



# City of Westminster Standards Committee

<b>Meeting:</b>	Standards Committee
<b>Date:</b>	20 April 2022
<b>Classification:</b>	General Release
<b>Title:</b>	Follow-Up Actions from the Leaders Q&A Session
<b>Report of:</b>	Parveen Akhtar – Director of Law and Governance (Monitoring Officer)

## 1. Executive Summary

This report provides a follow-up on the key actions which emerged from the Q&A session on ethical standards held with the Leader of the Council at the previous meeting of the Committee. The main topics of discussion centred on improving debate at Council meetings, reporting methods and a duty of care around potential harassment/intimidatory behaviour from members of the public towards Councillors.

## 2. Recommendations

- 2.1 That the report be noted.
- 2.2 That the Members Code of Conduct be amended to state that Councillors should expect respectful behaviour from the public and that if they have any concerns these should be reported to the Monitoring Officer.

## 3. Debate at Full Council

- 3.1 At the Standards Committee held on 5<sup>th</sup> December 2022 Members expressed the view that whilst debate at Council meetings needed to be robust and vigorous it was important to ensure it always remained respectful and constructive. During the discussion at the Committee, it was suggested practice at similar local authorities be assessed to ensure Westminster City Council's rules of debate remained up-to-date and appropriate.
- 3.2 Best practice at other authorities was assessed, including Tower Hamlets, RBKC and Surrey County Council, to draw comparisons with Westminster's

current rules of debate. During this process it was noted that some authorities explicitly referenced the manner of debate expected at Council meetings in their constitutions. Whilst Westminster does not, it is noted that the Council's constitution does state the Council's ethical framework is underpinned by the Seven Principles of Public Life also called the Nolan Principles which underpin the ethical standards expected of public office holders. In addition, the Code of Conduct also makes the following explicit references to the following standards of conduct/behaviour expected by Members:

- 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, and not to act in a manner that could be deemed to be bullying, harassment or intimidation.
- 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.

3.3 Following discussions with the Whips of both parties, it is felt that the present Council Procedure Rules and the code of conduct set out in the constitution adequately sets out that debate at Council meetings remains respectful at all times and offers an appropriate balance to ensure the effective conduct of meetings. It should be stressed though, that the Council's constitution can only ever set out a framework for general behaviour. Much relies upon the conduct of individual members and the chair of the meeting for setting an appropriate tone and an atmosphere conducive to debate. However, it remains good practice to undertake periodic reviews on areas such as debate at Full Council in order to ensure that any improvements identified can be recommended for the Council's consideration.

#### **4. Harassment and Intimidation of Councillors**

4.1 Councillors are at the centre of local democracy, elected from amongst their local community and forming a vital link between councils and residents. However, at the previous Standards Committee, concern was expressed that Councillors were facing an increasing level of abuse and intimidation. It was recognised that rights to object and constructive challenge are both key components of democracy, but abuse and intimidation of Councillors was unacceptable and only served to silence democratic voices and deter people from engaging with politics.

4.2 The Committee discussed how reporting processes were in place for Council Officers if they experienced any intimidatory behaviour from a member of the public but there was no such formal process in place for Councillors. It was suggested that increasingly, councillors were being subjected to abuse and intimidation, particularly via social media, which occasionally, crossed into unacceptable territory. Members felt it was an area which needed further discussion as preventing elected members from representing the communities

they serve, deterring individuals from standing for election and undermining local democracy negatively impacted on Councillors and democracy at local and national levels. The Council's Constitution states:

### **Citizens' responsibilities**

Citizens must not be violent, abusing or threatening to councillors or officers and must not wilfully harm things owned by the council, councillors or officers.

- 4.3 A review has been undertaken of best practice at other local authorities. Whilst Westminster's constitution makes no explicit reference on how to handle such behaviour other authorities such as Surrey County Council and Tower Hamlets highlight that Members have the right to expect respectful behaviour from the public, and that if the public are being abusive/intimidatory, the Member can stop the interaction. One slight difference between the two is that whilst Surrey suggests reporting the abusive behaviour to the social media provider or police, Tower Hamlets instead states that advice can be sought from the Monitoring Officer in the first instance.
- 4.4 Currently, Westminster City Council Members are encouraged to report any incidents of concern even if fairly minor to the authority's Monitoring Officer. This enables the Council to undertake proper monitoring and decide if any action needs to be taken to prevent a similar incident reoccurring. Members should also consider it advisable to warn ward colleagues, of an unsafe situation they have encountered so they are aware of the risk. If the Committee feels it is necessary however, a recommendation can be made to change the Members Code of Conduct to explicitly state that Councillors should expect respectful behaviour from the public and that any concerns should be reported to the Monitoring Officer.
- 4.5 In addition, personal safety training has been organised for Members and repeat sessions will be factored into any future training programmes.

### **Support for Councillors**

The Local Government Association (LGA) has published guidance for Councillors who experience harassment, abuse and intimidation.

- 4.6 This guidance sets out the legal support that is available, such as pursuing civil remedies or reporting behaviour to the police.
- 4.7 The LGA also recommends that Councils develop their own internal policies and procedures to assist Councillors who are experiencing harassment or intimidation. This can include having the Monitoring Officer support Councillors and providing a liaison point with the police.

## **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 (“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.

## **7. Carbon Impact**

7.1 The decision will have no carbon impact.

## **8. Consultation**

8.1 The report is for information only.

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

Tristan Fieldsend, Senior Committee and Councillor Co-Ordinator