

APPENDIX A

Westminster City Council - Member's Code of Conduct

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

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

1. Application

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

2. General Conduct

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

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

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

3. Disclosable Pecuniary Interests

As Members you must -

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

4. Other Interests

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

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

and that interest is not a disclosable pecuniary interest.

5. Gifts and Hospitality

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

6. Sensitive Interests

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

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

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

so great a proportion of the body transacting the business as to impede the transaction of the business,

7.3.2 that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

7.3.3 that granting the dispensation would be in the interests of persons living in the authority's area,

7.3.4 that if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive ,
or

7.3.5 that it is otherwise appropriate to grant a dispensation.

7.4 The Monitoring Officer will grant the dispensation in writing citing the ground or grounds on which it is agreed and it will be published on the Council's website within 7 days of the decision.

7.5 The dispensation must be for a fixed time not exceeding a period beyond the next City Council elections and will normally cover only a specific matter or meeting.

7.6 A Member may seek a review of the Monitoring Officer's decision to the Standards Committee. The Monitoring Officer may choose to refer any application for dispensation to the Standards Committee and may, in doing so, consult one of the Council's Independent Persons. The Monitoring Officer may also if he/she chooses consult one of the Council's Independent Persons prior to granting a dispensation referred to in 7.3 above.

Appendix 1

Disclosable Pecuniary Interests

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

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

Declaring Interests Flowchart- Questions to ask yourself

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

Helpful Reminders for Members

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

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

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



Does the business to be transacted at the meeting

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

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

Disclosable Pecuniary Interests shall include your interests and those of:

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

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

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

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

Pecuniary

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



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



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

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

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

Non-Pecuniary

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



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