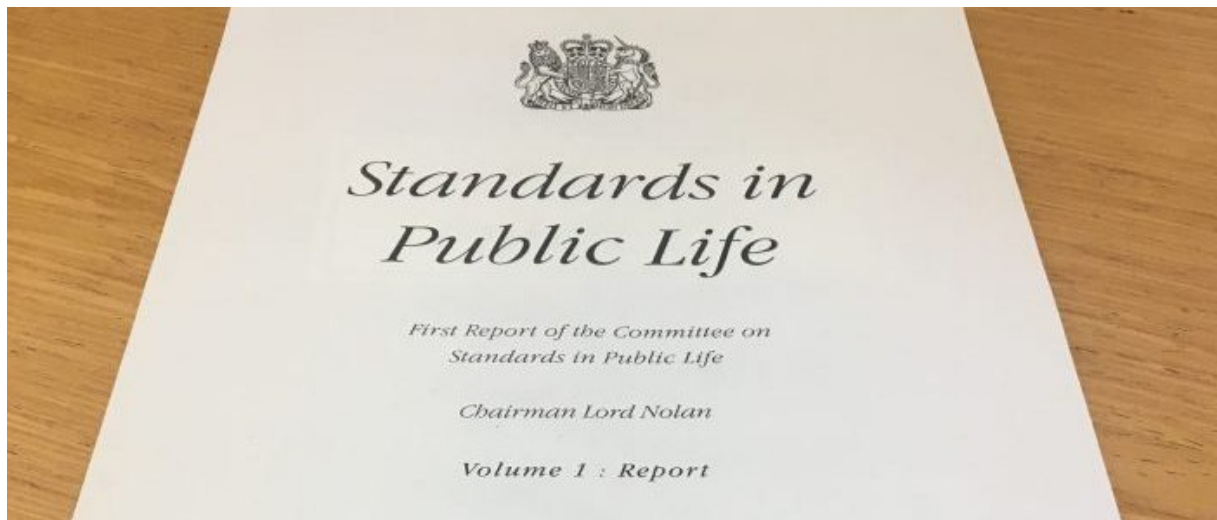


BIENNIAL STANDARDS COMMITTEE REPORT (2022- 2024)



Key Achievements of the Committee during the period April 2022 to November 2023

The Committee had a busy work programme covering routine or regular items. This section sets out the Committee's achievements over and above its regular work.

- It produced the second **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.
- It reviewed and amended the **Member/Officer Protocol** to ensure there was a strong, constructive, and trusting relationship between Members and Officers as this was essential to the effective and efficient working of the Council. It also ensured the Protocol set out the behaviours and treatment that each can expect from the other.
- It undertook a review of the **City Council's rules of debate** and assessed best practice at other Councils to ensure that whilst debate at Council meetings continued to be robust and vigorous it should always remain respectful, constructive and open to the public.
- To address concerns raised, it took a proactive approach to dealing with the **personal safety of elected members** ensuring measures were in place to support Members in maintaining their personal safety and to help provide support and advice to them where necessary.
- It **continued to monitor and encourage** training for members regarding matters relating to the City Council's Code of Conduct. The Committee made a request that training was, where possible, held in a hybrid fashion where Members could attend in person or remotely.
- It **raised the profile** of standards through;
 - Taking the Biennial Standards Committee Report to Full Council.
 - Obtaining a commitment from the Leader of the Council to attend one of the Committee's meetings per year for a Question and Answer session on ethical standards.

Membership of the Committee

The Standards Committee was Chaired by Councillor Patricia McAllister from May 2022 until May 2023.



The five current members of the Standards Committee are:

Councillor Ruth Bush (Chair)



Councillor Md Shamsed Chowdhury



Councillor Sara Hassan



Councillor Tim Mitchell



Councillor Louise Hyams



Independent Persons

Asif Iqbal MBE



Shajad Hussain

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 IPs 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 IPs 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 Elizabeth Walters stepped down as an IP, a position she had held between September 2019 until August 2023. The Standards Committee has previously expressed its gratitude for her service to the Council.

The current Independent Persons are **Asif Iqbal MBE** 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 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 and 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 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.

Readout from Standards Committee meetings from April 2022 until November 2023

| Meeting Date | Item considered | Outcomes/Achievements |
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| 7 April 2022 | <p>Biennial Standards Committee Report The Committee received the second 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.</p> | <p>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. The Report was considered comprehensive and highlighted the extensive and wide-ranging work the Committee and Independent Persons had undertaken over the period to ensure the high standards of conduct by Members and Co-opted Members of the authority were promoted and maintained.</p> |
| | <p>Member/Officer Protocol Following a Policy and Scrutiny review the Committee was requested to undertake a review of the Member/Officer Protocol.</p> | <p>The Committee agreed to add the review to their work programme and discussed and scoped the work to be undertaken. The Committee was involved in obtaining feedback from officers on the current Protocol and requested feedback on how this could be updated/amended. In addition, the views of Members via the Party Whips was collated and assessed. They also sought to gain the views of Members at the Code of Conduct training which took place shortly after the local election. The importance of the Protocol was stressed, and they suggested that, once finalised, the updated Protocol be highlighted prominently for both Officers and Members.</p> |
| 15 September 2022 | <p>Review of the Member/Officer Protocol The Committee further considered the Protocol and the proposed amendments to it which had been suggested to strengthen the guidance on relationships between Officers and Members. They reviewed the Protocol with the intention of updating it to help support the establishment of good working relationships between Members and Officers in their work together and their different but</p> | <p>The Committee considered the amendments to the Protocol and deemed them appropriate in bringing the document up to date. In particular, they stressed the importance of including the Nolan Principles in the Protocol along with a new separate section on bullying. They discussed the significance of the Protocol and were of the opinion that it should form an important part of the induction process for new Members and Officers, with refresher training also being made available for existing Members and Officers. This would form part of the process of ensuring</p> |

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| | <p>complementary roles within the Council.</p> | <p>the behaviours and treatment that each can expect from the other was embedded in the culture throughout the organisation. They recommended the updated Protocol to Council for approval where it was subsequently approved.</p> |
| <p>5 December 2022</p> | <p>Q&A with the Leader of the Council on Ethical Standards The Committee heard from the Leader of the Council on Ethical Standards and submitted questions to him on a range of current issues</p> | <p>The Committee held their annual discussion with the Leader on ethical standards and covered the following areas:</p> <p><u>Conflict Resolution</u> – With regards to conflict resolution between Councillors it was explained that there was no explicit reference to it in the member complaints procedure. However, the Monitoring Officer did have discretion to suggest mediation or recommend another informal type of resolution as long as all parties consented. The Committee noted it would often depend on the type of complaint, some of which may be considered Group matters and be dealt with by the Whips accordingly.</p> <p><u>Social Media</u> - An online refresher session was held in June 2021 on the Members Code of Conduct with a focus on social media. In addition, in May 2022 reference was made to standards and social media in the post-election Code of Conduct sessions held for all Members, these sessions had been well received. The sessions focused on how Councillors could use social media to communicate to their residents, how to engage in healthy debate and what to consider when publishing or sharing online.</p> <p><u>Councillor Training</u> - All Members attended the member Code of Conduct training in May 2022, held in various formats including in-person groups, smaller hybrid group sessions and on a 1:1 basis (hybrid and in person). For regulatory committees such as Planning and Licensing, training was mandatory in order to sit on these committees, and this had been completed by all those</p> |

Councillors as necessary. In order to encourage attendance training was, where possible, held in a hybrid fashion where Members could attend in person or remotely. Training was also held on an evening to enable Members who are not available during the day to attend. Members were encouraged to forward on any ideas for future training sessions, especially on topics they think Councillors would be interested in.

Code of Conduct Update – The Committee discussed with the Leader the use of language at Council meetings. Whilst it was recognised that it was important for robust debate to take place at meetings it was essential these debates remained respectful, constructive and accessible to residents. In order to ensure best practice, comparisons with the Codes of Conduct at comparable local authorities and Parliament would be undertaken and if appropriate any relevant changes made.

Member/Officer Protocol Review - The Committee was pleased to note the substantial nature of the review and that it was carried out effectively, involving consultation with Officers and Members through their Whips. It also involved looking at best practice from other authorities. The Protocol then went through both the Standards Committee and the General Purposes Committee where their views were taken into account before going to Full Council where it was unanimously approved. Its success would be measured through watching for any trends or patterns in Member or Officer complaints, judicial challenges, queries from auditors or ombudsman queries. If anything in particular was identified these would be reported back to the statutory officers' group and appropriate steps taken to try and resolve any issues arising. The Committee was pleased to learn that the Chief Executive and the Monitoring Officer would be leading

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| | | sessions for both Members and Officers to emphasise and repeat the key messages from the updated protocol. |
| | Member Complaints – Annual Report The Committee considered a report that summarised details of complaints against Members of the Council. | The Committee received and noted the report which provided us with an update on the outcomes of any complaints raised. |
| 20 April 2023 | <p>Debate at Full Council The Committee considered the Council’s current Procedure Rules regarding debate at meetings in addition to the Member Code of Conduct. Work was also undertaken to assess best practice at other local authorities. This was all carried to ensure the following standards of conduct/behaviour expected of Members:</p> <ul style="list-style-type: none"> • 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. | Following discussions with the Whips of both parties and assessment of best practice from other local authorities, it was considered that the present Council Procedure Rules and the Code of Conduct set out in the Constitution adequately set out that debate at Council meetings remains respectful at all times and offers an appropriate balance to ensure the effective conduct of meetings. The Committee 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 remained 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. |
| | Harassment and Intimidation of Councillors The Committee discussed the harassment and intimidation of Councillors and expressed concern that Councillors were facing increasing levels of abuse and intimidation. It was recognised that rights to object | Following a detailed discussion Members agreed that, following a review of best practice at other local authorities, explicit reference should be made in the Members Code of Conduct to state that Councillors should expect respectful behaviour from the public and that if they did have any concerns these should be |

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| | <p>and constructive challenge were both key components of democracy, but abuse and intimidation of Councillors was unacceptable. Members considered what reporting processes were currently in place at the Council for Councillors if they did experience any intimidatory behaviour from a member of the public and what steps would be taken.</p> | <p>reported. The Committee requested that at its next meeting a Westminster specific document be circulated providing practical advice for Councillors on what steps they can take if experiencing any threatening/intimidatory behaviour.</p> |
| <p>13 July 2023</p> | <p>Safety Protocol for Councillors The Committee received a report which provided an update on the steps taken to ensure the Council had measures in place to support Councillors in maintaining their personal safety and help provide support and advice to Councillors where necessary.</p> | <p>Members were pleased to note the measures that had been put in place to assist Councillors with their personal safety and in particular welcomed the introduction of a Westminster specific Safety Protocol for Councillors. It was felt that the document was clear and concise and would be of particular use to new Members. The Committee requested that some of the wording of the Protocol be amended slightly to specify that the Monitoring Officer should be the main point of contact if any Councillors had concerns. To raise the profile of the Protocol and make Members aware of the updates the Committee suggested a link to it be circulated to all Members.</p> <p>To provide further advice to Members the Committee requested that extracts from the LGA guidance on safety for Councillors be circulated as this would complement the personal safety training session planned for later in the year. The Director of Law and Governance also confirmed that she would be holding drop-in sessions for Councillors where they could attend to discuss any experiences they may have had.</p> |
| <p>29 November 2023</p> | <p>Q&A with the Leader of the Council on Ethical Standards The Committee heard from the Leader of the Council on Ethical Standards and submitted questions to him on a range of current issues.</p> | <p>The Chair welcomed Councillor Adam Hug, Leader of the Council, to the meeting. Committee members were invited to submit questions to Councillor Hug on a range of ethical standards matters and the following areas were covered:</p> |

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| | | <ul style="list-style-type: none">• <u>Conduct at Council Meetings</u> - The Committee discussed with the Leader conduct at Council meetings. Whilst it was recognised that it was important for robust debate to take place at these meetings it was essential these debates remained respectful, constructive, and accessible to residents. Concerns had been raised in the past and a best practice comparison was undertaken with the Codes of Conduct and Standing Orders at comparable local authorities. Following this research Westminster's Code of Conduct was found to be appropriate and clear about the standards of behaviour expected from Councillors at meetings of the Council. The Committee commented that at the next meeting of the Standards Committee it would receive its Biennial Report and requested that the Nolan Principles, which were the basis of the ethical standards expected of public office holders, be embedded within it. • <u>Member Personal Safety</u> – Members were pleased to note that the Council, and in particular the Standards Committee, had ensured measures were in place to support Councillors in maintaining their personal safety and to help provide support and advice to them where necessary. The Committee discussed these measures which included:<ul style="list-style-type: none">i) Introducing a Westminster specific Safety Protocol for Councillors which had been circulated to all Members and was also available on the Members Hub. ii) A Councillor Personal Safety training session had been held with an external trainer. |
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| | | <p>iii) A drop-in session for Members to discuss personal safety experiences and provide advice had been organised.</p> <p>iv) The LGA guidance on safety for Councillors had also been circulated and in addition extracts from this guidance which provided an overview of the advice had been provided to all Members.</p> <ul style="list-style-type: none"> • <u>Councillor Training</u> - Extensive member Code of Conduct training had been undertaken and held in various formats including in-person groups, smaller hybrid group sessions and on a 1:1 basis (hybrid and in person). For regulatory committees such as Planning and Licensing, training was mandatory in order to sit on these committees, and this had been completed by all those Councillors as necessary. In order to encourage attendance training was, where possible, held in a hybrid fashion where Members could attend in person or remotely. Training was also held on an evening to enable Members who are not available during the day to attend. Members were encouraged to forward on any ideas for future training sessions, especially on topics they thought Councillors would be interested in. |
| | <p>Annual Update on Member Complaints The Committee considered a report that summarised details of complaints against Members of the council.</p> | <p>The Committee received and noted the report which provided us with an update on the outcomes of any complaints raised.</p> <p>They were also pleased with the Code of Conduct training provided and discussed options for future training. This included continuing to ensure a record was kept of those Councillors who had attended the Code of Conduct training, and it was suggested that the next session contain an element on equality and diversity.</p> |

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 3 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 to observe the City Council’s Code of Conduct for Members.
- To monitor the operation of the 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 thereto including, where it is determined that a breach has occurred, deciding what sanctions, if any, should be applied in relation to the Member or Members 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 determine 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.

Monitoring Officer/Support to the Committee

The Council's Monitoring Officer is Parveen Akhtar. 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 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, review and update 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 Gifts and Hospitality, Conflicts of Interest and Whistleblowing;
- Consider and if appropriate investigate whistleblowing concerns.

Further support to the Committee is provided by Tristan Fieldsend, Committee Manager.

The Nolan Principles

The Council's ethical framework is underpinned by the Seven Principles of Public Life also called the Nolan Principles that apply to anyone who is a public office holder. These Principles are as follows:

- **Selflessness** - By ensuring that officers and members work together for the public benefit.
- **Integrity** - By avoiding inappropriate influence on officers' activities and the delivery of services.
- **Objectivity** - By ensuring officers act impartially and fairly between political groups and they are not asked or pressured to act otherwise by members.
- **Openness** - By ensuring members are aware of their rights to information where information is confidential and should not be shared. Ensuring officers respect members' rights and understand their limits, especially where personal information is involved.
- **Honesty** - Holders of public office should be truthful.
- **Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Leadership** - By treating others with respect and actively supporting the Nolan Principles in practice.