



CITY OF WESTMINSTER

MINUTES

Standards Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Standards Committee** held on **Thursday 11th July, 2019**, Room 18.07 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

Also Present: Asif Iqbal, MBE (Independent Person), Tasnim Shawkat (Director of Law), Hazel Best (Principal Solicitor), Reuben Segal (Head of Committee and Governance Services).

Apologies: Rabbi Baroness Julia Neuberger (Independent Person)

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor David Boothroyd declared that he was the Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. No current schemes are in Westminster; if there were he would be precluded from working on them under the company's code of conduct.

3 MINUTES

3.1 **RESOLVED:** That the Minutes of the meeting held on 21 March 2019 be signed by the Chairman as a correct record of the proceedings, subject to correcting paragraph 4.6 to reflect that it is the Monitoring Officer rather than the Standards Committee that investigates complaints submitted against Councillors. The Investigating Officer will send his/her final report to the Monitoring Officer who will then arrange for the Standards Committee to consider the complaint.

4 LOCAL GOVERNMENT ETHICAL STANDARDS - PROBITY IN PLANNING DECISION MAKING

- 4.1 Tasnim Shawkat, Monitoring Officer, introduced a report that provided an update to the Standards Committee on the actions taken by the Council following the independent review of Westminster's planning service by the Planning Advisory Service (PAS).
- 4.2 The Monitoring Officer explained that a report setting out the findings of the review was presented to Cabinet on 25 October 2018. Cabinet made several recommendations based on the findings of the review. One of the key themes was to improve the openness and transparency of the planning system. This included updating draft Guidance for Members on Making Planning Decisions. Tasnim Shawkat explained that whilst the Members' Code of Conduct applies to all councillors and to all committees particular care and guidance is required for those involved in planning. This reflected the findings of the CSPL Review. The draft revised guidance outlined best practice for members of planning committees across a range of issues including standards of conduct, probity in decision-making, conflicts of interest as well as support and guidance on the substance and parameters of taking planning decisions.
- 4.3 The Monitoring Officer informed Members that the draft revised guide was presented to and approved by the Planning and City Development (PCD) meeting on 20 June 2019 subject to the incorporation of views and advice of the Standards Committee. She advised the committee that reference to the Code of Conduct was now set out at the beginning of the document to reflect its fundamental importance for Members dealing with planning matters.
- 4.4 Members reviewed the contents of the guide as it related to ethical standards. Whilst the Committee considered the information to be clear and well structured a number of amendments were put forward.
- 4.5 One suggestion was to reinforce paragraph 3.4 of the covering report in the guide. The CSPL Review highlighted that a small number of Councillors can have a significant impact on the financial interests of specific individuals or firms. Councillors involved in planning decisions should generally not accept overly frequent or overly generous hospitality and should always ensure that acceptance of such hospitality does not constitute a conflict of interest.
- 4.6 Members expressed the view that concerns around the acceptance of gifts and hospitality should not prevent councillors engaging with residents and developers in their own wards at the pre-application stage provided councillors did not put themselves under an obligation. The Monitoring Officer stated that ward councillors should be encouraged to engage with all stakeholders at the pre-application stage but stressed that a proportional approach should be taken particularly in relation to accepting gifts and hospitality. She advised that the next item on the agenda included proposals to amend the Members' Code of Conduct to incorporate the Cabinet Office principles for accepting gifts and hospitality as recommended by the CSPL. She suggested that the committee endorse this being included in the updated guidance.

4.7 The committee noted that the draft guidance states that where a member is in any doubt about whether they have an interest and whether it needs declaring they are advised to always seek the advice of the Director of Law or other relevant officers disclosing all material facts. Members suggested that the guidance should highlight that, wherever possible, queries should be submitted a day or so in advance of the meeting to provide time for the Director of Law to consider the issues which can sometimes be complex.

4.8 The Committee asked how members of the Council would know how to find the finalised guidance. Members commented that there should be detailed training on the guidance and suggested that this is incorporated in the Member Development Programme. The Monitoring Officer advised that the finalised guide would be published on the Council's website. She undertook to ensure that training on it is incorporated in the Member Development Programme and stated that it would be included in the Code of Conduct refresher training in October.

4.9 **RESOLVED:**

1. That the draft revised Guidance for Members - Making Planning Decisions be approved subject to incorporating the Cabinet Office principles for accepting gifts and hospitality as recommended by the CSPL, and as set out in the proposed draft amendments to the Members' Code of Conduct.
2. That the committee's views be forwarded to the Director of Place Shaping and Town Planning who has been delegated authority by the PCD Committee to finalise and publish the guidance, following consultation with the Director of Law and Chairman of the PCD Committee.

4.10 **ACTIONS:**

1. Incorporate and advertise training on the guidance as part of the member development training on the Members' Code of Conduct scheduled for October and ensure that ongoing, periodic training on planning is incorporated into the Member Development Programme. (**Janis Best, Member Services Manager**)
2. Once finalised, circulate the guidance as well as the pre-application guide for officers and members to all Councillors. (**Janis Best, Member Services Manager**).

5 LOCAL GOVERNMENT ETHICAL STANDARDS - IMPLEMENTATION OF RECOMMENDATIONS OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

5.1 Tasnim Shawkat, Monitoring Officer, presented the report that set out the proposed action for the Council to implement following the review of Local Government Ethical Standards by the Committee on Standards in Public Life (CSPL).

5.2 The proposed actions in the report reflected the discussion at the last Standards Committee meeting when Members considered the CSPL report.

RESOLVED: The Committee:

1. Noted the CSPL recommendations and best practice which are already adopted by the Council (Appendix 1 to the report)
2. Agreed to enhance the wording of the provision in relation to bullying and harassment in the Code of Conduct as proposed by the CSPL, and as set out in the proposed draft amendments to the Code (Appendix 2 to the report).
3. Adopted the Cabinet Office principles for accepting gifts or hospitality, as recommended by CSPL, and as set out in the proposed draft amendments to the Code (see appendix 2 to the report)
4. Agreed to refer the changes to the Code of Conduct to the General Purposes Committee to recommend for adoption by the Council

6 GUIDANCE ON THE USE OF SOCIAL MEDIA BY MEMBERS

- 6.1 The Monitoring Officer presented the update.
- 6.2 The report outlined that the Committee considered and approved a draft guidance note for members on the use of social media on 6 December 2018.
- 6.3 The Committee recommended that the guidance be referred to a meeting of the full Council for noting as it would help raise awareness amongst Members of their responsibilities.
- 6.4 The social media guidance was discussed at the Council meeting on 26 June 2019. A couple of members raised concerns with the wording of the guide and stated that it was not as clear as it could be. It was agreed that the guidance would be referred to the Committee for further discussion and in the interim all members would be invited to provide comments.
- 6.5 Whilst representations on the draft guidance were received from two Councillors (Robert Rigby and Jacqui Wilkinson) a few members had asked for additional time to submit comments.
- 6.6 **RESOLVED:**
1. That the deadline for Members to submit comments on the guidance be extended to the end of September.
 2. A revised guide taking on board the comments that have been received to be submitted for consideration to the Committee's next meeting in November.
- 6.7 The Monitoring Officer stressed that the current guidance would remain in place until a revised version is agreed by the Committee.

ACTION: That a copy of the current guidance is re-circulated to all Councillors for information (**Action for: Reuben Segal, Head of Committee and Governance Services**).

7 RECRUITMENT OF AN INDEPENDENT PERSON

- 7.1 The Committee received a verbal update on the initial stage of recruitment of additional Independent Persons. It noted that the Council had received 13 applications and that seven had been long listed for an initial interview by the Monitoring Officer. A shortlist of final candidates will be interviewed by the General Purposes Urgency Sub-Committee in September.
- 7.2 The Committee was informed that Rabbi Baroness Julia Neuberger had tendered her resignation as one of the Council's Independent Persons the previous day. In light of this the Council would seek to appoint two Independent Persons.
- 7.3 The Chairman advised that she would write to Rabbi Baroness Julia Neuberger on behalf of the Committee thanking her for her service to the Committee.

8 WORK OPTIONS AND WORK PROGRAMME

- 8.1 That, having regard to the work options set out in the report, the Chairman invited members to indicate any items it wished to be added to its work programme.
- 8.2 Members put forward a number of suggestions relating to Member Development and Training which included sessions on identifying conflicts of interest and the registration of interests associated with personal data such as home addresses following the publication of the Local Elections (Principal Areas) (England and Wales) (Amendment) (England) Rules 2018.

RESOLVED:

1. The Committee agreed that it should produce a short, annual report from this year onwards to publicise its work and highlight how it has responded to changing regulation.
2. It also agreed to include an item on reviewing the Council's protocol on member/officer relations to the agenda for its next meeting on the 14 November.

ANY OTHER BUSINESS THE CHAIRMAN CONSIDERS URGENT

- 9.1 There was no other business.

The Meeting ended at 7.55 pm

CHAIRMAN: _____

DATE _____