and outcomes, the Planning Committee system and decision making. The PAS report was reported to Cabinet in October 2018 and was publically available on the Council's website for transparency. Tasnim Shawkat then referred to the key findings of the PAS review as set out in section 4 of the report.
- 6.3 Tasnim Shawkat informed the Committee that she had been involved in correspondence with the public in respect of the PAS review and also regarding a recent investigation into a Member's conduct following their own self-referral. Tasnim Shawkat welcomed the public's views on the planning process and stated that she set out her role as Monitoring Officer to them, which included assessing whether there had been breaches in the Code of Conduct. In respect of the investigation of an individual member, she emphasised the importance of remaining within the remit of the investigation. Planning decisions were subject to appeal mechanisms, including judicial reviews. The role of the Monitoring Officer did not include reviewing the planning decisions themselves, which was a matter for the Planning Inspectorate.
- 6.4 The Chairman then invited the Committee to comment. Baroness Julia Neuberger (Independent Person) welcomed the recommendations in the report but felt that consideration needed to be given as to whether they went far enough and could be made more robust. She suggested that the Committee could consider if it should make any recommendations on what standards should be for the Council in respect to gifts and hospitality.
- 6.5 Councillor David Boothroyd stated that the PAS review had highlighted that there was a perception that high standards of conduct were not always being promoted. He emphasised the importance of ensuring that policy did not impact negatively when reported by the press.
- 6.6 Councillor Patricia McAllister, in referring to the investigation of the individual member, queried the wisdom of him chairing the Planning Committee over such a long period and why he had not been advised that the scale of the gifts and hospitality he had received was excessive and therefore

that he should step down from his role.. She also asked whether his self-referral would possibly limit the scope of the investigation.

- 6.7 Councillor Danny Chalkley commented that the media had a very strong interest in councillor relationships in respect of planning. He referred to the licensing regime which underwent similar processes, with Westminster receiving a large number of applications. Applicants could derive considerable benefit from gaining licences and in view of all this, he suggested that licensing should also be included in future reports on this matter.
- 6.8 Councillor Jonatan Glanz commented on the wide variation in the number of planning applications received for individual wards, with his, West End Ward, being one of the busiest. He stated that part of a ward councillor's role was to be involved in the planning process, including engaging with applicants and residents and this would necessarily involve attending applicants' presentations, otherwise by not doing so this could be seen as a dereliction of duty. Councillor Glanz stated that West End was also expensive and this would impact upon the value of gifts and hospitality. He also commented that members who had declared were following the guidelines set out in the Code of Conduct, however he asked if there were any mechanisms to address members who were not declaring when they should be doing so.
- 6.9 Councillor Louise Hyams emphasised the importance of acknowledging that there had been a negative perception in respect of Members and the planning process and very effort should be made to change this perception. Councillor Hyams stated that ward members found it useful to meet developers to obtain an understanding of the nature of the proposals and to have the opportunity to provide input. She felt that councillors should not be prevented from doing this as it would be detrimental to residents,
- 6.10 Asif Iqbal MBE felt that there should be some flexibility in respect of thresholds for gifts and hospitality and that there should be clear guidance for declaring and councillors should be aware that they could be brought to task.
- 6.11 The Chairman invited Rosemary Hook, a local resident, to address the Committee. Rosemary Hook welcomed the debate on this issue but spoke of the impact and long lasting nature that planning decisions could have on residents, which she felt needed to be discussed. She felt that further steps should be taken and was not convinced the PAS review addressed all matters. She queried why the investigation on the individual member had stopped and emphasised the importance of listening to residents' concerns.
- 6.12 In reply to the issues raised by Members, Tasnim Shawkat advised that self-referral did not limit the scope of the investigation and the terms of reference for the investigation had been discussed and agreed with the appointed QC. There had been changes in legislation in respect of bringing the Council into disrepute which would be a breach the Code of Conduct. A tougher approach could be considered and this would entail amending the Code of Conduct accordingly, however in terms of sanctions that could be applied, these could not be changed. Tasnim Shawkat advised that there was no current law

preventing the Cabinet Member responsible for planning from chairing planning committees. Members noted that the planning committees had an administrative function, as opposed to licensing sub-committees that were quasi-judicial. Tasnim Shawkat added that speaking rights at planning committees were being considered and there would be an update on this at the next meeting.

6.13 Tasnim Shawkat advised that the law recognised that councillors would discuss and meet with different groups in respect of planning applications and that hospitality would be received. The threshold for declaring varied between different councils and Westminster's was relatively low at £25 compared to some, which meant that more declarations were made. In some instances, Members were over declaring and it was important to get the right balance, however there was no limit as to the number of hospitality and gifts a member could accept. It was important for members to judge their situation accordingly and training as to how their behaviour might be perceived was important. Tasnim Shawkat stated that consideration could be given to putting mechanisms in place where members were not declaring when they should, although it was difficult to monitor councillors' activities. However, it was important that members abided by the Code of Conduct. Tasnim Shawkat added that the PAS report and the member investigation had not identified any unlawful behaviour, however the acceptance of hospitality from planning applicants had been excessive and unnecessary and this had impacted in term of perception of standards being upheld.

6.14 The Chairman emphasised the importance of Members displaying sound judgement when offered gifts or hospitality and providing appropriate training on this was important. She felt that Members should not remain in a particular position for too long and there should be discussions on this. The Chairman welcomed the Planning Protocol report, including speaking rights at Planning Committee, being considered at the next meeting and Members agreed to her suggestion that the Leader be invited to the next meeting in respect of this. A further report reviewing the new arrangements would then be brought to a future meeting. Future consideration could also be given as to whether the Code of Conduct could be made more robust.

6.15 **RESOLVED:**

1. That it be noted that the Westminster City Council – Members' Code of Conduct requires Members to register any gifts and / or hospitality and that the registered gifts and hospitality are published along with the Members' register of interests on the Council's website.
2. That it be noted that additional guidance is provided on the Council's website about registering interests and gifts and hospitality.
3. That it be noted that training is provided to Members on the Code of Conduct, which covers gifts and hospitality and emphasis is placed on perceptions of members of the public rather than just complying with the law and the letter of the Code.

4. That it be noted that Members necessarily need to pay particular attention to gifts and hospitality if there is a perception of conflict, for example, in the context of planning decisions.
5. That it be noted that the Chief Executive and the Monitoring Officer have been directed by the Cabinet to restate the guidance to Members involved in planning decisions and that a further updating report will be brought to this Committee.

7 INDEPENDENT PERSONS UPDATE

- 7.1 The Chairman welcomed the appointment of Asif Iqbal MBE as an Independent Person on the Committee. Toby Howes (Senior Committee and Governance Officer) advised that the process of selecting candidates for the third Independent Person vacancy would commence in January 2019.

8 WORK OPTIONS AND WORK PROGRAMME

- 8.1 The Chairman requested that the annual report on complaints due to be considered at the next meeting also include a review of arrangements for dealing with complaints against councillors.

8.2 RESOLVED:

That the Work Options and Work Programme be noted.

9 ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

- 9.1 There was no other business.

The Meeting ended at 8.25 pm.

CHAIRMAN: _____

DATE _____

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City of Westminster Standards Committee

Meeting:	Standards Committee
Date:	21 March 2019
Classification:	For General Release
Title:	Review of Local Government Ethical Standards by Committee on Standards in Public Life
Report of:	Tasnim Shawkat, Monitoring Officer

1. Executive Summary

- 1.1 This report advises the Committee on the outcome of the review by the Committee on Standards in Public Life (CSPL) on Local Government ethical standards

2. Recommendations

- 2.1 To note the 26 recommendations made by the Review of Local Government Ethical Standards by Committee on Standards in Public Life and the 15 best practice points.
- 2.2 To note the council already practices many of the recommendations which do not require legislative changes as a matter of good practice.
- 2.3 To consider what further changes could be made to the Council's Code of Conduct and Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct, which would not require legislative changes.

3. Review of Local Government Ethical Standards by Committee on Standards in Public Life

Background

3.1 On 29 January 2018 CSPL launched a consultation on Local Government Ethical Standards. On 15 March Committee Members considered the terms of reference for the review. The terms of reference for the review were to examine the structures, processes and practices in local government in England for:

- maintaining codes of conduct for local councillors
- investigating alleged breaches fairly and with due process
- enforcing codes and imposing sanctions for misconduct
- declaring interests and managing conflicts of interest; and
- whistleblowing

And to:

- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

3.2 The Council's Standards Committee together with the Council's Independent Persons responded to the consultation in May 2018. A copy of the Council's response to the review is appended to this report marked **Appendix 1**.

The Report on Local Government Ethical Standards

3.3 The CSPL published its report on 30 January 2019. The report can be accessed here: <https://www.gov.uk/government/publications/local-government-ethical-standards-report>. The report proposes a range of measures which it mainly recommends to Government but also to the Local Authorities, including Parish Councils.

3.4 The report reinforces the high standards of conduct required in local government to protect the integrity of decision-making, maintain public confidence and safeguard local democracy.

3.5 The report concludes that there is no need to return to a centralised body to govern and adjudicate on standards and that Local Authorities should

retain ultimate responsibility for implementing and applying the seven principles of public life (Nolan Principles) in Local Government.

- 3.6 Members are specifically referred to the Executive Summary and the Recommendations. Some of the recommendations require changes to primary legislation, secondary legislation and the Local Government Transparency Code.
- 3.7 The report also sets out a list of Best Practice recommendations which Local Authorities should consider as a benchmark of good ethical practice and implement.

Summary of key findings relevant to the City Council

- 3.8 The report is divided into 8 chapters. This report does not refer to all chapters but instead aims to summarise some of the key issues relevant for the City Council. The key findings the Committee is asked to note are as follows:
- i) Whilst it is recommended that there should be an updated model code of conduct, the review recognised that there are benefits to councils being able to adopt their own codes depending on its own culture and the specific issues it may face.
 - ii) The report highlights that areas such as gifts and hospitality, social media use, and bullying and harassment have all increased but are not regularly reflected in the codes of conduct recommended by the Government and the Local Government Association.
 - iii) **Bullying/ harassment:** In particular, codes do not have specific behaviours that would amount to bullying. The Committee can consider whether it would be helpful for the Council's code to include a definition of bullying/ harassment. There is no statutory definition of bullying but the report refers to a definition used by ACAS (Advisory, Conciliation and Arbitration Service). Harassment is defined in the Equality Act 2010.
 - iv) **Social Media:** The report states that, at the moment, codes of conduct can only apply when Councillors is acting in their capacity as a Councillor. The report recognises how the use of social media presents a challenge in determining whether a code of conduct applies to instances of behaviour. One of the recommendations is that Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. This will require a change in legislation to permit local authorities to presume so when deciding upon code of conduct breaches. However, at its meeting on 6 December 2018 the Committee considered and approved a guide to Members on the use of social media. The Committee suggested that a list of "do's and don'ts" be circulated on the Members bulletin on a regular basis, to publicise and remind members regarding use of social media.
 - v) **Gifts and hospitality:** The report refers to gift value of £50 to £100. The report highlights that there are three broad principles surrounding gifts

and hospitality that should guide whether an individual should accept gifts or hospitality, namely purpose, proportionality, avoiding conflicts of interest to safeguard the principle of integrity. Westminster City Council's code requires Members to register gifts and hospitality with a value in excess of £25. The Monitoring Officer suggests that the Code could be updated to include the reference to "purpose and proportionality" in addition to avoiding conflict of interest. The Council is also working on a specific guide on gifts and hospitality for Members involved in Planning Committee work where these principles should be highlighted.

- vi) **Planning and gifts and Hospitality:** Reference is made in the report to the Council's investigation concerning a Councillors gifts and hospitality. The report goes on to state that as part of their review the evidence received suggests that the acceptance of gifts and hospitality is of most concern when it comes to planning. "Planning is an area of decision-making where a small number of councillors can have a significant impact on the financial interests of specific individuals or firms. Councillors involved in planning decisions should generally therefore not accept over-frequent or over-generous hospitality and should always ensure that acceptance of such hospitality does not constitute a conflict of interest." The Committee is aware of the review commissioned by the Chief Executive in relation to the Council's planning process and a report in relation to this will be considered at the next Standards meeting. The Committee should also have the opportunity to comment on the written guidance to be provided to Members involved in planning decisions.

- iv) **Investigations and Safeguards:** The report recognises that there has to be an effective, fair, impartial and transparent procedure, in which Councillors and the public can have confidence. The report considers the role of the Independent Person (IP) and how this role could be strengthened and clarified. The review makes a number of recommendations in relation to the role of the IP, some of which the Council already has in place. There is, for example, recommendation that IPs are consulted by the Monitoring Officer when considering whether a complaint should be investigated or not. The Monitoring Officer's practice is to do so but this could be expressly stated in the Arrangements. It is recommended that the views of the IP are included in any investigation report. The Monitoring Officer and investigating officers practice is to include the IP's comments in decision letters or reports. A further recommendation is that IPs are invited to Standard hearings and their views are taken into account before the Committee takes any decision on whether the member's conduct constitutes a failure to comply with the code and as to any action to be taken following a finding of failure to comply with the Code. IPs are currently invited to the Standards Committee and would be invited to hearings if there were to a hearing. As mentioned above IPs views are integral to investigation reports and decision letters in the City Council and this could be expressly stated in the Arrangements.

- vi) **Filtering of complaints:** The report states that the focus should remain on individual local authorities maintaining high standards in their own

councils. This should include a filtering mechanism to ensure only allegations of real merit are investigated and the use of serious sanctions should remain rare.

- vii) **Sanctions:** The report states that the current sanctions available to local authorities are insufficient and that a lack of robust sanctions damage public confidence in the standards system and that there is no means of addressing serious or repeated misconduct. The report recommends that local authorities should be given the power to suspend councillors without allowances for up to six months and any Councillors who is suspended should be given the right to appeal to the Local Government Ombudsman. This change will require legislation.
- viii) **Supporting Officers:** The report highlights the challenging and broad role of the Monitoring Officer as well as the practical tensions and potential for conflicts of interest. The Monitoring Officer for the Council already has in place processes, in line with the recommendations and best practice recommendations, for example appointing a different legal officer to undertake a code of conduct investigation and the ability to seek advice from the Monitoring Officer for Kensington and Chelsea due to being a Bi-Borough legal service. Also external legal advice has been and will be sought as necessary and appropriate.
- ix) **Leadership and culture:** The report states that an ethical culture requires leadership from a range of individuals and groups: an authority's Chief Executive, political group leader and the chair of the Council. Maintaining an ethical culture day to day relies on an impartial, objective Monitoring Officer who is supported by the Chief Executive and Councillors. The Monitoring Officer notes and supports the best practice recommendation for senior officers to meet regularly with political group leaders and whips to discuss standards issues. The Monitoring Officer has already arranged mandatory training for Councillors in relation to ethics and the code of conduct following. The Monitoring Officer has been particularly keen to reinforce the message that although rules and guidance is necessary, it is leadership and culture which has the most impact on the standing of the Council's ethical standard.

List of good practice already adopted by the City Council

- 3.9 The Council has already adopted some of the recommendations and best practice guides. It is worth noting the following:
- i) The Council's code of conduct requires Members within 28 days of receipt to register any gift, benefit or hospitality in excess of £25 which they have accepted as a Member from any person or body other than the City Council. The Register is online and is updated as and when Members register new entries, whereas the CSPL recommends quarterly.
 - ii) Whilst a legislative change is required to s31 Localism Act 2011 in relation to declaring interests and not taking part in debate and decisions where there is no Disclosable Pecuniary interest, the Monitoring Officer already provides training and advice to Members to declare an interest

and not take part in debate and decision “If a member of the public, with knowledge of the material facts would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”. Members do consider whether they should participate in a debate or vote at a meeting in such circumstances and heed the advice.

iii) The views of the IP are taken into account by the Monitoring Officer when considering whether to dismiss or investigate a complaint and if an investigation is completed, the views of the IP are recorded in the investigation report. A process is in place for the IP to be invited to standards hearings and their views in relation to any findings concerning a breach of the code and sanctions would be taken into account by the Committee and recorded in any decision/ minutes. The Council has provision for three IPs, whereas the recommendation is for two. In addition the Monitoring Officer can call upon other legal officers to undertake investigations and as the Council is part of a Bi-borough legal team, can seek the advice and views of the Monitoring Officer for Kensington and Chelsea and/or seek external legal advice.

iv) The Monitoring Officer presents an annual report to the Standards Committee in relation to the number of complaints in the last year and themes arising.

vi) Following the implementation of the Localism Act 2011 the Council adopted the government department’s model code of conduct. Both the Code of Conduct and the Arrangements for dealing with complaints alleging a breach of the code of conduct have been subsequently amended when there have been lessons to be learnt from complaints (“The Arrangements”).

vii) The Council’s code of conduct and the Arrangements are published on the Council’s website. They can be found doing a search for Westminster Members code of conduct and Westminster complaints against Members. The website provides guidance as to how complaints can be made and who they should be sent to.

viii) The Monitoring and her officers provide support and training to the Parish/ Community Council concerning complaints.

3.10 As already referred to, most of the recommendations will require a change in legislation, before the City Council can adopt them.

4 Financial Implications

4.1 There are no financial implications for this report.

5. Legal Implications

5.1 The Council and individual Members are required to promote and maintain high standards of ethical behaviour as is required under section 27 of the Localism Act 2011 (“the Act”) Under section of the 28 of the Act, the Council

must have in place “arrangements “ under which allegations that a member or co-opted member of the Council, or of a Committee of Sub-Committee of the Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.

- 5.2 In order to implement some of the recommendations amendments would have to be made to sections 27, 28 and 31 Localism Act 2011. In addition, amendments would have to be made to The Relevant Authorities Disclosable Pecuniary Interests) Regulations 2012 and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015..

**If you have any queries about this report please contact: Reuben Segal, Acting Head of Committee and Governance Services, Tel: 020 7641 3160
Email: rsegal@westminster.gov.uk**

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Review of Local Government Ethical Standards: Stakeholder Consultation

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

Terms of reference

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

The Committee will publish anonymised submissions (where the name of the respondent and any references to named individuals or local authorities are removed) where a respondent makes a reasonable request to do so.

Consultation questions

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only

one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.

Much of the new system is better. It was not well understood. There should be a requirement to have a Standards Committee, which should be chaired by an Independent Person. Consideration to the relevant number of Independent Persons needs to be given but there should be at least 2 or 3, with one being the Chairman.

b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Consideration must be given to ensuring that abuse given via social media is also regarded as misconduct, as should be cyber-bullying and online activity generally. The advice previously provided by the Standards Board for England is missed and an alternative source for this would be welcomed. A great deal of learning was gained by sharing this information.

Codes of conduct

c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?

Important that they are updated regularly. May be useful to have a requirement that each authorities full Council endorse their Code annually. This should be followed by a requirement for training to be offered annually.

d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

The Nolan Principles are very good and should continue to be embedded as a requirement in the Code.

Investigations and decisions on allegations

e. Are allegations of councillor misconduct investigated and decided fairly and with due process?

i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?

It is vitally important that those making complaints are satisfied that their complaint is considered fully and to some extent externally from the Council.

All Monitoring Officers should be allowed if they consider it necessary to seek external legal assistance.

- ii. **Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?**

Too many it would appear very limited involvement. May be the requirement should include provision for the Independent Person's views to be published as part of the decision. However, see (iii) below.

- iii. **Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?**

A better system is to have a fairly small (say 3) Committees/Sub-Committee, to include at least a majority of Independent Members. Such a system – similar to the previous regime, would give the public much greater confidence that the process was independent.

Sanctions

- f. **Are existing sanctions for councillor misconduct sufficient?**
- i. **What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?**
- ii. **Should local authorities be given the ability to use additional sanctions? If so, what should these be?**

Sanctions are fine. The withdrawal of Special Responsibility Allowances are automatic when a removal from a relevant post has been applied by the appointing body or person. In certain circumstances the suspension of the Basic Allowance should be allowable, as a sanction.

Declaring interests and conflicts of interest

- g. **Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.**
- i. **A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?**
- Yes.
- ii. **What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.**

The Council has some additional requirements relating to these. On balance, a set of legal requirements, which go further than the current statutory requirements would assist. A set of requirements, standard across the sector would seem sensible.

Whistleblowing

h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

The Council has a whistleblowing policy.

Improving standards

i. What steps could *local authorities* take to improve local government ethical standards?

The Council has recently decided to publish details of training undertaken by Members relating to their Councillor duties. This follows the introduction of a Member Development Programme. The Development Programme will lead to better informed Councillors. Members will need to attend and to some extent this is a matter for the parties but the recording and publication of attendance will provide some important data for the public.

j. What steps could *central government* take to improve local government ethical standards?

Make the legislation changes required to bring the improvements suggested below into force.

Intimidation of local councillors

k. What is the nature, scale, and extent of intimidation towards local councillors?

i. What measures could be put in place to prevent and address this intimidation?

The Council's experience of this is that it has been largely online of a political nature – not thankfully violent.

Who can respond?

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Independent Persons appointed under section 28(7) of the Localism Act 2011;
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

How to make a submission

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: public@public-standards.gov.uk
2. Via post to:
Review of Local Government Ethical Standards
Committee on Standards in Public Life
GC:07
1 Horse Guards Road
London
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email (public@public-standards.gov.uk) or phone (0207 271 2948).

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City of Westminster

Standards Committee

Meeting or Decision Maker:	Standards Committee
Date:	21 March 2019
Classification:	For General Release
Title:	Member Complaints – Annual Report
Report of:	Tasnim Shawkat, Monitoring Officer

1. Executive Summary

- 1.1 This report is the Annual report to the Committee setting out, in summary, details of three complaints against members of the Council, since the last report to the Committee.
- 1.2 The report also recommends a change to the Members Code of Conduct to provide greater clarity.

2. Recommendations

- 2.1 To note the outcomes of the Members complaint referred to in paragraph 3 of the report
- 2.2 To agree that the Members Code of Conduct be amended to provide greater clarity to paragraph 2.10 by adding the following:
“including, not acting in a manner which could be seen to bring the Council or the role of the Councillor into disrepute”.
- 2.3 To recommend to the General Purposes Committee the proposed amendment to paragraph 2.10 of the Code of Conduct, which will read as follows:

To promote and support high standards of conduct through leadership and by example, including not acting in a manner which could be seen to bring the Council or the role of the Councillor into disrepute.

3 Member complaints

- 3.1 Over the past twelve months the Monitoring Officer has received three complaints about Member conduct.

- 3.2 One of the complaints was service related and so was not pursued for investigation and was passed to City West Homes.
- 3.3 The other two complaints, although investigated, did not proceed to Standards Committee as one of the Members ceased to be a Councillor and the other resigned.
- 3.4 There was no pattern of vexatious complaints.
- 3.5 At its meeting on 25th October 2018, Cabinet considered an independent review of the City Council's planning function and agreed to restate to both Officers and Members their responsibilities set out in the Council's gifts and hospitality policies.
- 3.6 Ethical standards had been included in the Members' Development Programme, as part of a mandatory Code of Conduct session following the local elections in 2018. All re-elected councillors and newly elected Councillors have attended the mandatory session led by or on behalf of the Monitoring Officer.

4 Proposed change to the Members Code of Conduct

- 4.1 The Localism Act 2011 (the "Act") stated that relevant authorities must promote and maintain high standards of conduct by members and co-opted members of the authority. To discharge this duty Local Authorities had to adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- 4.2 The Act states that the Code when viewed as a whole must be consistent with the following principles
 - (a) selflessness;
 - (b) integrity;
 - (c) objectivity;
 - (d) accountability;
 - (e) openness;
 - (f) honesty;
 - (g) leadership.
- 4.3 Paragraph 2 of the code sets out the standards of conduct/ behaviour Members must comply with. Paragraph 2.10 provides that:

To promote and support high standards of conduct through leadership and by example.

It is proposed paragraph 2.10 is amended, to read as follows

To promote and support high standards of conduct through leadership and by example, including not acting in a manner which could be seen to bring the Council or the role of the Councillor into disrepute.

- 4.4 Para 2.10 implies that by promoting and supporting high standards of conduct through leadership means that councillors should not bring their office or the Council into disrepute. However, making this explicit signals the importance from the Council's point of view the need for councillors take this into account at all times.

5 Financial Implications

- 5.1 There are no financial implications for this report.

6. Legal Implications

- 6.1 The Council and individual Members are required to promote and maintain high standards of ethical behaviour as is required under section 27 of the Localism Act 2011 ("the Act") Under section of the 28 of the Act, the Council must have in placed "arrangements " under which allegations that a member or co-opted member of the Council, or of a Committee of Sub-Committee of the Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.

If you have any queries about this report please contact:

**Reuben Segal, Acting Head of Committee and Governance Services,
Tel: 020 7641 3160
Email rsegal@westminster.gov.uk**

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Date:	21 March 2019
Classification:	For General Release
Title:	Work Options and 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:	Toby Howes, Senior Committee and Governance Services Officer Tel: 020 7641 8470; Email: thowes@westminster.gov.uk

1. Executive Summary

- 1.1 Members are asked to consider and note the Work Options and Work Programme and identify any further items.
- 1.2 An Action Tracker has also been produced to monitor its previous decisions/action requests.

2. Recommendations

- 2.1 That the Work Options and draft Work Programme set out below be noted.
- 2.2 That, having regard to the Committee's Terms of Reference attached as appendix 1 of this report, the Committee indicate any items it wishes to be added to its Work Programme.

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 Work Options and current Work Programme set out below is submitted for consideration and updating.
- 3.2 In order to ensure the Committee undertakes its work programme, at the request of the Chairman, 3 meetings per annum have been programmed.
- 3.3 The Action Tracker will be attached to future versions of this report.

4. Financial Implications

- 4.1 There are no financial implications.

5. Legal Implications

5.1 There are no legal implications arising from this report.

6. Work Options

6.1 Consultations

Disqualification Criteria for Councillors and Mayors – Department of Communities and Local Government 2017

Review of Local Government Ethical Standards – Committee for Standards in Public Life 2018 (the Committee has previously responded to this)

6.2 Protocols / Reviews

Gifts and Hospitality Protocol

Members Rights of Access to Information

Declarations and Register of Interests – Guidance

Member / Officer Protocol

Review of Arrangements for dealing with complaints against Councillors

Practical guidance for Members handling confidential information

Guidance on use of Social Media by Members

Review of Registration of Interests

Arrangements for dealing with complaints against Councillors

Outside Bodies – Governance

6.3 Member Development and Training

Member Induction Programme

Member Development Programme

Update on Training for Members on Quasi-Judicial Bodies

6.4 Complaints against Councillors

Annual Review of Complaints against Councillors

7. Action Tracker

Date	Items	Lead Officer
5 July 2018	Member Development Charter	Janis Best
	Guidance on Use of Social Media By Members	Tasnim Shawkat
6 December 2018	Review of May 2018 Induction Programme and Member Development Update	Janis Best
	Use of Social Media	Tasnim Shawkat
	Gifts and Hospitality	Tasnim Shawkat

	Independent Persons Update	Toby Howes
21 March 2019	Annual Report on Complaints to the Monitoring Officer Report of the Committee on Standards in Public Life Q&A with the Leader of the Council on Ethical Standards	Tasnim Shawkat Tasnim Shawkat Leader of the Council

**If you have any questions about this report, or wish to inspect one of the background papers, please contact:
Toby Howes, Senior Committee and Governance Services Officer
Tel: 020 7641 8470; thowes@westminster.gov.uk**

Background Papers: None.

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STANDARDS COMMITTEE TERMS OF REFERENCE

CONSTITUTION

6 Members of the Council, 4 Majority Party Members and 2 Minority Party Member.

TERMS OF REFERENCE

- (1) To promote and maintain high standards of conduct by the Members and Co-opted Members of the City Council.
- (2) To advise the City Council on the adoption or revision of a Code of Conduct for Members.
- (3) Advising, training or arranging to train Members and Co-opted Members on matters relating to the City Council's Code of Conduct for Members.
- (4) To assist Members and Co-opted Members observe the City Council's Code of Conduct for Members.
- (5) To monitor the operation of Code of Conduct for Members.
- (6) Consider reports referred to the Committee by ethical standards officers or the Monitoring Officer of investigations into alleged breaches of the City Council's Code of Conduct for Members.
- (7) Where necessary, to conduct hearings into allegations of breaches of the said code, and interview officers, Members and others as required.
- (8) Determining whether allegations of breaches of the said code are made out and determining what action, if any, to take in relation hereto including, where it is determined that a breach has occurred, deciding what sanctions, if any, should be applied in relation to the Member or Member concerned (and for the avoidance of doubt, the Committee shall only have power to impose any sanction authorised by law).
- (9) Consider any complaints in respect of Members referred to the Committee under the City Council's "Whistleblowing" procedure and determining the action to be taken, if any.
- (10) To the extent allowed by the Law, granting dispensations in relation to Member and co-opted Member interests as referred to in the Members Code of Conduct.
- (11) To consider, advise and, if appropriate, take action upon other Member conduct issues not otherwise dealt with under these terms of reference.

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