



City of Westminster

Title:	Standards Committee
Meeting Date:	Monday 19th October, 2020
Time:	6.30 pm
Venue:	This meeting will be held on Teams
Members:	<p>Councillors:</p> <p>Judith Warner (Chairman) David Boothroyd Ian Adams Richard Beddoe Louise Hyams Patricia McAllister</p>
<p>If you require any further information, please contact the Committee Officer, Reuben Segal, Head of Committee and Governance Services.</p> <p>Email: rsegal@westminster.gov.uk; Tel: 07890 380137 Corporate Website: www.westminster.gov.uk</p>	

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

To note any changes to the membership.

To appoint a Deputy Chairman for the meeting.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

To sign the minutes of the meeting held on 10 March 2020.

(Pages 5 - 10)

4. UPDATE ON THE REVIEW OF THE MODEL CODE OF CONDUCT BY THE LOCAL GOVERNMENT ASSOCIATION (LGA)

Report of the Monitoring Officer

(Pages 11 - 22)

5. RESPONSE TO COMMITTEE ON STANDARDS IN PUBLIC LIFE ON PROGRESS MADE ON BEST PRACTICE POINTS MADE IN JANUARY 2019.

Report of the Monitoring Officer.

(Pages 23 - 30)

6. MEMBER COMPLAINTS - ANNUAL REPORT

Report of the Monitoring Officer.

(Pages 31 - 32)

7. WORK PROGRAMME AND ACTION TRACKER

Report of the Head of Committee and Governance Services

(Pages 33 - 40)

**Stuart Love
Chief Executive
9 October 2020**



CITY OF WESTMINSTER

MINUTES

Standards Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Standards Committee** held on **Tuesday 10th March, 2020**, Room 18.12 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Judith Warner (Chairman), David Boothroyd, Ian Adams, Richard Beddoe, Louise Hyams and Nafsika Butler-Thalassis

Also Present: Councillor Rachael Robathan (Leader of the Council), Elizabeth Walters (Independent Person), Tasnim Shawkat (Monitoring officer), Hazel Best (Principal Solicitor) and Reuben Segal (Head of Committee & Governance Services)

Apologies for Absence: Asif Iqbal and Shajad Hussain (Independent Persons)

1 MEMBERSHIP

- 1.1 It was noted that Councillor Butler-Thalassis had replaced Councillor McAllister.

2 DECLARATIONS OF INTEREST

- 2.1 There were none.

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 14 November 2019 be signed by the chairman as a correct record of the proceedings.

4 BI-ANNUAL STANDARDS COMMITTEE REPORT (MARCH 2018-MARCH 2020)

- 4.1 Tasnim Shawkat, Monitoring Officer, introduced the item stating that it is considered best practice for the council to receive an annual or biannual report in relation to standards.
- 4.2 The Committee considered and commented on a draft biannual report which covered the committee's work between March 2018 and March 2020. The Monitoring Officer advised that the provision of such a report emphasises the

importance the council places on the profile of ethical standards across the organisation and affords the opportunity to highlight key achievements and areas of good practice and identify any requirements for improvement.

- 4.3 The committee welcomed the report and put forward a number of suggested changes which included providing an explanation of how the council's Independent Persons are appointed as well as referencing all of the councillors that had sat on the committee over the period that the report covers.
- 4.4 The Committee suggested that thought should be given when drafting the next biannual report on whether the committee's work should be presented thematically rather than chronologically. Members also suggested that future reports could include more statistics such as figures on the number of complaints received against members each year alleging a breach of the Members' Code of Conduct.
- 4.5 **RESOLVED:** That subject to the recommended changes being incorporated the report be approved and recommended to Full Council for noting.

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

- 5.1 As part of its efforts to raise the profile of standards the Committee last year agreed to invite the Leader of the Council to attend one of its meetings each year to answer questions on ethical standards.
- 5.2 The chairman welcomed Councillor Rachael Robathan, Leader of the Council, to the meeting. She then invited committee members to submit questions to Councillor Robathan on a range of ethical standards matters to which she replied as follows:
 1. Q. Did she accept that issues of bullying are on the increase but that members may be unconscious of how their behaviour is perceived. Therefore, is additional guidance for members required?
 - A. Councillor Robathan stated that bullying can be inadvertent but also intentional. It needed to be dealt with properly and there should be training for members on what constitutes bullying. She also stated that as society has changed words that may have once been acceptable are not so now and care is required to avoid offending people. She referred to the fact that training on issues such as bullying, diversity and unconscious bias were covered as part of the recent mandatory Members' Code of Conduct training but she agreed that more training for members on these issues would be beneficial.
 2. Q. The Council has previously adopted the International Holocaust Remembrance Alliance definition of Anti-Semitism. Did she consider that the council should also adopt the All Party Group of British Muslims definition of Islamophobia as some have requested?

- A. Councillor Robathan commented that the council has made a strong statement against any form of prejudice on a number of occasions therefore she did not believe there is a need to adopt every definition of hate crime.
3. Q. The Council has put in place measures to increase the representation of women and those from BME groups at senior management level including requiring diverse representation on officer appointment panels for such posts. The leader was asked whether similar measures are required to increase the diversity of elected representatives in the city?
- A. The Leader of the Council stated that whilst it is important for elected representatives to mirror the wider Westminster community it is difficult to be prescriptive. She reflected that being a councillor is a big commitment and not everyone wants or is able to do this. However, she did support encouraging people to become councillors but believed that it is a matter for the political parties to address rather than the council. However, she did think that the Council could better promote the work that Councillors undertake.
4. Q. Should the council develop a strategy for member development and how can attendance at training sessions be improved upon?
- A. Councillor Robathan stated that the member development programme for the coming year is being developed. She noted the committee's comments regarding the need for more advanced notice of training events and more visible and better information on the relevance of specific training and undertook to address this as part of the plan for the programme's delivery.
5. Q. The Leader of the Council was asked about her vision for standards for elected representatives and whether there are any issues she thinks the committee might wish to focus on in the coming year.
- A. The Leader stated that Westminster's councillors need to lead by example and display the highest level of ethical standards by being a model of tolerance to people from all backgrounds while being open and answerable. She considered that the manner in which councillors converse with one another and the language which they use is important. She reflected that members should be able to engage in robust political debate without insulting one another. She asked the committee to consider whether there is merit in developing a guide on the use of language during debates at council meetings which would assist the Lord Mayor to rule on inappropriate conduct.
- 5.3 The chairman thanked the Leader of the Council for attending the meeting. Councillor Robathan thanked the committee for their work which she considered to be important.

6 REVIEW OF THE MODEL CODE OF CONDUCT BY THE LOCAL GOVERNMENT ASSOCIATION

- 6.1 The Monitoring Officer introduced the report which set out the draft timetable for the review of the model code of conduct by the Local Government Association (LGA).
- 6.2 The Committee discussed the process by which the council would respond to the consultation by the 24 April 2020 deadline.
- 6.3 In response to questions, the Monitoring Officer stated that she did not know whether the consultation would consist of a series of questions for members to respond to. The committee suggested that it would be useful for officers to formulate some questions for members to comment on in the absence of any questions put forward by the LGA. The chairman suggested that in replying to the consultation committee members have regard to the LGA's objectives in reviewing the model code of conduct which were set out in paragraph 3.4 of the committee report.

6.4 RESOLVED:

1. That the time table set out by the LGA for the review of the LGA model code of conduct be noted;
2. That it be noted that the Monitoring Officer will respond to the consultation on behalf of the City Council, having considered any views expressed by the Committee, Members of the Council and the independent Persons;
3. That it be noted that the Principal Solicitor will circulate to Members details of the consultation once published and will invite Members to forward any comments to her by 10 April 2020.

7 WORK PROGRAMME

- 7.1 The Chairman invited members of the committee and the council's Independent Persons to submit suggestions for items for inclusion in the committee's work programme.

7.2 RESOLVED:

1. That the draft work programme for 2020-2021 be noted including the agenda items for the next meeting on 2 July 2020.
2. That the actions and the outcomes from the last meeting be noted.

The Meeting ended at 8.15 pm

CHAIRMAN: _____

DATE _____

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Standards Committee

City of Westminster

Meeting or Decision Maker:	Standards Committee
Date:	19 October 2020
Classification:	General Release
Title:	Update on the review of the model code of conduct by the Local Government Association (LGA)
Report of:	Tasnim Shawkat, Monitoring Officer

1. Executive Summary

- 1.1. On 10 March the Committee considered a report on the Local Government Association's (LGA) consultation on a model code of conduct for members.
- 1.2. This followed the recommendation by The Committee on Standards in Public Life (CSPL) for the LGA to create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.3. The Monitoring Officer sent a response to the consultation. (appendix one)
- 1.4. The purpose of this report is to update the committee on the timescales of the LGA review of the model code of conduct.

2. Recommendations

- 2.1. For the Committee to note the response of the Monitoring Officer to the Consultation.

3. Background information

- 3.1. In accordance with the provisions of the Localism Act 2011, the Council has adopted a Code of Conduct for Members and Arrangements for dealing with complaints that members have breached the Members' Code of Conduct. The code was adopted from the illustrative text for local codes of conduct published by the Department for Communities and Local Government in April 2012.
- 3.2. The LGA's objectives in reviewing the model code of conduct are to:

- Articulate what local government believes are good standards for all in public office
- Show leadership in good standards of conduct for those in public office, both elected and as employees
- Achieve consensus between the stakeholders affected by local government conduct
- Support its member councils and partners in achieving good standards of conduct
- Produce a code that is fit for purpose, useful and held in high regard
- Enhance the reputation of local government and local politicians
- Support the good running of councils
- Support all democratically elected local representatives to deliver their best on behalf of their local communities
- Build on the good practice that already exists within member councils

- 3.3 Members are referred to the information published on the LGA website about the consultation [LGA Code of conduct consultation 2020](#). The consultation questionnaire stated that the “Member Code of Conduct aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse”.
- 3.4 Part of the Committee’s recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA sought to reflect some of the possible changes and stated where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee’s recommendations.
- 3.5 The consultation questions were:
- i) To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?
 - ii) Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?
 - iii) Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

- iv) To what extent do you support the 12 specific obligations?
 - v) If you would like to propose additional or alternative obligations or would like to provide more comment on a specific obligation, please do so here.
 - vi) Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?
 - vii) To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?
 - viii) To what extent do you think the concept of 'acting with civility' is sufficiently clear?
 - ix) To what extent do you support the definition of bullying and harassment used in the code in a local government context?
 - x) Is there sufficient reference to the use of social media?
 - xi) To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?
 - xii) Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model currently references it?
 - xiii) To what extent do you support the inclusion of these additional categories for registration? If you would like to propose additional or alternative categories for registration, please provide them here
 - xiv) To what extent do you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?
 - xv) The draft code proposes £25.00 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?
- 3.3. The LGA's original timetable was delayed following the Coronavirus pandemic. The consultation ended in August. The response sent by the Monitoring Officer is appended to this report. (Appendix One)
- 3.4. A further report will be prepared for the Committee once the LGA has considered the feedback from the consultation and developed a final draft of the proposed model code of conduct. There is a statement on the LGA website to say that the final draft will be reviewed by the LGA's Executive Advisory Board before being presented to the next LGA Assembly, which they hope will be held in the Autumn.
- #### 4. Financial Implications
- 4.1. There are no financial implications for this report.

5. Legal Implications

- 5.1 The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
- 5.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.
- 5.3 There is no obligation by the Council to adopt a particular model of the Code of Conduct. The statutory duty is to adopt a code of conduct which complies with the statutory requirements referred to in paragraph 5.2

Appendix One

Response by the Monitoring Officer to the LGA draft Model Code of Conduct

Background Papers

[Report to Standards Committee 10 March 2020 on the review of the model code of conduct by the LGA](#)

**If you have any queries about this report please contact: Hazel Best,
Principal Lawyer, Bi-Borough Legal Services, Email:
hbest@westminster.gov.uk**

Consultation on Draft Model Code of Conduct

Response of the Monitoring Officer, Westminster City Council

1.1. Introduction

- 1.2. This response to the consultation is from the Monitoring Officer of Westminster City Council.
- 1.3. The Monitoring Officer has opted for a narrative response but has tried to follow, as far as possible, the format of the online consultation questionnaire.
2. **Question 1: To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?**
 - 2.1. The Monitoring Officer supports the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a Councillor, including when representing the Council on official business and when using social media. The words in brackets should be added when there is the necessary change in the law recommended by the Committee on Standards in Public Life.
 - 2.2. The Council has produced guidance for members on the use of social media which was approved at a Council meeting on 26 June 2019 (attached). It currently does not form part of the code of conduct.
 - 2.3. Further guidance on the use of social media would be welcome to help to achieve consistency between councils.
3. **Question 2: Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?**
 - 3.1. Yes.

- 4. Question 3: Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?**
 - 4.1. The Monitoring Officer prefers the use of the personal tense as proposed. It emphasises the obligations placed on the individual councillor.
- 5. To what extent do you support the 12 specific obligations?**
 - 5.1. *Treating other councillors and members of the public with civility*.
 - 5.2. The Council's current Code includes an obligation to "value and respect colleagues, staff, partners and the public, engaging with them in an appropriate manner that underpins the mutual respect between them that is essential to good local government"
 - 5.3. Please see Paragraph 9 for further comments on the use of the term civility.
 - 5.4. Please see paragraph 29.7 (9) of the Council's code of conduct
 - 5.5. *Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play*.
 - 5.6. Please see response at paragraphs 5.2- 5. 4 The Council's current Code includes an obligation requiring Members to treat council officers, people in general, including partners and the public with value and respect. The Monitoring Officer recognises the importance of this obligation and is therefore in support.
 - 5.7. Please see Paragraph 9 for specific comments on the use of the term civility.
 - 5.8. *Not bullying or harassing any person*.
 - 5.9. The Council's current code includes an obligation for members not to act in a manner that could be deemed to be bullying, harassment or intimidation. The Monitoring Officer supports the inclusion of a specific obligation in the Code prohibiting the bullying and harassment of any person.
 - 5.10. Please see paragraph 29.7 (9) of the Council's Code
 - 5.11. Please see Paragraph 10 for further comments.

- 5.12. *"Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council".*
- 5.13. The Council's current Code includes an obligation expecting Members to uphold high standards of conduct.
- 5.14. Please see paragraphs 29.7 (1), (2) and (10) of the Council's Code.
- 5.15. The Monitoring Officer supports the inclusion of such an obligation.
- 5.16. *"Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so".*
- 5.17. The Monitoring Officer supports this obligation. The Council's current Code requires councillors "*to behave in accordance with all legal obligations, alongside any requirements contained within the City Council's policies, protocols and procedures, including on the use of the Council's resources and dealing with confidential information appropriately.*
- 5.18. Please see paragraph 29.7 (8) of the Council's Code.
- 5.19. *"Not preventing anyone getting information that they are entitled to by law".*
- 5.20. The Monitoring Officer supports the inclusion of this obligation. The Council's current code requires members to "behave in accordance with all legal obligations..."
- 5.21. Please see paragraph 29.7 (8) of the Council's Code
- 5.22. Members receive annual training on data protection.
- 5.23. *"Not bringing my role or council into disrepute".*
- 5.24. The Monitoring Officer supports the inclusion of this obligation. The Council's current Code includes a similar obligation "To promote and support high standards of conduct through leadership and by example, including not acting in a manner that could be deemed to be bullying, harassment or intimidation."
- 5.25. Please see paragraph 27.9 (10) of the Council's code.

- 5.26. *"Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else".*
- 5.27. The Monitoring Officer supports the inclusion of this obligation which upholds the Nolan principle of Integrity. The Council's current Code includes two obligations relating to the improper use of position to advantage oneself, and not to place themselves under a financial or other obligation to any individual or organisation that might seek to influence them.
- 5.28. "To act solely in the public interest and never to improperly confer or seek to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for themselves, their family, friends or close associates"
- 5.29. "Not to place themselves under a financial or other obligation to any individual or organisation that might seek to influence them in the performance of their official duties"
- 5.30. Please see paragraphs 29.7 (1) and (2) of the Council's code.
- 5.31. *"Not misusing council resources".*
- 5.32. The Monitoring Officer supports this obligation but would suggest it also includes a specific requirement to comply with the Council's policies, for example, on the use of Council supplied IT and systems.
- 5.33. See paragraph 29.7 (8) of the Council's Code.
- 5.34. *"Registering and declaring my interests".*
- 5.35. The Monitoring Officer supports this obligation. The Council's current Code already requires Members to disclose disclosable pecuniary interests, and other interests, as outlined below.
- "Any personal interest in any business of your authority where either it relates to or is likely to affect:
- (i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority
 - (ii) Anybody – (aa) exercising functions of a public nature (bb) directed to charitable purposes; or (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general conduct or management

- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.”
- 5.36. Please see paragraph 29.10 (3) of the Council’s code.
- 5.37. “Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage”.
- 5.38. The Monitoring Officer supports this obligation.
- 5.39. Please see Paragraph 15 for further comments.
- 5.40. “Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt”.
- 5.41. The Monitoring Officer supports this obligation. The Council’s code requires members to within 28 days of receipt, notify or arrange for the Monitoring Officer to be notified in writing of any gift, benefit or hospitality with a value in excess of £25 which they have accepted as a Member from any person or body other than the City Council.
- 5.42. Please see Paragraph 16 of this report, for further comments.
- 5.43. Please see paragraph 29.11 (1) of the Council’s Code.
- 6. Question 5: If you would like to propose additional or alternative obligations or would like to provide more comment on a specific obligation, please do so here.**
- 6.1. The Monitoring Officer is aware that some Council’s codes include a requirement, for Members to respond to letters within particular timescales but is of the view that this should not be part of the code. It is noted the proposed model code of conduct does not include this.
- 6.2. The Monitoring Officer would support a requirement for Councillors to co-operate with any scrutiny or investigation.
- 7. Question 6: Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?**
- 7.1. There are pros and cons with either approach. Having the guidance after each obligation is more accessible and convenient. However, if the guidance is clearly separable from the Code the Monitoring Officer, with advice from the Standards Committee, could regularly and more easily update the guidance without having to review the Code.

- 8. Question 7: To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?**
 - 8.1. The Monitoring Officer considers the concept of “bringing the council into disrepute” as being clear. The Council’s current Code includes an obligation to the same effect,
 - 8.2. See paragraph 29.7 (10) of the Council’s Code.
- 9. Question 8: To what extent do you think the concept of ‘acting with civility’ is sufficiently clear?**
 - 9.1. The Monitoring Officer acknowledges that the concept of civility is intended to broaden the provisions in relation to treating people with respect. The Council in its Code has used the term “respect”. The term respect is thought to demand more than the term civility. Civility is often associated with “politeness”, whereas respect is to “have due regard for the feelings, wishes or rights of others”. The Monitoring Officer has some concerns in terms of whether members of the public will understand what is meant by civility.
- 10. Question 9: To what extent do you support the definition of bullying and harassment used in the code in a local government context?**
 - 10.1. The Monitoring Officer supports the inclusion of a definition of bullying and harassment to be used in a Code. The Council’s current code already has a similar provision. see paragraph 29.7 (9) of the Council’s code. The Council includes a definition of bullying and harassment in appendix 2 of its Code.
 - 10.2. *Please see paragraph 29.7 (9) of the Council’s code. The Council includes a definition of bullying and harassment in appendix 2 of its Code.*
- 11. Question 10: Is there sufficient reference to the use of social media?**
 - 11.1. The Monitoring Officer considers that there is sufficient reference to social media as a method of communication to which the obligations in the Code apply. This is a constantly changing area however where guidance will need to be reviewed and kept up to date. The Council currently has guidance for Councillors on the use of social media.
- 12. Question 11: To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?**
 - 12.1. The Monitoring Officer considers that the requirements to declare interests i.e. in paragraphs 5 to 7 of Appendix B are appropriate. For the

consistency however there should be guidance, including examples, as to what is meant by “close associate”.

13. **Question 12: Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model currently references it?**
 - 13.1. The Monitoring Officer considers that the current draft, with the obligation contained in the body of the code and the detail in the appendix, is appropriate. The guidance should make it clearer however that the obligation goes further than declaring those interests which are registered i.e. that there are interests, where there is no requirement to register but which may have to be declared in meetings.
14. **Question 13: To what extent do you support the inclusion of these additional categories for registration? If you would like to propose additional or alternative categories for registration, please provide them here:**
 - 14.1. The Monitoring Officer supports their inclusion but would suggest that the requirement to register membership of an organisation which has a principal purpose of influencing public policy might need to be refined. Should the requirement to register membership apply to an organisation whose (i) area of influence would not affect council policy or (ii) membership is extensive eg possibly the National Trust or the AA?
 - 14.2. Unpaid directorships should be added to Table 2 pending any change in legislation.
15. **Question 14: To what extent do you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?**
 - 15.1. The Monitoring Officer agrees with the proposed requirement that Councillors do not accept significant gifts from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
 - 15.2. This is in line with the principle of integrity under the Seven Principles of Public Life, but also consistent with the Council’s current Code which requires Members to “Not place themselves under a financial or other obligation to any individual or organisation that might seek to influence them in the performance of their official duties.”
 - 15.3. The Council’s current code provides guidance on the principles Councillors should consider when deciding whether to accept any gift, benefit or hospitality.
 - 15.4. Please see paragraph 29.11 (4) of the Council’s Code.

16. **Question 15: The draft code proposes £25.00 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?**
- 16.1. The Council's current Code requires Members to notify the Monitoring Officer of any gifts or hospitality accepted with an estimated value of at least £25.00. The details are put on the Council's website.
- 16.2. The Monitoring Officer supports and particularly welcomes not receiving gifts and hospitality from developers, and thinks think significant should be defined or illustrated otherwise it is difficult to advice or enforce
- 16.3. Please see paragraph 29.11 (1) of the Council's Code.
17. **Question 16: The Local Government Association will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? (Please rank 1-5, with 1 being the most useful).**

- 5 - Regularly updated examples of case law
- 1 - Explanatory guidance on the code
- 3 - Case studies and examples of good practice
- 2 - Supplementary guidance that focuses on specific areas, e.g. social media
- 4 - Improvement support materials, such as training and e-learning packages

Tasnim Shawkat
Monitoring Officer
Westminster City Council



Standards Committee

City of Westminster

Meeting or Decision Maker:	Standards Committee
Date:	19 October 2020
Classification:	General Release
Title:	Response to Committee on Standards in Public Life on progress made on best practice points made in January 2019
Report of:	Tasnim Shawkat, Monitoring Officer

1. Executive Summary

- 1.1. On 21 March 2019 and 12 July 2019 the Committee discussed reports on the outcome of the review by the Committee on Standards in Public Life (CSPL) on Local Government Ethical Standards, published in January 2019.
- 1.2. The review made 26 recommendations and 15 best practice points to ethical standards in local government. The best practice recommendations represent a benchmark for ethical practice which the CSPL expects any local authority should implement.
- 1.3. The CSPL undertook to follow up the best practice recommendations with Local Authorities this year. An email was sent to all Chief Executives on asking for an update on progress against the best practice recommendations by 30 November 2020.
- 1.4. The CSPL has provided a template for Local Authorities to complete which they intend to publish on their website in the new year.

2. Recommendations

- 2.1. For the Committee to comment on the proposed response to the CSPL on the progress the Council has made in relation to implementing the best practice points.

3. Background information

- 3.1. In January 2019 the CSPL published a report following its review of ethical standards in local government. The report reinforced the high standards of conduct required in local government to protect the integrity of decision-making, maintain public confidence and safeguard local democracy.
- 3.2. The report set out a list of best practice recommendations which Local Authorities should consider as a benchmark of good ethical practice and implement.
- 3.3. A list of the best practice points and the Council's position is set out in Appendix One of this report. This will help formalise the response to the CSPL.

4. Financial Implications

- 4.1. There are no financial implications for this report.

5. Legal Implications

- 5.1. 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 ("the Act") Under section 28 of the Act, the Council must have in place "arrangements" under which allegations that a member or co-opted member of the Council, or of a Committee or Sub-Committee of the Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.
- 5.2. In order to implement some of the recommendations amendments would have to be made to sections 27, 28 and 31 Localism Act 2011. In addition, amendments would have to be made to The Relevant Authorities Disclosable Pecuniary Interests) Regulations 2012 and the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Appendix One

Response by the Monitoring Officer to the LGA draft Model Code of Conduct

6. Background Papers

[Report to Standards Committee on 21 March 2019 re CSPL review](#)

[Report to Standards Committee on 12 July 2019 re CSPL review](#)

**If you have any queries about this report please contact: Hazel Best,
Principal Lawyer, Bi-Borough Legal Services, Email:
hbest@westminster.gov.uk**

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	CSPL Best practice recommendations on ethical standards in local government	Council's position
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	Paragraph 2.9 Code of Conduct- “.....not to act in a matter that could be deemed to be bullying, harassment or intimidation” A definition of bullying and harassment has been added to the definitions section of the Code of Conduct (see appendix 2 of report)
2	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.	The Council’s arrangements for dealing with complaints alleging a breach of the Members code of conduct states that complaints will only be considered to merit formal investigation if they comply with all the criteria set out in paragraph 4.3 which includes - the complaint is not tit for tat and the complaint appears not to be politically motivated.
3	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities	The code is reviewed annually and following any complaints investigation if there were any lessons to be learnt.
4	An authority’s code should be readily accessible to both councillors and the public, in a prominent position on a council’s website and available in council premises.	The code of conduct is published on the Council’s website.
5	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	Register is on line and is updated regularly

6	Councils should publish a clear and straightforward public interest test against which allegations are filtered	The arrangements for dealing with complaints sets out the criteria which must be met before a complaint will be investigated
7	Local authorities should have access to at least two Independent Persons.	The Council has appointed three Independent Persons
8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	The Council's arrangements for dealing with complaints set out that the Monitoring Officer will consult the Independent Person before coming to a final decision as to whether or not a complaint which meets the relevant criteria should be investigated.
9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied	The report of the Investigating Officer is published on the Council's website. The minutes and decisions of Standards hearings will be published on the Council's website.
10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcome	The code of conduct and "Arrangements" are published on the Council's website

11	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances	This has been recommended to Queens Park Community Council
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	The Monitoring Officer and her deputies provide advice, support and management of investigations and adjudications on alleged breaches to Queens Park Community College.
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	The Monitoring Officer can appoint another officer to undertake the investigation and can also seek the views of the Monitoring Officer for Kensington And Chelsea as the legal service is a Bi-Borough arrangement.
14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	To be considered.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues	The Leader has arranged regular meetings with the Group Whips and the Monitoring Officer to discuss standards issues.



Standards Committee

City of Westminster

Meeting or Decision Maker: Standards Committee

Date: 19 October 2020

Classification: General Release

Title: Member Complaints – Annual Report

Report of: Tasnim Shawkat, Monitoring Officer

1. Executive Summary

1.1 This report is the Annual report to the Committee setting out, in summary, details of complaints against members of the Council, since the last report to the Committee.

2. Recommendations

2.1 To note the outcomes of the Members complaint referred to in paragraph 3 of the report.

3. Member complaints

3.1 This report considers member complaints for the period March 2019 to September 2020. During this period the Monitoring Officer has received nine complaints.

3.2 One of the complaints was by a Councillor, one by an officer and the rest were by residents.

3.3 In relation to two of the complaints, members offered an apology to the complainant and therefore the complaints were not investigated.

3.4 In relation to the other seven complaints the matters complained of did not meet the criteria set out in the Council's arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct, to warrant investigation.

3.5 There was no pattern of vexatious complaints or general theme as to the nature of the complaints.

- 3.6 There are no proposed changes to the Members Code of Conduct following a review of the complaints. Changes were made to the Code of Conduct in 2019 following a review of Ethical Standards in local government by the Committee on Standards in Public Life.
- 3.7 Members of the Standards Committee will be discussing a separate report at its meeting on 19 October 2020 in relation to the consultation by the Local Government Association's (LGA) review of the model code of conduct. The Monitoring Officer responded to the consultation. The LGA is currently reviewing the responses and will prepare a final draft of the model code of conduct to be considered by its Executive Advisory Board and presented to the next LGA General Assembly in the autumn. A further report will be presented to the Standards Committee for Members to consider if any changes need to be made to the Council's Members Code of Conduct and Arrangements for dealing with complaints once the LGA publishes its' recommended model code of conduct.
- 3.8 Councillors receive annual training on the Members Code of Conduct and in autumn of last year received training on diversity and inclusivity. A programme of training is arranged to ensure Councillors receive up to date training on issues affecting ethical governance

4 Financial Implications

- 4.1 There are no financial implications for this report.

5. Legal Implications

- 5.1 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 ("the Act") Under section of the 28 of the Act, the Council must have in placed "arrangements " under which allegations that a member or co-opted member of the Council, or of a Committee of Sub-Committee of the Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.

If you have any queries about this report, please contact:
Reuben Segal, Acting Head of Committee and Governance Services,
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Date:	19 October 2020
Classification:	For General Release
Title:	Work Programme 2020-2021
Report of:	Tasnim Shawkat, Monitoring Officer
Financial Summary:	There are no financial implications arising from this report
Report Author and Contact Details:	Reuben Segal, Head of Committee and Governance Services Email: rsegal@westminster.gov.uk

1. Executive Summary

- 1.1 Members are asked to review the proposed work programme for 2020-2021 set out as appendix 2 to the report and identify any other items it wishes to include to it.
- 1.2 An Action Tracker to monitor any decisions/action requests is attached at appendix 3.

2. Recommendations

- 2.1 That, having regard to the Committee's Terms of Reference attached as appendix 1 of this report the Committee indicate any further items it wishes to be added to its future 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.
- 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 An Action Tracker to monitor any action requests from previous meetings is attached to 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.

**If you have any questions about this report, or wish to inspect one of
the background papers, please contact:
Reuben Segal, Head of Committee and Governance Services
rsegal@westminster.gov.uk**

Background Papers: None.

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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Work Programme 2020/21

Standards Committee

19 October 2020

Update on the review of the model Code of Conduct by the LGA	To receive an update report on the review of the model Code of Conduct by the LGA	Tasnim Shawkat
Response to Committee on Standards in Public Life on progress made on best practice points made in January 2019	To consider the progress made by the council in implementing the recommendations of the CSPL in advance of providing an update to them by their 30 November deadline.	Tasnim Shawkat
Annual Report on Member Complaints	To inform the Committee about any complaints received against Councillors since the last report and the outcome of any investigations	Tasnim Shawkat

8 April 2021

Update on CSPL best practice recommendation on ethical standards within the separate bodies created by the council.	To consider a report on the separate bodies the council has set up or which it owns and how these abide by the Nolan principle of openness including publishing their board agendas and minutes and annual reports in an accessible place.	Tasnim Shawkat
Outcome of LGA Review of model Code of Conduct	To receive a report on the final draft new model Code of Conduct following the LGA review and to consider any recommendations in relation to amending the City Council's Members' Code of Conduct	Tasnim Shawkat

Future Agenda Items		
Annual Q&A with the Leader of the council on Ethical Standards	To submit questions and receive responses from the Leader on Ethical Standards matters.	July 2021
Annual Update on Member Complaints	To receive a report on complaints against members	Autumn 2021
Bi-annual Standards Committee Report	To consider a report on the work of the committee since March 2020.	April 2022

STANDARDS COMMITTEE ACTION TRACKER
ACTIONS: 10 March 2020

ACTION	OUTCOME	LEAD OFFICER
BI-ANNUAL STANDARDS COMMITTEE REPORT		
Submit the bi-annual report following minor changes requested by committee to a meeting of full council for noting.	This was submitted to the council meeting on 16 September and was noted	Reuben Segal
Members reviewed the table of member attendance at training sessions in 2019-20 which was appended to the report. Members noted that the table indicated that none of the members had attended the scheduled planning enforcement training session on the 11 th September 2019 and asked whether this was a typing error and for this figure to be checked.	6 Members attended the training session which was for planning members only.	Reuben Segal
REVIEW OF THE MODEL CODE OF CONDUCT BY THE LGA		
That details of the consultation be circulated to members and the Independent Persons once published.	This information was emailed to members at the end of July 2020	Hazel Best/ Reuben Segal

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