

APPENDIX A



City of Westminster

**BIENNIAL STANDARDS COMMITTEE REPORT
(MARCH 2020 TO MARCH 2022)**

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Introduction

This is the second Biennial report of the Standards Committee.

The document starts by setting out the key achievements of the Committee over the past two years.

It goes on to explain what the Committee considered at each meeting and the outcomes from them.

It then highlights the support provided to the committee and the Monitoring Officer by the Council's Independent Persons.

It concludes by highlighting identified priority areas of work for the year ahead.

Key Achievements of the Committee during the period March 2020 to March 2022

The Committee's work programme has been severely disrupted during the period from March 2020 to March 2022 due to the Covid-19 pandemic. Despite this the Committee has continued to cover routine or regular items and this section sets out the Committee's achievements over and above its regular work.

- We **produced the first Biennial Standards Committee** report highlighting the importance the Council places on the profile of ethical standards across the organisation and providing the opportunity to highlight areas of good practice and identify any requirements for improvement.
- We **provided a response** to the Local Government Association consultation on the review of the model code of conduct to ensure it continues to be fit for purpose, incorporating advances in technology, social media, case law and changes in legislation.
- We **responded to the Committee on Standards in Public Life (CSPL)** in regard to the Local Government Ethical Standards recommendations setting out all the best practice points which had been implemented as a benchmark of **good ethical practice**.
- We **continued to provide guidance** for members on training with regard to matters relating to the City Council's Code of Conduct and **introduced a requirement** for all Code of Conduct training to be mandatory for Members.
- We arranged for the previous annual **code of conduct training** to have a **focus on social media** to take place in response to lessons learnt.
- We **raised the profile** of standards through;
 - Taking the Bi-Annual Standards Committee report to Full Council.
 - Obtaining a commitment from the Leader of the Council to attend one of our meetings per year for a question and answer session on ethical standards.

Meetings - What we did and the Outcomes

10 March 2020

1. Biennial Standards Committee Report

What did we consider?

We received the first Biennial Standards Committee Report highlighting the importance the Council places on the profile of ethical standards across the organisation and highlighting areas of good practice and identifying any requirements for improvement.

Outcomes/Achievements

The report was recommended to and agreed by Full Council, which showed the emphasis the Council placed on the profile of ethical standards across the organisation.

2. Q&A with the Leader of the Council on Ethical Standards

What did we consider?

We heard from the Leader of the Council on Ethical Standards and submitted questions to her on a range of current issues.

Outcomes

We recommended that for the member development programme more advanced notice of training events be provided along with more visible and better information on the relevance of specific training. Discussions over the language used at Council meetings was also discussed with the need for robust political debate but done in a respectful manner.

3. Review of the Model Code of Conduct by the Local Government Association (LGA)

What did we consider?

Following a review undertaken by Committee on Standards in Public Life it was recommended the LGA should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

Outcomes

We noted the timetable for the review to take place and provided comments for the Monitoring Officer to respond to the consultation on behalf of the Council.

19 October 2020

1. Update on the Review of the Model Code of Conduct by the Local Government Association (LGA)

What did we consider?

We considered a report providing an update on the Local Government Association's (LGA) consultation on a model code of conduct for members.

Outcome

We considered the timetable for the review and discussed the response provided to the LGA for their consideration which would assist them in developing a final draft of the proposed model code of conduct.

2. Response to Committee on Standards in Public Life on Progress Made on Best Practice Points Made in January 2019

What did we consider?

We received a report providing an update to the committee on the proposed response to the Committee on Standards in Public Life (CSPL) on the progress the Council has made in relation to implementing the best practice points.

Outcome

We noted the 26 recommendations and the 15 best practice points made by the CSPL and that the council already practiced many of the recommendations which did not require legislative changes as a matter of good practice.

We discussed the draft proposed response of the Monitoring Officer to the CSPL and provided comments in relation to implementing the best practice points.

3. Member Complaints – Annual Report

What did we consider?

We considered a report that summarised details of complaints against members of the council.

Outcome

We discussed the report and noted the outcomes of the complaints raised in the report.

8 April 2021

1. Local Government Association Model Code of Conduct

What did we consider?

An update was provided to the committee on the outcome of the LGA consultation on the Model Code of Conduct including a comparison between the LGA Model Code of Conduct and the council's existing Code of Conduct for Members.

Outcome

We discussed the differences between the two documents and provided responses on proposed changes to the existing Code of Conduct for Members. Consideration was also given to certain issues which required clarification from the LGA and these were set out in the report.

1 July 2021

1. Update on Code of Conduct Training for Members

What did we consider?

As part of its terms of reference, the role of advising, training or arranging to train Members and Co-opted Members on matters relating to the City Council's Code of Conduct for Members.

We noted the attendance of Members at the various Code of Conduct sessions which have been delivered since October 2018.

We were also provided with a list of all training provided by Members across wider topics which supported Members to carry out their roles and functions.

Outcome

It was recognised that whilst Code of Conduct training was mandatory for Members at the start of each electoral cycle, refresher sessions between these periods was not. We therefore agreed that not only would each Code of Conduct session for Members held after each electoral cycle be made mandatory but all annual refresher sessions held subsequently would also be mandatory. This would ensure attendance at these sessions whilst keeping Members abreast of the latest developments in this area. For example, on 3 June 2021 the Code of Conduct training session dealt with Members and social media.

4 November 2021

1. Local Government Association Model Code of Conduct

What did we consider?

We considered a report on the updated model code of conduct issued by the LGA and noted that the LGA will undertake an annual review of the guidance and the code to ensure it continues to be fit for purpose, incorporating advances in technology, social media, case law and changes in legislation.

Outcome

We noted that due to the minor nature of the changes it was not proposed to undertake a review of the Council's code of conduct, however the document would be kept under review and any future changes considered necessary brought to the Committee for approval.

2. Update from the Chief Executive

What did we consider?

We received an update from the Chief Executive on the recent review undertaken on the Marble Arch Mound project. We noted that the review had been presented to the Business and Children's Policy and Scrutiny Committee following which five recommendations had been agreed. One of these recommendations requested that the Standards Committee be asked to prioritise a review of the Member Officer Protocol.

Outcome

The Committee discussed the importance of the protocol and welcomed a review. The importance of officers being able to provide clear, independent advice to all members and ensuring that members received this advice was stressed and the Committee agreed the review was an opportunity to assist in building these constructive working relationships. We resolved that a review of the Member/Officer Protocol be prioritised with a view to strengthening the role of officers and members in giving and receiving clear and independent advice.

3. Q&A with the Leader of the Council on Ethical Standards

What did we consider?

We heard from the Leader of the Council on Ethical Standards and submitted questions to her on a range of current issues.

Outcome

We had discussions over the importance of the Member/Officer Protocol and how strengthening it would assist in ensuring there was a constructive officer/member working relationship. Discussions over member training were also had regarding attendance at annual code of conduct training being made mandatory.

4. Annual Update on Member Complaints

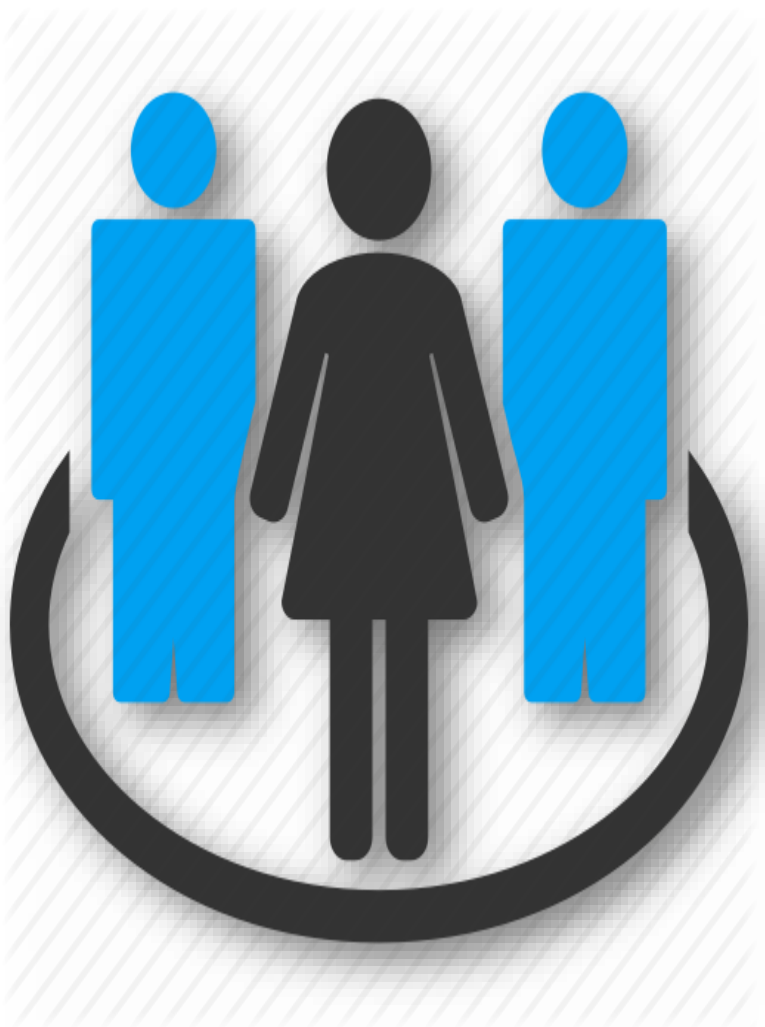
What did we consider?

We considered a report that summarised details of complaints against members of the council.

Outcome

The Committee noted that planning for the code of conduct training session had commenced and was scheduled to be held following the 2022 local elections and recommended that part of the training would involve a focus on the Member/Officer Protocol.

Monitoring Officer/Support to the Committee



The Council's Monitoring Officer is Hazel Best. The Monitoring Officer is a statutory position under the Local Government and Housing Act 1989 and the role is to:

- Support the Standards Committee and the Independent Persons;
- Contribute to the promotion and maintenance of high standards of conduct within the Council;
- Maintain systems and processes for dealing with allegations of breaches of the Councillor Code of Conduct;
- Investigate, or appoint someone to investigate, allegations of breaches of the Councillor Code of Conduct and report these, where relevant to the Standards Sub-Committee;
- Maintain the Councillors' Register of Interests;
- Act as a point of contact for advice and/or queries raised by Councillors;
- Organise training for Councillors on conduct-related and decision making matters;
- Maintain, reviewing and updates the Constitution for approval by full Council;
- Advise on various issues, including legality, administrative and governance matters;
- Keep under review various governance-related policies, such as Gifts and Hospitality, Conflicts of Interest and Whistleblowing;
- Consider and may investigate whistleblowing concerns.

Further support to the Committee is provided by Joyce Golder, Principal Solicitor and Janis Best and Tristan Fieldsend, Committee and Governance Services.

Independent Persons (IP)

Principle role

The principal role of the IP is to give an **independent view** on governance issues in general and specifically in relation to alleged breaches of the Code of Conduct for Members. The Council's IP's work closely with the Monitoring Officer and her deputies, considering all complaints and whether an alleged breach of the Code meets the criteria for investigation.

Consultation

It is also a **statutory requirement to consult** the IP before deciding on the outcome of an investigation into a complaint and whether to impose any sanction. The Member complained about may also, at any stage of the process, seek a view from the IP. By law, the council must appoint at least one IP. In order to avoid any conflict of interest the council has always appointed two IP's and recently has increased this to three to provide cover in the event of leave or resignation.

Our Independent Persons

During the period which this report covers Sir Stephen Lamport served as an IP between July 2015 until October 2018 and Baroness Rabbi Julia Neuberger between November 2015 and November 2019. The Standards Committee has previously expressed its gratitude for their service to the Council. The current Independent Persons are **Asif Iqbal** who was appointed in November 2018 and **Elizabeth Walters** and **Shajad Hussain** who were appointed in September 2019.

As required by law the Council's Independent Persons are appointed by the full Council following a recommendation from the General Purposes Urgency Committee who have responsibility for overseeing the recruitment process including holding interviews with applicants.

Expertise and Knowledge

The Council's IPs come from varied professional backgrounds which bring a breadth of knowledge and experience relating to ethical standards. Although not members they regularly attend meetings and play an important role in providing independent perspective on ethical standards. All of the IPs have attended the Council's mandatory training for members on the Members' Code of Conduct and have additionally received **bespoke training** from the Monitoring Officer regarding their responsibilities and duties. To obtain a better understanding of Members' roles, the IPs have been encouraged to attend some of the Council's other formal meetings particularly the meeting of Full Council.



Meetings

The Standards Committee normally meets three times per annum although disruption had been experienced during the period this report covers due to the Covid-19 pandemic. Over the period that the report covers the Committee met on: 10 March 2020, 19 October 2020, 8 April 2021, 1 July 2021 and 4 November 2021.

Terms of Reference

The Standards Committee has oversight of the conduct and probity of Councillors. Its responsibilities are set out in **Chapter 5 – Committees, Section 26 of the Council’s Constitution** as follows:

- To promote and maintain high standards of conduct by the Members and Co-opted Members of the City Council.
- To advise the City Council on the adoption or revision of a Code of Conduct for Members.
- Advising, training or arranging to train Members and Co-opted Members on matters relating to the City Council’s Code of Conduct for Members.
- To assist Members and Co-opted Members observe the City Council’s Code of Conduct for Members.
- To monitor the operation of Code of Conduct for Members.
- 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.
- Where necessary, to conduct hearings into allegations of breaches of the said code, and interview officers, Members and others as required.
- 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).
- 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.
- 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.
- To consider, advise and, if appropriate, take action upon other Member conduct issues not otherwise dealt with under these terms of reference.

Membership of the Committee

The Committee's membership is formed of the following six members.

Councillor Judith Warner (Chairman)



Councillor Richard Beddoe



Councillor Ian Adams



Councillor David Boothroyd



Councillor Louise Hyams



Councillor Patricia McAllister



The Year Ahead

The Committee has a number of standing items which it considers during the course of the year. Other items are programmed in response to consultation on regulatory changes or in response to ethical standards issues that arise which require consideration and possible changes to the council's constitution.

Review of the Protocol on Member/Officer Relations

Following recommendations from the Business and Children's Policy and Scrutiny Committee the Standards Committee is due to review the protocol on member/officer relations to ensure that it remains fit for purpose with a view to strengthening the role of officers and members in giving and receiving clear and independent advice.