



CITY OF WESTMINSTER

MINUTES

Standards Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Standards Committee** held on **Thursday 21st March, 2019**, Room 18.01, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Judith Warner (Chairman), David Boothroyd, Danny Chalkley, Louise Hyams and Robert Rigby.

Also Present: Asif Iqbal MBE (Independent Person).

Apologies for Absence: Councillor Patricia McAllister and Baroness Julia Neuberger.

1 MEMBERSHIP

1.1 There were no changes to the membership.

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 6 December 2019 be signed by the Chairman as a correct record of the proceedings.

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

4.1 The Chairman introduced the item and referred to a review undertaken by the Committee on Standards in Public Life that had been circulated to Members. The review had made a number of recommendations, of which a large number the Council already carried out. The Committee noted that the list of 'Dos and Don'ts' in respect of Members' use of social media was to be included in the Members' bulletin on 22 March. The Chairman then invited the Committee to ask Councillor Nickie Aiken (Leader of the Council) questions and make comments in respect of the review.

- 4.2 Councillor David Boothroyd suggested that it would be useful if there was some form of official or unofficial code of understanding between the Majority Group and the Minority Group in terms of boundaries for reasonable debate. He added that the behaviour of members towards each other, including between the two groups, was better than that experienced at some other local authorities. In respect of members accepting gifts or hospitality, Councillor Boothroyd stated that he had read the investigation report about a former member who had chaired Planning Application Committee meetings which had concluded that although there had been no breach of regulations, the acceptance of gifts and hospitality had been excessive. He asked if there was a threshold in accepting gifts and hospitality that would be considered reasonable and was there any specific guidance on this.
- 4.3 In reply, Councillor Aiken emphasised the importance of members adhering to the Members' Code of Conduct and that members should be aware of the level of behaviour expected of them as elected representatives. At a national level, the aggressive behaviour of some elected representatives, including their use of social media, was unfortunate and Councillor Aiken stated that she no longer used Twitter as some of the exchanges that members could be involved in were not helpful. She advised that she was in contact with Councillor Adam Hug (Leader of the Minority Group) and Karen Buck MP when there were any issues arising between members of the two groups and she enjoyed a respectful relationship with them. With regard to accepting gifts and hospitality, Councillor Aiken felt that this was about members exercising sound judgement and having a clear understanding on what is considered acceptable and there was no harm in regularly reminding them of this.
- 4.4 Councillor Daniel Chalkley referred to the recommendations of the review in relation to councillors accused of criminal offences and queried whether it was appropriate that the Police be involved in view of the pressures on their resources. He also asked what would be the appropriate action to take if, for example, a councillor deliberately failed to declare a pecuniary interest. He also commented that he did not recall as a Standards Committee Member, ever being asked to investigate another member and he asked how the Council compared with other local authorities on this matter.
- 4.5 In reply, Councillor Aiken stated that the action that should be taken against a member and whether it should involve the Police should be considered on a case-by-case basis in order to take the most appropriate steps. A negative view should be taken of any member who deliberately failed to declare a pecuniary interest, although asking the Police to take action may not be the most appropriate course of action. However, withdrawing the party whip from the member could be considered in serious cases, as well as withdrawing a member from committees which would be of sufficient embarrassment to them in view of the media attention this was likely to create. The Council had high standards with regard to councillor conduct and would not shy away from investigating members where they were subject to a complaint.
- 4.6 Tasnim Shawkat (Monitoring Officer) advised that the review was recommending that the criminal offences in the Localism Act 2011 relating to disclosable pecuniary interests be abolished, however this would require

legislative changes to enable this to happen. She advised that nationally there had only been one successful prosecution of a councillor from action brought by the Police. In respect of Westminster, there had been instances of the Standards Committee investigating a councillor in the past. The investigating officer would refer a case to the Committee if there was no other appropriate resolution. Tasnim Shawkat confirmed that there had been three complaints made about councillors this municipal year which had led to two officer investigations. The councillors involved had since resigned or been de-selected which meant it would not be possible to refer to them to the Committee in any case. The number of investigations of councillors varied widely on a national level, although generally they had reduced since the introduction of the Localism Act 2011.

- 4.7 Councillor Louise Hyams sought views on what constituted public or private behaviour for councillors. With regard to gifts and hospitality and planning, Councillor Hyams commented that there were a number of developments in her Ward seeking planning permission. She stated that she was frequently invited to meetings by the applicant which she felt were of value as it allowed members to have more information on the nature of the application and give the opportunity for members to provide feedback as knowledgeable elected members of their Ward and she hoped that members would not be prevented from doing this in future. Councillor Hyams emphasised the importance of members declaring any gifts or hospitality in order to be open and transparent.
- 4.8 In reply, Councillor Aiken highlighted the point that as elected members, councillors have chosen to be of public service and so they should behave to the standards expected of them, including in social media, whether using a councillor account or in their own name. She agreed with the recommendation in the review that councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publically accessible social media. With regard to gifts and hospitality and planning, Councillor Aiken stated that upon becoming Leader she had made it clear that there needed to be a review of the planning system and she had purposefully split the Cabinet Member portfolio that included planning by preventing the same member to chair planning committee meetings to prevent a similar situation that had occurred regarding the member who was investigated. It was not only important that planning be open and transparent, but also that it was perceived to be. However, ward members represented the biggest voice for local residents and understood their aspirations for their area and could provide useful feedback on the planning process and to the applicants in respect of this.
- 4.9 Councillor Robert Rigby sought the Leader's views on whether the Members' Code of Conduct was robust enough to address matters relating to bullying and harassment. With regard to whistleblowing, he asked whether arrangements for this were also robust enough with the appropriate support and protection in place. Turning to procurement and the organisations that the Council worked with, Councillor Rigby emphasised the importance of ensuring that these organisations shared the standards that the Council demanded.

- 4.10. In reply, Councillor Aiken stated that tackling bullying and harassment was an important issue. Members should be mindful of how they spoke with officers, particularly more junior officers who may be surprised if a member spoke to them in the same way they might speak to more senior officers. Every effort was made to ensure that officers felt they could approach their line manager if they had any concerns about how they were treated. It was also important to support the whistleblowing process which Councillor Aiken felt was robust and she was not aware of any specific concerns about this. Councillor Aiken had worked with the Chief Executive and the Director of People Services to create a more 'open door' policy for staff and staff forums had also been set up to facilitate this. With regard to the standards of other organisations that the Council worked with, Councillor Aiken concurred that it was important that they shared the same standards as the Council's. She referred to an example where the Council had firmly set out to a Council supplier that the processes it followed after concerns had been raised about a Council officer were far from satisfactory, and the appropriate disciplinary actions were taken swiftly after the complainants were transferred to the Council.
- 4.11 Tasnim Shawkat advised that there had been one whistleblowing case that had been considered by the Audit and Performance Committee.
- 4.12 Asif Iqbal MBE emphasised that transparency was invaluable and asked if there were visible mechanisms for residents to make complaints.
- 4.13 In reply, Tasnim Shawkat advised that the Members' Code of Conduct was on the Council's website and complaints could be lodged either through completing an online form or contacting the Council through email or telephone.
- 4.14 The Chairman stated that there may have been some instances where gifts or hospitality had not been declared. She felt that there would be some value in members being able to explain the context in which gifts and hospitality had been received when they declared. Also consideration should be given to when the member concerned was a Cabinet Member or Chair of a Committee. She stated that as Deputy Lord Mayor, there were some situations where she carried out Mayoral duties in the absence of the Lord Mayor and so it would be useful to be able to explain this if she had to declare any gifts or hospitality when performing this role. In addition, because this was Westminster, members were often invited to a number of events and in receipt of special invitations, so it was important that they could provide context to their declarations.
- 4.15 In reply, Tasnim Shawkat advised that in respect of recommendation 6 in the review proposing that local authorities establish a register of gifts and hospitality, this was already undertaken by the Council and the register was updated regularly. The Council's threshold to declare was anything of the value of £25 or above, whilst other local authorities' threshold was higher. In addition, the Council was also the largest planning and licensing authority in the country and this, along with the lower threshold, were the main reasons why members made more declarations compared to other local authorities. Tasnim Shawkat added that she could provide some further guidance in

respect of declaring at a future meeting.

- 4.16 Councillor Aiken concluded her remarks by restating her commitment to high standards of conduct and local government had an opportunity to lead the way in being more open and transparent and restore confidence in elected representatives.
- 4.16 The Chairman felt that regular meetings between the Leader, Group Whips and the Monitoring Officer to discuss members' conduct matters would help uphold high standards. The Committee agreed to the Chairman's suggestion that the Guidelines to Social Media report agreed at the last meeting be presented at the next Council meeting and this was supported by the Leader.

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

- 5.1 Tasnim Shawkat (Monitoring Officer) presented the report and referred to the key findings of the review in relation to bullying and harassment, social media, gifts and hospitality, including in relation to planning, investigations and safeguards and leadership and culture. She stated that consideration could be given as to whether to provide a definition of what constitutes bullying and harassment. A separate document was being produced in respect of planning and gifts and hospitality and Tasnim Shawkat confirmed that public speaking at Planning Application Committee meetings was now taking place. In respect of the review's recommendations concerning investigations and safeguards, the Council already undertook these and there were some local authorities that did not have a separate Standards Committee. Tasnim Shawkat added that although rules and guidance were necessary in respect of standards, leadership and culture had the biggest impact on the standing of the Council's ethical standards.
- 5.2 During discussions, the Chairman felt that the Advisory, Conciliation and Arbitration Service's (ACAS) definition of bullying was too restrictive and the Committee agreed to her suggestion that wording of what constitutes bullying and harassment be considered and Tasnim Shawkat agreed to undertake this. Asif Iqbal MBE welcomed the conciseness and clearness of the report.
- 5.3 In reply to a query concerning pre-determination and planning, Tasnim Shawkat advised that pre-determination was not a Code of Conduct issue, however it could make a decision unlawful where pre-determination had been established. Members should also seek advice in advance where they think they may be exposed to accusations of pre-determination. Tasnim Shawkat advised that an update would be presented at the Committee's next meeting with proposals for changes to the Code of Conduct in light of the review's recommendations that did not require changes in legislation.

5.4 **RESOLVED:**

1. That the 26 recommendations made by the Review of Local Government Ethical Standards by Committee on Standards in Public Life and the 15 best practice points be noted.
2. That it be noted that the Council already practices many of the recommendations which do not require legislative changes as a matter of good practice.

6 ANNUAL REPORT ON COMPLAINTS TO THE MONITORING OFFICER

- 6.1 Tasnim Shawkat presented the report which also included recommendations to recommend to the General Purposes Committee to amend paragraph 2.10 of the Code of Conduct to read:

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

- 6.2 Tasnim Shawkat advised that other local authorities also used similar wording to address this issue.

- 6.3 The Chairman commented that it was important that councillors anticipate the implications of their actions and that there was a need for those elected by the public to improve the perception of elected representatives.

6.4 **RESOLVED:**

1. That note the outcomes of the Members complaint referred to in paragraph 3 of the report be noted.
2. That it be agreed that the Members Code of Conduct be amended to provide greater clarity to paragraph 2.10 by adding the following:

“including, not acting in a manner which could be seen to bring the Council or the role of the Councillor into disrepute”.

3. That the General Purposes Committee be recommended to agree the proposed amendment to paragraph 2.10 of the Code of Conduct, which will read as follows:

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

7 WORK OPTIONS AND WORK PROGRAMME

- 7.1 Members noted that an update in respect of the Planning Protocol would be provided at the next meeting. The Chairman added that other items could be added to the agenda before the next meeting.

8 ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

8.1 There was no other business.

The Meeting ended at 8.24 pm.

CHAIRMAN: _____

DATE _____