



CITY OF WESTMINSTER

MINUTES

STANDARDS COMMITTEE

MINUTES OF PROCEEDINGS

At the meeting of the Standards Committee held at 6.30pm on Tuesday 13 July 2010, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP

Present: Councillors Ian Adams, Danny Chalkley, Louise Hyams, Alastair Moss, Tim Mitchell, Ruth Bush and Guthrie McKie

Independent Members present: The Very Rev Dr John Hall (Chairman) and Elizabeth Peace, CBE

Apologies: Councillor Michael Brahams, DL, Lord Dennis Stevenson, CBE and Lord Richard Best, OBE (Vice-Chairman)

1. MEMBERSHIP

- 1.1 There were no changes to the Membership. Apologies for absence received from Councillor Michael Brahams, Lord Stevenson and Lord Best.

2. DECLARATIONS OF INTEREST

- 2.1 Councillors Louise Hyams and Tim Mitchell declared that, as stated in Item 12 of the agenda, they had made applications for dispensations from the Members' Code of Conduct, due to be considered by the Committee at that meeting. For this reason, Councillors Hyams and Mitchell withdrew from the Committee for Item 12.
- 2.2 Councillor Alastair Moss declared that he had made a representation as a Maida Vale Ward Member for the planning application for which Councillors Mitchell and Hyams had made applications for dispensations (as referred to in 2.1 above). For this reason, Councillor Moss withdrew from the Committee for Item 13.

3. MINUTES

- 3.1 The minutes of the meeting held on Wednesday 17 March 2010 were approved for signature by the Chairman as a true and correct record of the proceedings, subject to an insertion of a query made by Councillor Bush at the

last meeting with regard to informing Members who have been the subject of a complaint about the details of that investigation.

4. RESPONSE TO GOVERNMENT PROPOSALS (report of the Head of Legal Services)

4.1 Peter Large, Head of Legal Services introduced the report which set out proposals for dealing with the Council's draft response to the expected Government consultation in respect of the Members' Code and related matters. In the event that a response is needed prior to the next meeting, the Committee was asked to consider how it wishes to handle its response.

4.2 The Committee's preliminary view was that a Code of Conduct for Members should remain and that this could provide an opportunity to review the Code and lighten certain regulations where necessary. The Committee also indicated that the Standards Committee should continue to have some form of guidance or point of reference for decision making.

4.3 Resolved:

- (1) The Committee indicated its preliminary views in respect of the issues set out in paragraph 3.3 of the report.
- (2) That the Committee approve the proposals for responding to the consultation as set out in paragraph 3.2 of the main report.

5. ANNUAL REPORT ON OVERVIEW OF ETHICAL STANDARDS (see report of the Head of Legal Services, the Strategic Director of Human Resources and the Strategic Director of Finance and Performance)

5.1 Peter Large, Head of Legal Services, introduced the report which set out how the City Council goes about maintaining High Ethical Standards and covered issues from relevant audit reports, staffing information and referrals relating to Member Conduct to Standards for England.

5.2 Resolved:

- (1) That the Committee note the annual report and endorses the actions taken and proposed.
- (2) That the Committee endorse the conclusions set out in paragraph 7 of the report.
- (3) That the report be circulated to all Members of the Council with a covering letter from the Chairman of the Committee.

6. UPDATE REPORT ON RESPONSES TO THE ETHICAL GOVERNANCE AUDIT (see report of Head of Legal Services, Director of Human

Resources, Head of Commissioning and the Director of Communications and Strategy)

- 6.1 Peter Large, Head of Legal Services, introduced the report which explained how the City Council currently communicates its high ethical standards and how the Council can raise awareness of its ethical standards in the future.
- 6.2 The Committee requested to be informed of what training City Council staff working in One Stop Shops receive, compared to staff across other sectors of the Council.

6.3 Resolved:

- (1) That the content of the report be noted.
- (2) That the approach set out in paragraph 6.1 of the report, on how best the City Council's high ethical standards can be communicated internally and externally, to contractors and the wider community, be endorsed.

7. REPORT ON REVIEW OF CODE OF GOVERNANCE (see report of the Head of Legal Services)

- 7.1 Mick Steward, Head of Council, Cabinet and Committee Secretariat introduced the report which set out details of a forthcoming review of the City Council's Code of Governance to ascertain what updating is necessary, and will consider in particular what further guidance could usefully be given on the publication of ward newsletters.
- 7.2 The Head of Legal Services informed the Committee that the Chief Executive had requested a review of the protocol to be followed when a Councillor raises an issue about the ward of another Councillor.
- 7.3 The Committee requested that, as part of the review, the issue of quasi-judicial complaints be looked into with a view to clearly distinguishing between general complaints and complaints which are in fact disagreements with the decisions made by Committees or Officers under delegated powers (for example a planning application decision). It was suggested that complaints which fall under the latter category could be dealt with in a different, more efficient way.
- 7.4 **Resolved:** That the Committee noted the report and suggested particular areas covered by the Code of Governance which should be addressed in the review.

8. REPORT ON DECLARING INTERESTS AT START OF MEETING AND WHEN ITEM IS REACHED (see report of the Head of Legal Services)

- 8.1 Rhian Davies, Principal Solicitor introduced the report which outlined the requirements on declaring interests at formally constituted meetings of the City Council as set out in the Members' Code of Conduct and set out the current practice by Members of the City Council and those Members of other local

authorities. Rhian Davies explained the pro and cons of Councillor Bush's suggestion that Members should declare any personal or prejudicial interests both at the start of a meeting and when the item to which the declaration applies is reached, as considered by Officers in the report.

- 8.2 **Resolved:** That the Standards Committee confirmed, in the light of advice from the Head of Legal Services, the current practice where Members of the City Council have a personal interest in any business of the Authority and attend a meeting of the Authority they should disclose that interest at the start of the meeting or as soon as the interest becomes apparent and in respect of prejudicial interests these also be declared at the commencement of the meeting and this will be endorsed when the Member leaves the meeting as required for the item.

9. REVIEW OF TIMEFRAME WITHIN THE LOCAL COMPLAINTS PROTOCOL (see the report of the Head of Legal Services)

- 9.1 Rhian Davies, Principal Solicitor introduced the report which reviewed the timeframes within the Local Procedure Protocol with a view to minimising the time taken when dealing with complaints against members as requested at the last meeting.

9.2 Resolved:

- (1) That the Standards Committee approved the amendments to the Local Procedures Protocol, attached as Appendix 1 of the report.
- (2) That having approved the reduced timescales the Committee agreed that these are targets which everyone will work to but that there may be times when these cannot be achieved.

10. CONSIDERATION OF REQUESTS FOR DISPENSATION FROM THE CODE OF CONDUCT (see report of Head of Legal Services)

- 10.1 Rhian Davies, Principal Solicitor introduced the report which clarified the role of the Standards Committee in relation to applications for dispensations for members to allow them to speak and vote at a meeting when they have a prejudicial interest.

- 10.2 Resolved:** That the Committee report be noted.

11. UPDATE ON DECISIONS OF SUB-COMMITTEES (see report of Head of Legal Services)

- 11.1 Peter Large, Head of Legal Services, introduced the report which had been submitted following the request of the Committee to be updated on the work of its Sub-Committees at each meeting. He summarised that since the last meeting the Sub-Committees have considered a complaint relating to Councillor Ian Rowley and granted three applications for dispensation from the Code.

11.2 Resolved: That the Committee report be noted.

12. STANDARDS COMMITTEE WORK PROGRAMME (see report of Head of Legal Services)

12.1 Peter Large, Head of Legal Services, introduced the report which set out the work programme for the Committee for the 2010/11 municipal year and invited the Committee to comment and suggest any additional reports.

12.2 Resolved: That the current position in respect of the work programme be noted.

13. APPLICATIONS FOR DISPENSATIONS FROM THE MEMBERS' CODE OF CONDUCT (see report of Head of Legal Services)

13.1 Peter Large, Head of Legal Services, introduced the report which set out details of formal applications for dispensation from the City Council's Members' Code of Conduct received from Members due to sit on the Planning Applications Sub-Committees on Thursday 15 July 2010 and 22 July 2010. The Standards Committee were asked to consider these applications in accordance with the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which are set out in paragraph 3.3 of the main report.

13.2 Resolved:

(1) That the Committee granted a dispensation in the following form:

(a) That Councillors Audrey Lewis, Louise Hyams and Tim Mitchell be granted a dispensation to speak and vote on the planning application in respect of Andover Place at the Planning Applications Sub-Committee on 15 July 2010 and at any other meeting(s) at which the application is considered, notwithstanding that Councillor Connell may be regarded as a "close associate" for the purposes of the Members' Code of Conduct, subject to them making the statement at the meeting of the Planning Applications Sub-Committee on 15 July 2010 set out in paragraph 3.5 of the report.

(b) That this dispensation shall expire on 15 October 2010.

(2) That the Committee granted a dispensation in the following form:

(a) That Councillors Christabel Flight and Andrew Smith be granted a dispensation to speak and vote on the planning application in respect of 85 Harley Street, W1 at the Planning Applications Sub-Committee on 22 July 2010 and at any other meeting(s) at which the application is considered, notwithstanding that Councillor Nemeth may be regarded as a "close associate" for the purposes of the Members' Code of Conduct, subject to them making the statement at the meeting of the Planning Applications Sub-Committee on 22 July 2010 set out in paragraph 3.5 of the report.

(b) That the dispensation shall expire on 22 October 2010.

14. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

14.1 There was no other business.

15. TERMINATION OF MEETING

15.1 The meeting ended at 7.10pm

CHAIRMAN _____

DATE _____