



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 presented 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 or the Court.
- 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 the 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 every 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 which led to the removal of the words '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 may be as high as £100, which meant that more declarations were made. In some instances, Members were over declaring and it was important to get the right balance. Also, there was no limit in law as to the number of hospitality and gifts a member could accept. It was important for members to judge their situation appropriately and exercise sound judgement as to how their behaviour might be perceived and training for Members did cover this aspect. 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 terms of reputation and 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** \_\_\_\_\_