



City of Westminster

Committee Agenda

Title: **Standards Committee**

Meeting Date: **Thursday 6th December, 2018**

Time: **7.00 pm**

Venue: **Room 3.4, 3rd Floor, 5 Strand, London, WC2 5HR**

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

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 Services Officer.

**Tel: 020 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 Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

The Senior Committee and Governance Officer 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 5 July 2018.

(Pages 5 - 10)

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

Report of the Member Services Manager.

(Pages 11 - 24)

5. USE OF SOCIAL MEDIA

Report of the Director of Law.

(Pages 25 - 30)

6. GIFTS AND HOSPITALITY

Report of the Director of Law.

(Pages 31 - 36)

7. INDEPENDENT PERSONS UPDATE

The Senior Committee and Governance Officer to provide a verbal update.

8. WORK OPTIONS AND WORK PROGRAMME

Report of the Head of Committee and Governance Services.

(Pages 37 - 42)

9. ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

**Stuart Love
Chief Executive
28 November 2018**

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CITY OF WESTMINSTER

MINUTES

Standards Committee

MINUTES OF PROCEEDINGS

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

Members Present: Councillors Judith Warner (Chairman), David Boothroyd, Melvyn Caplan, Louise Hyams, Patricia McAllister and Robert Rigby.

1 MEMBERSHIP

- 1.1 It was noted that Councillor Melvyn Caplan was replacing Councillor Danny Chalkley.

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 15 March 2018 be signed by the Chairman as a correct record of proceedings.

4 MEMBER DEVELOPMENT CHARTER

- 4.1 The Chairman introduced the item and advised that the Member Development Charter and Charter Plus had been produced by the Local Government Association (LGA) and that it acted as a framework for councils to model their own member training needs. Members heard that around 80% of councillors had already attended the Member Development Programme and the Chairman welcomed the input provided by the Council's legal officers, although it was important that attendances levels should be even higher. Councillor Melvyn Caplan added that he thought the organisation of the Members' Induction Programme was better organised this year and that it had impressed upon new Members that they were joining a professional organisation. The Chairman then invited the Committee to give views on the Member Development Charter and Charter Plus.

- 4.2 Councillor David Boothroyd referred to section 1.1 of the Charter and suggested that the development of councillors should be a priority of the Standards Committee as well as the Leader of the Council. However, he felt that the training already provided by the Council met most of the requirements set out in section 1.1. In respect of section 1.4, Councillor Boothroyd felt that there was already an adequate designated budget for Member development in place. He suggested that consideration in respect of availability of Members for training should be taken into account, especially as some were in full time work. Councillor Boothroyd added that such a Charter could be made more specific to the Council's needs.
- 4.3 Councillor Patricia McAllister emphasised the importance of ensuring that any training initiatives were presented effectively to ensure a high Member sign up. She felt that there needed to be more officers available to help support Members' training needs and concurred that Members' availability needed to be taken into consideration. Councillor McAllister also highlighted the importance of Members working relationship with officers and she suggested that there could be a training session on this.
- 4.4 Councillor Melvyn Caplan stated that he was familiar with the LGA and had served on some of their committees. Although there were some useful suggestions in the Charter, Councillor Caplan commented that the LGA needed to take into account that it was serving the interests of all types of councils, including metropolitan boroughs, district councils and parish councils. The Council therefore needed to ensure that training was appropriately tailored to meet the needs of its own Members. Councillor Caplan queried how investment in learning and development could be regularly evaluated, as suggested in section 3.1 of the Charter. In respect of the Charter's suggestion in section 3.2 that learning is shared with other councillors, officers and stakeholders, he queried how this could be achieved in practical terms. Councillor Caplan emphasised the importance of cross party support for training initiatives to succeed, as well as from the Leader. Furthermore, the leaders of the political groups and party whips should also play a role in encouraging Members to participate in training. Councillor Caplan concluded by stating that the GLA's Charter gave some structure and guidelines on what to base Members' training on, but efforts should now be made to ensure training was specific to Westminster Members' needs. Member Development also played a role in training future leaders, whilst experienced councillors needed to be kept up to date in matters such as changes to legislation and the way the Council works.
- 4.5 Councillor Robert Rigby commented that Member Development played a crucial role and it was important that Members had appropriate support and access to appropriate pathways, as well as having an understanding of how the Council works. Efforts should also be made to ensure that Members were aware that training was in their interests and for their benefits and that they were given sufficient options in what areas they wanted to focus on. The Charter was also silent in terms of helping Councillors to address the stresses they may encounter in their roles as elected members.
- 4.6 Councillor Louise Hyams felt that there was no particular need for a Charter

and that the Standards Committee had cross party representation. Councillor Hyams stressed that councillors were elected members to represent their constituents and were not professionals in a strictly work sense. Councillors' activities were guided by the advice of officers and the views of residents and Councillor Hyams felt that obliging councillors to undertake training would be excessive. She added that new councillors also had mentors provided by their political groups. Councillor Hyams acknowledged the importance of the Members Induction, however any further training needed to be countered by the time councillors spent in serving their residents' priorities.

- 4.7 Sir Stephen Lamport, Independent Member, felt that any Charter should give an oversight on what it wants to achieve. It was important that the Member Development Programme offered training that would both be useful and interesting to councillors.
- 4.8 Members noted the written comments submitted by Councillor Danny Chalkley who was unable to be present at the meeting. In his submission, Councillor Chalkley welcomed the introduction of a Member Development Charter which he felt would help Members to become increasingly professional in undertaking their duties. Councillor Chalkley also indicated his support for the Council to achieve Charter Plus status equivalence.
- 4.9 The Chairman acknowledged that councillors roles varied considerably and their training needs differed. She highlighted the importance of Cabinet Members in needing to build up an extensive knowledge base in their field and working closely with officers, whilst those who chaired committees also required specific training. However, she remarked that a current backbencher councillor could become Leader or a Cabinet Member in future and it was also important that they had sufficient Member Development opportunities. The Chairman concurred that changes in legislation and policy meant that it was important that Members were kept updated on these through appropriate training. Member Development was also important to demonstrate that councillors are fit to represent the community and to be leaders, particularly as Members faced increased public scrutiny through the media, including ever widening social media channels. The Chairman also felt that the Standards Committee should play a greater role in helping to promote Member Development and a cross party task group could be created to look into this matter in future.
- 4.10 Hazel Best (Principal Solicitor) was invited to comment and she advised that it was not a legal requirement to have a Members' Development Charter, however it could be used as a benchmark and it also provided an opportunity to provide evidence of what the Council does to ensure councillors can effectively fulfil their roles.

4.11 **RESOLVED:**

That it be noted that the responsibility for Member Development sits with the Leader of the Council.

5 GUIDANCE ON USE OF SOCIAL MEDIA BY MEMBERS

- 5.1 Toby Howes (Senior Committee and Governance Officer) introduced the report that included Social Media Guidelines for Members that had been adopted by Wycombe District Council. The Committee was then invited to comment on these guidelines and to consider whether the Council should adopt a similar set of guidelines.
- 5.2 Councillor Boothroyd began by asking what action may be taken if a Member was to breach the guidelines. He stated that there needed to be a distinction between a Member commenting as a councillor as opposed to speaking in a personal capacity, which was often difficult to separate. The issue was further complicated by the fact that officers sometimes used social media too and this could even involve interaction with Members. Councillor Boothroyd stated that councillors were also at risk of being goaded by other users on social media because of their elected representative status. He suggested that a guidance note for Members could be produced to explain how their conduct on social media may be interpreted by the Code of Conduct
- 5.3 Councillor McAllister commented that she did not use social media, but if she were to, she would do so in a straightforward manner. Councillor Rigby suggested that a simple 'Do's and Don'ts' of using social media be produced for Member. He also emphasised the need for caution for Members when they used social media. Councillor Hyams welcomed Wycombe District Council's social media guidelines for Members and felt that it addressed all the issues together in one document. She also felt there needed to be an important distinction between using social media as a councillor and as an individual. The issue of online taunting of councillors from anonymous users also needed to be looked at and the Code of Conduct should state clearly that Members may not create their own anonymous accounts.
- 5.4 Councillor Caplan stated that consideration should first be given as to whether the Council's current Code of Conduct was sufficient to cover use of social media. Whilst Wycombe District Council's guidelines made some useful clarifications, there were duplications contained within it and efforts should be made to ensure this did not occur in the Council's own Code of Conduct. In his view, Councillor Caplan felt that the Code of Conduct did not distinguish between a Member acting as a councillor and in a personal capacity. He did not think that much needed to be added to the Code of Conduct in respect of use of social media, although he concurred that a simple set of rules would be useful.
- 5.5 Members noted the written comments submitted by Councillor Chalkley in which he stated that although the Wycombe District Council's guidelines lacked clarity in some areas, it acted as an ideal starting point for the Council to produce its own guidelines.
- 5.6 Sir Stephen Lamport commented that a statement on social media could potentially remain in permanent public view and Members needed to be mindful of this and it was a vulnerable area for them. He felt there would be some merit in putting together some guidelines for Members on use of social

media.

5.7 Hazel Best advised that there was also LGA guidance on use of social media for officers. She added that paragraphs 2.9 and 2.10 of the Council's Code of Conduct emphasised the value of respect that Members needed to demonstrate and this could also apply to use of social media.

5.8 The Chairman noted that a number of other local authorities were looking into use of social media by Members. She acknowledged the difficulty in separating a Member's comments on social media between that as a councillor and in a personal capacity. She emphasised the importance of ensuring that Members were aware of the seriousness of the situation if their conduct brought the Council into disrepute and this needed to be reinforced. The Committee agreed to her suggestion that further consideration be given to producing some guidelines on use of social media.

5.9 **RESOLVED:**

1. That Wycombe District Council's Social Media Guidelines for Members be noted.
2. That further consideration be given to the Council producing its own social media guidelines for Members.

6 WORK OPTIONS AND WORK PROGRAMME

6.1 The Chairman introduced the item and advised that the list of work options in the report included items that other Standards Committees had looked at. She suggested that Members would benefit from sessions on the role of the Council's quasi-judicial committees and that guidance on declaring gifts and hospitality would also be useful. The Committee agreed that Members rights of access and Member/Officer protocol be considered at future meetings.

7 ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

7.1 Toby Howes had advised that two people had been shortlisted for the Third Independent Person vacancy and that they would be informally interviewed by officers. Should any shortlisted candidate be considered suitable, they would then be interviewed formally by the General Purposes Committee, and if successful, recommended by the Council to be approved by Full Council.

The Meeting ended at 8.20 pm.

CHAIRMAN: _____

DATE _____

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City of Westminster

Standards Committee

Date:	6 December 2018
Classification:	For General Release
Title:	Review of May 2018 Induction Programme and Member Development Update
Report of:	Member Services Manager
Wards Involved:	Not Applicable
Policy Context:	Not Applicable
Financial Summary:	The cost of the induction programme
Report Author:	Janis Best
Contact Details:	Member Services Manager Tel: 020 7641 3255 Email: jbest@westminster.gov.uk

1. Executive Summary

- 1.1 This report reviews the Induction Programme for Members for the May 2018 election, listing lessons learned and recommendations for future programmes.
- 1.2 This report will also briefly update the Committee on work on the ongoing Member Development programme.

2. Recommendations

- 2.1 That Committee Members note the report and provide their observations on the programme.

3. Background

- 3.1 The Cabinet Secretariat and Member Services Team, worked with the Committee and Governance Services team to prepare an induction programme, which followed the local elections in May. The intention of the programme was to help newly-elected Councillors prepare for their new role and outline the support and facilities available to them, while also fulfilling specific legal requirements relating to their acceptance of their new post. The induction programme was also open to re-elected Members and they were encouraged to take part.

4. 2018 Induction Programme

4.1 Pre-election

4.1.1 After the Statement of Persons Nominated was published, the Head of Committee and Governance Services wrote to all prospective new Councillors with a copy of the Code of Conduct and a list of the dates for the induction sessions, so these could be diarised.

4.2 Post-election

4.2.1 After the election on Friday 4th May all Councillors (new and re-elected) were sent a letter and email containing information about how to access the Councillor only website (to book on induction sessions and fill out all the forms required); a list of dates (and topics) for the induction sessions, useful contacts for their ward and the Members' Handbook.

4.2.2 A Members only Sharepoint site was created to host all the information newly elected Members would need. The site provided links to forms to order business cards and parking permits, a personal information form and all the new IT policies. The site also contained an electronic copy of the Members Handbook and a calendar listing all the Code of Conduct, Governance and service-led session dates. After all the service-led sessions had been completed the presentations were uploaded to this site for Members to use for future reference.

4.3 Office-based sessions

4.3.1 All Members were instructed to attend a Code of Conduct Session and these were held on the 10 May and 7 June. Due to a number of Members not being able to attend these sessions a further two sessions were organised. By the end of July all 60 Councillors had attended a Code of Conduct session. A detailed breakdown of attendance can be found in Appendix A.

4.3.2 A Governance and Safe-Guarding session was held on 14 May and although attendance was not mandatory, it was requested. 25 Councillors attended this session, a detailed breakdown of attendance can be found in Appendix A.

4.3.3 Throughout June and July 12 service-led introductory sessions were held over six nights. These were introduced by an Executive Leadership Team (ELT) member, but delivered by frontline staff. Each ELT member was also asked to compile a summary sheet that Members could take away from each session with the main pertinent information they might need in the future. As mentioned above these, and the Powerpoint presentations, were uploaded to the Councillors' Sharepoint site after each session and remain there for reference.

4.3.4 A detailed breakdown of attendance at the office based sessions can be found in Appendix A but the Committee should note the following:

- Average attendance at each office based session (excluding the Code of Conduct and Governance sessions) was **9**.
- The average percentage of newly elected Members attending the office based sessions (excluding the Code of Conduct and Governance sessions) was **58%**.
- Members who had been nominated to sit on a Policy & Scrutiny Committee, whose portfolio was being discussed in the specific service-led session, in most cases, made up the majority of the attendees at that session.

4.4 Frontline Service visits

- 4.4.1 In addition to the office based sessions it was felt that Members would benefit from some on-site visits to services. These were arranged for after the end of the service-led sessions in August and September.
- 4.4.2 The specific details of each session can be found in Appendix A. However, it should be noted that attendance was very poor at these sessions. If they are run in future as part of an induction programme it would be more appropriate that they are offered as an addition to the service-led sessions and advertised as such; rather than an add-on at the end of the programme.

4.5 Additional elements of the programme

- 4.5.1 All Members were required to sign their Declaration of Acceptance of Office before the 16th May, in the presence of the Chief Executive. With support from the Chief Executive's office this was all completed in advance of the first Full Council meeting on the 16th May.
- 4.5.2 As these signings were arranged for after the election itself it provided more time for the Chief Executive to spend with new Members and also provided a chance for the Member Services Officers to meet the new Councillors face to face to discuss their support arrangements.
- 4.5.3 A professional photographer was available before the first Code of Conduct session and also before the first Full Council meeting so that all Members could have photographs taken for use on the Council website. All newly elected Members took up this opportunity, as did the majority of re-elected Members; however as some did not the website and the Councillors poster is not as cohesive as it could be. In future, it is suggested that all Councillors have a new photo taken after an election has taken place to ensure consistency in our materials.
- 4.5.4 Before each service-led session there was an IT drop-in service available to Members to assist with the set-up of their Westminster email address, use of Office 365 and to answer any other IT related questions. These sessions were very popular and continued after the induction period as one to one sessions booked directly by Members with the IT team.

5. Feedback

- 5.1 A survey was sent to Members after the end of the induction programme to ask for their thoughts on it and also on any future development sessions that will be programmed.
- 5.2 The detailed analysis of this survey is provided as background data in Appendix B, however the main points for the Committee to note are:
- Members felt the sessions were the right length and time of day and that having them a little time after Election Day was preferred.
 - That Members preferred a longer series of short sessions rather than a whole day or two half days of sessions.
 - That the presenters and the presentations on the whole were suitable and of a high quality; however maybe the length of some sessions could be extended as some ran over the time allotted.
 - In terms of future topics maybe one on the more formal elements of Council work, such as Full Council meetings and ceremonial events may be useful. In addition, a session on casework, which could be run by the individual Member Services Officer on a ward basis, would be beneficial.

6. Lessons learned

- 6.1 Although Members had the dates of the induction sessions well in advance there was still a very high proportion of sign ups, and then drop outs, before the sessions began. It is suggested that Party Whips ensure that all their Members are advised that these sessions are prioritised in their diaries, especially in the case of newly-elected Members.
- 6.2 Having a mandatory Code of Conduct session helped with attendance, but perhaps introducing sanctions if these are not attended would be appropriate; because as mentioned previously in this report, a number of sessions had to be run in order to ensure all Members had attended.
- 6.3 The Committee should consider making the Governance and Safe Guarding session mandatory as well. This was well attended but the content was important for all to hear.
- 6.4 Frontline Service visits should be integrated into the main service-led part of any future induction programme. This could be in the form of running the office based session off site in order to visit the service afterwards, or offering City Management walks directly after office sessions have taken place.
- 6.5 The integration of the IT sessions into the programme was very successful and should be considered in the future as well. The IT team provided a single point of contact for Members and this worked extremely well.

7. Recommendations

7.1 In any future induction programme the following should be taken into consideration at the outset.

- Mandatory Code of Conduct and Governance/Safe Guarding sessions.
- The service led induction sessions should start a couple of weeks after the election and be prioritised by Members for attendance.
- Frontline service visits to be included in the main induction programme.
- The continuation of a mainly electronic introduction pack for Members to ensure newly elected Members are used to using the Council's IT system early in their tenure.

8. Member Development

8.1 Member Development comes under the Leader's remit and a paper will go to her shortly on the future of the programme. However, comments from the survey, which was sent after the induction programme, will be considered in the programming of topics. A yearly update will be provided to this Committee on Member Development for information. The next update will be at the March/April 2019 meeting of this Committee.

9. Financial Implications

9.1 The cost of the induction programme was met from existing budgeted resources.

10. Legal Implications

10.1 There are no direct implications arising from this report.

If you have any queries about this report please contact:

Janis Best, Member Services Manager

Tel: 020 7641 3255

Email: jb@westminster.gov.uk

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Appendix A – Analysis of classroom based sessions and frontline visits

This shows each individual session and analyses attendance at each.

Classroom based sessions

Mandatory Code of Conduct (1) – 10 May 2018

Number of Members who pre-booked	Actual number of Members attended
35	35

Governance and Safe Guarding – 14 May 2018

Number of Members who pre-booked	Actual number of Members attended	Number of newly elected Members who attended
25	25	13 (52%)

Scrutiny – 23 May 2018

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Percentage of Members attending who are on P&S Committees
20	18	0	12 (66%)	88%

Mandatory Code of Conduct (2) – 7 June 2018

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance
16	14	2

Adult Social Care – 21 June

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
11	6	1	4 (66%)	5 (83%)

Public Health – 21 June

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
8	4	0	3 (75%)	3 (75%)

Children's Services – 26 June

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
11	7	3	6 (85%)	4 (57%)

City Management – 26 June

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
18	8	8	6 (75%)	2 (25%)

Cyber Security and IT policies – 27 June

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
14	13	1	8 (61%)	n/a

GDPR – 27 June

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
15	11	3	6 (54%)	n/a

Planning and Licensing Applications – 4 July

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
13	8	5	4 (50%)	n/a

Finance – 4 July

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
15	12	3	6 (50%)	5 (41%)

Communications – 5 July

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
10	5	3	2 (40%)	n/a

Economic Development – 5 July

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
11	4	6	2 (50%)	0

Housing (allocations) – 12 July

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
15	9	3	6 (66%)	2 (22%)

Housing (CityWest Homes) – 12 July

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended	Number of attendees on related P&S Committee
14	9	2	6 (66%)	2 (22%)

Frontline Service visits

City Management walkabout (South Area) – 8 August

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended
4	4	0	3 (75%)

City Management walkabout (Central Area) – 10 August

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended
2	2	0	1 (50%)

City Management walkabout (North Area) – 24 August

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended
2	2	0	2 (100%)

Education and Skills visit – 14 September

This visited WAES and Westminster Employment Service sites

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended
4	1	2	1 (100%)

Portman Children's Centre visit – 21 September

Number of Members who pre-booked	Actual number of Members attended	Number of apologies given in advance	Number of newly elected Members who attended
3	3	0	1 (33%)

The Health and Communities visit planned for 28 September was cancelled as only one Member booked on. This session would have included visits to a sports centre, day centre for older people and a library.

Appendix B

This lists the results of the survey sent to Members at the conclusion of the induction programme. There were fifteen questions in total and fifteen Members completed the survey.

The questions and results are listed below.

1. Did you attend any of the induction sessions?
15 answered and all 15 attended

2. Were the dates and times of the induction sessions generally convenient?
80% - yes
20% - no

3. Would you have preferred a whole day or two half-day sessions instead of several two-hour sessions?
87% - no
13% - yes

4. Would you have changed the start of the induction programme to commence nearer to the election on 3 May?
73% - no
27% - yes

5. Please rate the location, room and refreshments overall from 1-10 (10 being the best). If anything, what would you change?

Average response was 8.6/10. The majority of the respondents would not change anything – but those who commented said:

- A request that all Members turn off their mobiles and pay attention
- Preferred the layout of longer rows closer to the screen
- Refreshments were good and necessary

6. Were the presenters knowledgeable enough to present at the session?
100% - yes

7. Were the presenters clear and easy to hear?
93% - yes
7% - no (this was only one response)

8. Were the presentations clear and easy to read?
100% - yes

9. Were the presentations of a suitable length?
93% - yes
7% - no (this was only one response)

10. Were you aware of handouts given out at the presentations?

86% - yes

14% - no

11. Were you aware that all presentations and handouts had been uploaded to the Members Information Site?

87% - yes

13% - no

12. Do you have any additional comments on the presenters and presentations?

These are summarised into bullet points below

- The presentations sometimes went past the allotted time
- Three presenters per session is enough
- Presenters need to pitch at their audience; simplify key points; keep passions under control and emphasise Members responsibilities
- Questions should be at the end of the presentations
- Having the presentations uploaded to the website was good for those not able to attend

13. Were the sessions provided appropriate to help you in your role?

The majority of the responses 12/15 said yes – comments provided were:

- I only attended the sessions relevant to my responsibilities
- Ongoing feedback from Members will be required to identify where they need help or support
- A bit of information overload, would be good to cover some of the same ground in refresher courses once we have had longer to understand the demands on us

14. Was there anything you that you thought was missing from the overall programme?

8/15 respondents said no - comments provided were:

- Something on the traditions and expectations of the role including the formal elements
- Practical topics on: preparation before meetings; understanding Committee papers; asking appropriate questions; chairing meetings; who is who
- Casework and procedures
- Training on surgeries; more in depth housing session; more training on universal credit and benefits system

The final questions was around what Members might like to see in future Member Development sessions and included:

- Chairing meetings

- Rules governing procedure in the Council Chamber
- History of local government
- How to ask questions
- Presenting residents views at Planning meetings
- IT security/data protection/social media use
- Service led sessions – following any reorganisation – introducing frontline officers
- Update on policy issues
- Case work and who to contact
- Public speaking
- Team building
- Work/life balance
- Communications
- Working with officers
- Scrutiny
- Networking
- Methods of learning
- Safeguarding
- Housing and benefits
- Planning and Licensing session for non-Committee Members

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City of Westminster Standards Committee

Date: 6 December 2018

Classification: General Release

Title: Guidance on use of social media by Members

Financial Summary: There are no financial implications arising from this report

Report of: Monitoring Officer

1. Executive Summary

- 1.1 The committee is asked to consider a draft guidance note for members on the use of social media. Members of the Standards Committee are keen to ensure that Members conduct themselves appropriately at all times including when engaging in social media.
- 1.2 Therefore the Committee asked officers to draft a guide for consideration. The proposed Guide on Use of Social Media by Elected Members is attached to this report as **Appendix 1**.

2. Recommendations

- 2.1 To consider and approve the draft guidance on the use of social media by Members

3. Background Information

- 3.1 On 4 July 2018 the Committee considered the use of social media by Members and issues that arise from such use. Unwise comments on social media can have an adverse impact on the Member's and the Council's reputation. It can also be very distressing for others who may be the subject of the comments. This in turn could lead to potential litigation against the Member or the Council.
- 3.2 Regardless of the reputational or legal consequences the Committee felt that each Member should display the highest standard of conduct when engaging in social media, just as they would be expected to when engaging in other areas of Council business.
- 3.3 When engaging in social media activities Members need to make clear if they are acting in their capacity as a Councillor or in private capacity. Furthermore, Members need to understand that even if they are acting in private capacity any adverse publicity could also potentially reflect adversely on the Council's reputation and the Member may be in breach of their Code of Conduct.

- 3.4 Therefore, the Committee agreed that it would be helpful for the City of Westminster to have a guidance note for members on the use of social Media in both their role as a Member and in their personal use.
- 3.5 The Committee further agreed that it would be helpful for a list of dos and don'ts for Councillors to follow.
- 3.6 The Committee is asked to consider and comment on the draft report on social media guidelines for Members, which includes examples of the parts of the Code of Conduct, which may be engaged in the context of social media activities.

4. Financial Implications

- 4.1 There are no financial implications

5. Legal Implications

There are no legal implications arising from this report

**If you have any queries about this Report or wish to inspect any of the
Background Papers please contact:**

Hazel Best, Principal Lawyer, Bi-Borough Legal Services

Tel: 020 7641 2955; hbest@westminster.gov.uk

BACKGROUND PAPERS:

Appendix one – Guidance on use of social media for Members

Guidance on use of social media by Elected Members

Quick guide for councillors

Most helpful tip – don't post any message on social media that would be inappropriate to say in a public meeting.

Dos and Don'ts

Do

- Be responsible and respectful at all times.
- Share other people's helpful content and links and credit other people's work.
- Use social media in the spirit in which it was intended – to engage, openly and honestly. Seek feedback from your residents (but make sure you share the results with them).
- Listen – social media is designed to be a two-way channel, just like any good conversation.
- Set and check you have the appropriate privacy settings for your blog or networking site.
- Do keep an eye out for defamatory or obscene posts on your sites and remove them as soon as possible to avoid the perception that you condone such views.
- Be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.
- Do talk to Member Services if you need advice – they can consult relevant colleagues if needed.

Don't

- Don't post social media content in haste, particularly in circumstances where your judgment might be impaired; for example if you are angered by a comment or tired.
- Don't post comments that you would not be prepared to make on paper or face to face, or content which will embarrass the Council or yourself.
- Don't request or accept a Council employee or contractor providing services to the council as a "friend" on a social networking site where this suggests close personal association. For the avoidance of doubt this does not apply to sites which are intended as a neutral, professional connections registry (such as LinkedIn).
- Don't use social media in any way to attack, insult abuse, defame or otherwise make negative, offensive or discriminatory comments about Council staff, service users, their family or friends, colleagues, other professionals, other organisations or the Council.

- Don't publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends, contractors, council staff as well as council related information.
- Don't represent your personal views, or those of political party or interest group you belong to, as being those of the Council.
- Don't try to cover up mistakes, be honest and you'll get more respect for it in the long run.
- Don't assume that social media will look after itself – you will need to invest time, enthusiasm and energy to make it work. Social media is 24/7 – just because you leave at 5.00 pm doesn't mean the world stops or that residents won't be active. If your account is only staffed 9-5 then you should say so on your profile.
- Don't ignore legal advice, it's there to help you.

Further detailed guidance

1. Westminster City Council has its own social media accounts which act as the council's official channels across Facebook, Twitter, LinkedIn, Instagram, YouTube and Snapchat.
2. You are personally responsible for what you publish on your own social media accounts – whether you do that yourself or someone does it on your behalf. It is important that you think before you publish, as words once published on social media cannot easily be retracted.
3. Be mindful if using social media during an official Council meeting or event that the use does not negatively impact on the proceedings or contravene the Constitution or other Council protocol.

Members code of conduct

4. This applies to your online activity in the same way it does to other written or verbal communication. You should comply with the general principles of the Code in what you publish and what you allow others to publish.
5. You will need to be particularly aware of the following sections of the Code and their practical application:
 - (i) Treating others with respect – avoid personal attacks and any disrespectful, rude or offensive comments.
 - (ii) Refraining from publishing anything you have received in confidence – avoid breaching the Code by disclosing confidential information

- (iii) Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy
- (iv) Ensure you do not bring the Council or your Councillor role into disrepute, as paragraph 2.10 of the Code requires every Member to “Promote and support high standards of conduct through leadership and by example”.

Personal use of social media

- 6. The key to whether your online activity is subject to the Code of Conduct for Members is whether you are giving the impression that you are acting as a councillor, and that is the case whether you are in fact acting in an official capacity or simply giving the impression that you are doing so.
- 7. One way to separate your personal/private business from your activities as a councillor is to have two separate accounts - one for personal/private business and the other for councillor activities. However, even then, you still need to be careful to ensure that what you say on your personal/private business account does not compromise your position as a councillor.
- 8. If in respect of any personal use of social media you can be identified as associated with the Council by title, profile or content then the following guidance should be complied with

You should:

- (i) Expressly state (through a prominent disclaimer) on any profile or content that identifies you as a Councillor (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and not those of the Council.
- (ii) Ensure that readers are not misled into believing that you any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not.
- (iii) Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy.
- (iv) Comply with the terms and conditions of the social media site being used.

You must not

- (v) Make any comment or post material so as to give a reasonable person the impression that you have brought your office as Councillor or the Council into disrepute.
- (vi) Present political or personal opinion as fact or as representative of the Council.

- (vii) Imply that you are authorised to speak as a representative of the Council nor give the impression that the views you express are those of the Council.
- (viii) Publish content that promotes personal/ family interests, personal financial interests or any personal commercial ventures.

Legal considerations

9. In the main, Members have the same legal duties online as anyone else (see below), but failures to comply with the law may have more serious consequences. There are some additional duties around using a Member's website for electoral campaigning and extra care needs to be taken when writing on planning, licensing and other quasi-judicial matters.

- (i) *Libel* - If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and don't take prompt action to remove it. A successful libel claim against you will result in an award of damages against you.
- (ii) *Copyright* - Placing images or text on your site from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages against you.
- (iii) *Data Protection* - Avoid publishing the personal data of individuals unless you have their express written permission.
- (iv) *Bias and pre-determination* - If you are involved in determining planning or licensing applications or other quasi-judicial decisions, avoid publishing anything on your blog that might suggest you don't have an open mind about a matter you may be involved in determining. If not, the decision runs the risk of being invalidated.
- (v) *Obscene material* - It goes without saying that you should avoid publishing anything in your blog that people would consider obscene as it is a criminal offence.
- (vi) *Bullying and discriminatory comments* - Behaving in a discriminatory, bullying or harassing way towards any individual including making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age via social media by posting images or links or comments could, in certain circumstances, result in criminal sanction.

10. While the above list is not exhaustive it does highlight some of the more obvious issues. If you are in any doubt, speak to the Monitoring Officer.



City of Westminster

Standards Committee

Date: 6 December 2018
Classification: General Release
Title: Gifts and Hospitality
Report of: Tasnim Shawkat, Monitoring Officer

1. Executive Summary

1.1 This report seeks to restate the Council's position with regards to gifts and hospitality for Members and officers in the light of a complaint against a member of the Council, which attracted significant attention, particularly in the context of the Council's planning function.

2. Recommendations

- 2.1. To note that the Westminster City Council – Members' Code of Conduct requires Members to register any gifts and / or hospitality. The registered gifts and hospitality are then published along with the Members' register of interests on the Council's website.
- 2.2. To note that additional guidance is provided on the Council's website about registering interests and gifts and hospitality.
- 2.3. To note 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.
- 2.4. To note 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.
- 2.5. To note 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.

3. Background

- 3.1. The number of gifts and hospitality recorded by a Westminster City Councillor attracted media attention from February 2018 onwards. Following a self referral an investigation was undertaken under the *Arrangements for dealing with for dealing with complaints alleging a breach of the Members Code of Conduct*.
- 3.2. Although the ensuing investigation report did not reach the Standards Committee the report has been published on the Council's website, due the high profile nature of the complaints through the media. The contents of the report will not be repeated here in this report other to mention that the Monitoring Officer was due to refer it to the Committee for prima facie breach of the Code, as recommended by the investigating officer.
- 3.3. In the light of the investigation and the findings the Monitoring Officer has reviewed the guidance to officers and Members on gifts and hospitality and has found them to be robust.
- 3.4. The investigation brought into focus gifts and hospitality in the context of the planning process. No actual wrong doing was found yet there was intense scrutiny and sustained questioning has continued. This highlights the extreme caution Members have to exercise to deal with perceptions in areas of decision making where the Council is dealing with competing interests.
- 3.5. Following the election of a new Leader of the Council and Cabinet in January 2017, a number of changes have been implemented regarding the management of the planning system in Westminster. In February 2017, new guidance was introduced governing how the Cabinet Member for Place-Shaping and Planning and the Chairman of Planning should engage with planning applicants before and after submission of applications.
- 3.6. In May 2018, the Planning Advisory Services (PAS) were instructed to review the operation of Westminster's Development Management service. PAS was asked to consider the effectiveness of the service, the role hospitality plays, the delivery of corporate objectives and outcomes, and the Planning Committee System and Decision Making. The PAS report was completed in September 2018 and reported to the Cabinet in October.

4. Key findings

- 4.1. The Monitoring Officer has considered the investigation report into the complaint, the PAS report and the existing guidance to Members and officers and findings are set out below.
- 4.2. The Westminster City Council – Members' Code of Conduct requires Members to register any gifts and / or hospitality over £25. The registered gifts and hospitality are then published along with the Members register of interests on the Council's website.
- 4.3. The Council's website provides additional guidance for Members about registering interests and gifts and hospitality. This guidance was given under the previous legislation, which was more stringent and has been retained on the website. This guidance is reproduced in **Appendix 1** to this report.

- 4.4. Training is provided to all Members on the Code of Conduct, which covers gifts and hospitality. In relation to the requirements of the Code emphasis is placed on perceptions of members of the public rather than just complying with the law and the letter of the Code. This is the case in relation to declaring any interests. So, for example even if strictly in law there is no interest under the Code of Conduct Member often declare particular relationships in the interest of transparency.
- 4.5. It is the responsibility of each individual Member to use their judgement as to whether to accept or reject any gift or hospitality and what the public perception will be of a particular gift or hospitality or the volume, type and timing of accepting any gifts and hospitality.
- 4.6. In the light of a complaint which attracted considerable attention from the press and those involved in the Council's planning process the Monitoring Officer has undertaken a review and finds that:
- (i) There is clear and adequate guidance for Members (and officers) on the need to register gifts and hospitality
 - (ii) There are processes in place for registering gifts and hospitality and these are well publicised
 - (iii) The only action that needs to be taken is to re-state or emphasise the need to exercise sound judgement at all times
- 4.7. It goes without saying that Members need to exercise particular caution in relation to Planning process. As the LGA and the PAS say in their publication *Probity in Planning* "Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework. Decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent."
- 4.8. Finally, it should be noted that the role of Monitoring Officer is to provide the framework and guidance, not to advise on whether a particular gift or hospitality should be accepted. Each Member has to exercise their own judgement in relation to this or seek advice of their Group Leader or Whip.
- 4.9. The PAS review found no impropriety or failure to follow guidelines and protocols regarding hospitality. However, the practice of accepting hospitality from planning applicants was found to be excessive and unnecessary. It has become 'normalised' in contrast to the practice of most planning services across the country.
- 4.10 Good practice would be for staff and councillors to retain a distance from land owners, applicants, agents and community stakeholders other than through formally arranged visits and recorded meetings linked directly and specifically to the consideration of planning applications, pre-applications or the development of the local plan. This provides independence and serves to maintain trust in what is a public and regulatory service.
- 4.11 Accordingly, on 25 October 2018, the Cabinet requested that the Chief Executive and Director of Law re-state the guidance to elected Members

involved in the planning decision making process. This will include guidance to officers and elected members involved in the planning process to retain a distance from land owners, applicants, agents and community stakeholders, other than at formally arranged visits and meetings. An updating report will be brought to this committee for information once the work is completed.

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.

If you have any queries about this report please contact:

**Toby Howes, Senior Committee and Governance Services; Tel:
020 7641 3134**

Email: thowes@westminster.gov.uk

Appendix 1 - Gifts and Hospitality guidance on Westminster City Council website

Gifts and Hospitality guidance on Westminster City Council website

You must register, within 28 days of receiving it, any gifts or hospitality worth £25 or over that you receive in connection with your official duties as a Member, and the source of the gift or hospitality. Like other interests in your register of interests, you automatically have a personal interest in a matter under consideration if it is likely to affect a person who gave you a gift or hospitality that is registered. If that is the case, you must declare the existence and nature of the gift or hospitality, the person who gave it to you, how the business under consideration relates to that person and then decide whether that interest is also a prejudicial interest.

Is the gift or hospitality connected to my official duties as a Member?

You should ask yourself, would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality, the Standards Board recommend that you register it or speak to your monitoring officer.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

What if I do not know the value of a gift or hospitality?

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £25 or over should be registered.

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Date:	6 December 2018
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:	Mick Steward, Head of Committee and Governance Services Tel: 7641 3134; msteward@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	Tasnim Shawkat
	Planning Protocol	Tasnim Shawkat

**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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