



City of Westminster

Members' Information Booklet

May 2006

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Introduction

The City of Westminster, which comprises the former Metropolitan Boroughs of the City of Westminster, Paddington and St Marylebone, was established by the London Government Act 1963 and came into being on 1 April 1965. The Council comprises 60 Councillors who are elected from 20 Wards in the City. Each Ward elects three Councillors. The population of the City is 230,023 (mid year estimate 2004).

Term of Office

The term of office of Councillors is four years commencing on the fourth day after the ordinary day of election and ending on the fourth day after the next ordinary election. The ordinary day of election is the first Thursday in May or such other day as may be fixed by the Secretary of State by order. The next elections of the City Council are due to be held on 6 May 2010.

Declarations of Acceptance of Office

A person elected as a Councillor cannot act in that capacity until he/she has signed a declaration of acceptance of office and delivered it to the Chief Executive. If the declaration is not made and delivered within two months from the day of the election, the office of the person elected shall become vacant.

Non Attendance by Councillors

If a member does not attend any meeting of the Council, Council Committee or Sub-Committee, or does not carry out an executive function as a member, for six consecutive months he/she automatically ceases to be a member of the authority. If a member has special reasons for not being able to attend meetings there may be circumstances under which the Council can extend the period. The Council can only extend the period before the six months has elapsed.

Council Meetings

The Council meets in plenary sessions generally seven times a year. All full Council meetings are held in the Council Chamber at the Council House, Marylebone Road, NW1. The Council meeting is serviced by Nigel Tonkin, Head of Administrative Services, who prepares and despatches the Council agenda and associated papers. For any matter relating to Council meetings please contact Nigel Tonkin (Ext. 2756) or Mick Steward (Ext. 3134).

Seating

The seating arrangements in the Council Chamber are decided by the Party Whips and a seating plan is provided to members. Each member has a designated seat and must, at any time there is to be a formally recorded vote, vote from his/her allocated seat. Certain seats are reserved for members' guests; these are located under the public gallery.

Conduct of Business

The conduct of business at Council meetings is governed by the Council's Standing Orders. Members should ensure that they are familiar with these and the rules of conduct and debate.

Petitions

A petition may only be presented to the Council by a member; details of the petition can be included on the agenda if notice of it is given at least two weeks before the meeting. A petition can still be presented if notice of it is given to the Head of Administrative Services by no later than 5pm on the day before the meeting. Every petition presented is automatically referred to the relevant Chief Officer to report to the Cabinet, Cabinet Member, Overview and Scrutiny Committee or Sub-Committee or other Committee or Sub-Committee (as appropriate). No speech or comment, other than a concise reference to the prayer of the petition, is allowed when the petition is presented.

Deputations

The Council may agree to receive a deputation provided that it relates to a subject which is included on the agenda for decision at the meeting and is urgent. A deputation may not exceed five minutes and the spokesman can only speak for a maximum of five minutes. There is no debate on a deputation although a motion can be moved to refer the issue to the relevant Cabinet Member or Overview and Scrutiny Committee for consideration.

Questions

30 minutes is set aside for questions from members. The order of questioners is drawn by lot and published as a list. The Lord Mayor and Cabinet Members are not included in the draw. The Leader of the Opposition is entitled to ask the first two questions. All other members on the list can ask one question with the opportunity to ask one supplementary question. If the original questioner does not ask a supplementary question the opportunity goes to another member. Questions can only be asked of a Cabinet Member or Committee Chairman. The questioner must indicate to whom the question is addressed before asking it and that member can reply to the question or can nominate another member to reply.

A member who has asked a question will not be included in the draw again until all other qualifying members have had the opportunity to do so.

Written Questions

Between Council meetings a Member may submit up to three questions to the Chief Executive for written answer by a Cabinet Member or Chairman. The reply must be given within three weeks and is circulated to all Members.

Issues Selected by Councillors

Two Councillors whose names have been drawn by lot are entitled to include on the agenda any issue they wish relating to a City Council function. The selected Councillors can speak on the issue for up to four minutes after which the relevant Cabinet Member will reply for up to four minutes. Members who have been selected are not included in the draw again until all other qualifying Members have done so.

Cabinet Reports, Committee Reports and Notices of Motion

The majority of the Council meeting is taken up in debating Cabinet and Committee reports or Notices of Motion. The agenda includes reports from meetings of the Cabinet, a schedule of individual Cabinet Member decisions, and reports from Cabinet Committees and other Committees that have met since the previous Council meeting. These reports contain a brief summary of the decisions taken and, in some cases, recommendations for the Council to consider. The Council agenda may also include Notices of Motion. A Motion is a proposed resolution of which at least 10 working days advance notice has been given by two members of the council (a proposer and a seconder). If selected the motion will be debated and voted upon. If it is carried the resolution becomes Council policy.

Catering

A meal is provided for Council members free of charge in the reception room from 6pm before each meeting. A charge of £8 per head is made for Members' guests. The Head of Administrative Services needs to be informed of any guests attending by 10am on the day of the meeting.

Annual Council Meeting

This meeting is held in May to elect the Lord Mayor for the coming municipal year and to decide on matters relating to the appointment of Committees. The retiring Lord Mayor will call for a nomination, which will be moved and seconded. The motion will be put to the vote and the retiring Lord Mayor will invite the new Lord Mayor to leave the meeting to assume the robes and insignia of office before returning to conduct the remainder of the meeting.

Budget Council Meeting

The meeting is held, usually on the first Wednesday of March, specifically to receive and consider the Leader's Speech, debate and approve the Council's Budget and set the Council Tax for the coming year. Generally no other business is conducted at this meeting.

How decisions are made

The Executive

The executive (ie. the Cabinet) is the part of the Council which is responsible for the majority of Member-level decisions. The executive is made up of the Leader of the Council and nine other Councillors (Cabinet Members) appointed by the Leader. The Executive takes decisions within the overall budget and policy framework set by the Council. Forthcoming executive decisions which are classified as 'key decisions' are published in the Forward Plan of key decisions.

Non-Executive Functions

The Council itself takes decisions on the budget and policy framework and non-executive member-level decisions are considered and taken by the Council's regulatory committees, e.g.. General Purposes, Audit and Performance, Planning and Licensing.

The Forward Plan

The Forward Plan is updated monthly in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and gives information about:

- What key decisions are due for consideration in the next four months
- When those key decisions are likely to be made
- Who will make these decisions
- What consultation will take place and how representations can be made
- What documents are available, when they are available and how they can be accessed
- Who can be contacted for further information

A key decision is defined by regulations as an executive decision which is likely to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority.

The Overview and Scrutiny Committee Structure

1. According to the Government, scrutiny in local government has four key roles:

- **Overview** – holding the Executive to account.
- **External review** – holding a range of other agencies including local partners to account for public services delivered locally.
- **Policy development** – digging down beneath the surface of an issue to challenge assumptions and suggest improvements in the way it gets dealt with.
- **Performance review** – considering the performance of the Council against targets and assessing the extent to which it is meeting best value.

In all cases, one of the key functions of scrutiny Members is to put themselves in the shoes of the public and service users and ask the questions that members of the public would wish to have answered.

2. Following an in-depth review, the O&S Committees from the May 2006 Annual Council meeting are:

- **Westminster Scrutiny Commission**
- Resources and Corporate Overview and Scrutiny Committee
- Health and Community Services Overview and Scrutiny Committee
- Children’s Services Overview and Scrutiny Committee
- Built Environment Overview and Scrutiny Committee

Westminster Scrutiny Commission (WSC)

The WSC has responsibility for overseeing the Overview and Scrutiny function within the City Council including:

- scrutinising the work of the Leader of the Council.
- acting as the guardians of the Overview and Scrutiny process.
- responsibility for the work programmes of all Overview and Scrutiny Committees.

Members of Overview and Scrutiny Committees, etc

Members are appointed to the Overview and Scrutiny Committee, and other committees by the Council on the nomination of the Party Whips. Chairmen and Vice-Chairmen of Overview and Scrutiny Committees are nominated by the Leader of the Council and appointed by the Committees. Membership of the Committees and any overview Scrutiny Sub-Committees (Task Groups) can be drawn from all Members of the Council, except Cabinet Members.

Call-In

The Council's Constitution makes provision for decisions of the executive to be called-in on notice from 3 voting members of the relevant Committee. There are exceptions to decisions which can be called-in. Full details of the rules relating to call in can be found in the Constitution.

Area Forums

In order to give local citizens a greater say in council affairs, 6 area forums have been created. These are designed to provide residents with an 'open channel' of communication with the Council about, for example issues affecting the quality of life in the local area and to increase service providers' understanding of residents' concerns, problems and priorities. They involve the ward councillors for each particular area and are held in public. The purpose and composition of the Area Forums are set out in more detail in Article 10 and Appendix 9 of the Constitution.

Appointments to Outside Bodies and Organisations

The Council is represented on outside bodies associated with local government and organisations such as charities, schools and further education bodies, Housing Associations and other public service organisations. It is usual for a member to be selected to serve on a number of these organisations and appointments are made on the nomination of the Party Whips.

Chief Executive and Deputy Chief Executives

Peter Rogers, Chief Executive

Phone: 020 7641 2767

Email: jgreen@westminster.gov.uk

Julie Jones, Deputy Chief Executive (Children & Community Services)

Phone: 020 7641 2550

Email: jjones@westminster.gov.uk

Joe Duckworth, Deputy Chief Executive (Environment)

Phone: 020 7641 3169

Email: jduckworth@westminster.gov.uk

Council Departments

Children and Community Services Department

Schools

Director for Schools – Mary Fowler

Phone: 020 7641 7858

Email: mfowler@westminster.gov.uk

Children and Families Social Services

Director of Children and Families Social Services – Michael O'Connor

Phone: 020 7641 2253

Email: moconnor@westminster.gov.uk

Lifelong Learning

Director of Lifelong Learning – Mike Potter

Phone: 020 7641 2165

Email: mpotter@westminster.gov.uk

Older People, Disability & Health

Director of Older People, Disability & Health – Marian Harrington

Phone: 020 7641 1940

Email: mharrington@westminster.gov.uk

Specialist Social Care Services & Development

Director of Specialist Social Care Services & Development –

Vivienne Lukey

Phone: 020 7641 1964

Email: vluky@westminster.gov.uk

Housing

Director of Housing – Rosemary Westbrook

Phone: 020 7641 2576

Email: rwestbrook@westminster.gov.uk

Education Services

Assistant Director, Education Services – Tony Benton

Phone: 020 7641 3222

Email: tbenton@westminster.gov.uk

Built Environment

Community Protection

Director of Community Protection – John Barradell

Phone: 020 7641 1004

Email: jbarradell@westminster.gov.uk

Environment & Leisure

Director of Environment and Leisure – Leith Penny

Phone: 020 7641 7940

Email: lpenny@westminster.gov.uk

Planning & City Development

Director of Planning & City Development – Gordon Chard

Phone: 020 7641 2548

Email: gchard@westminster.gov.uk

Transportation

Director of Transportation – Martin Low

Phone: 020 7641 1975

Email: mlow@westminster.gov.uk

Property

Director of Property & Strategic Projects – Derek Barnden

Phone: 020 7641 2694

Email: dbarnden@westminster.gov.uk

Central Services

Customer Services

Director of Customer Service – Vic Baylis

i) Libraries

Director of Libraries – David Ruse

Phone: 020 7641 2496

Email: druse@westminster.gov.uk

ii) Parking

Director of Parking – Alastair Gilchrist

Phone: 020 7641 3374

Email: agilchrist@westminster.gov.uk

Finance

Director of Finance – Nick Bell (from 22nd June 2006)

Phone: 020 7641 2326

Email: nbell@westminster.gov.uk

Legal and Administrative Services

Director of Legal and Administrative Services – Colin Wilson

Phone: 020 7641 2710

Email: cwilson@westminster.gov.uk

Policy and Communications

Director of Policy and Communications – Graham Ellis

Phone: 020 7641 2014

Email: gellis@westminster.gov.uk

The Code of Conduct

Code of Conduct for Members/Register of Interests/Hospitality

On 24 April 2002 the Council agreed a new Model Code of Conduct for Members and Co-opted Members which came into force on Thursday 2 May 2002.

All Members of the City Council are bound by the provisions of the Code and must agree in writing that they will observe it. If any member fails to sign up to the Code within 2 months of it being adopted, then they will cease to be a member of the Council.

Members who require any advice regarding the provision of the Code should contact the Director of Legal and Administrative Services on extension 2710.

A copy of the Code is included in the Constitution. Members of the public have the right to inspect the Code.

Personal Interests

- 1) A member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 14 and 15 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area, the well-being or financial position of himself, a relative or a friend or –
 - a) any employment or business carried on by such persons;
 - b) any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - c) any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5000; or
 - d) any body listed in sub-paragraphs (a) to (e) of paragraph 15 below in which such persons hold a position of general control or management.

- 2) In this paragraph –
- a) ‘relative’ means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - b) ‘partner’ in sub-paragraph (2)(a) above means a member of a couple who live together.

Disclosure of Personal Interests

- 1) A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 2) Subject to paragraph 12(1)(b) below, a member with a personal interest in any matter who has made an executive decision in relation to that matter must ensure that any written statement of that decision records the existence and nature of that interest.

Prejudicial Interests

- 1) Subject to sub-paragraph (2) below, a member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member’s judgement of the public interest.
- 2) A member may regard himself as not having a prejudicial interest in a matter if that matter relates to –
 - a) another relevant authority of which he is a member;
 - b) another public authority in which he holds a position of general control or management;
 - c) a body to which he has been appointed or nominated by the authority as its representative;
 - d) the housing functions of the authority where the member holds a tenancy or lease with a relevant authority, provided that he does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the member’s tenancy or lease;

- e) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a guardian or parent of a child in full time education, unless it relates particularly to the school in which the child attends;
- f) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where a member is in receipt of, or is entitled to the receipt of such pay from a relevant authority; and
- g) the functions of the authority in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989.

Overview and Scrutiny Committees

- 1) For the purposes of this Part of the Code, a member must if he is involved in the consideration of a matter at a meeting of an overview and scrutiny committee of the authority or a sub-committee of such a committee, regard himself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the authority's –
 - a) committees or sub-committees; or
 - b) joint committees or joint sub-committees, of which he may also be a member.
- 2) But sub-paragraph (1) above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

Participation in Relation to Disclosed Interests

- 1) Subject to sub-paragraph (2) below, a member with a prejudicial interest in any matter must –
 - a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation from the authority's standards committee;
 - b) not exercise executive functions in relation to that matter; and
 - c) not seek improperly to influence a decision about that matter.

- 2) A member with a prejudicial interest may, unless that interest is of a financial nature, and unless it is an interest of the type described in paragraph 11 above, participate in a meeting of the authority's –
- a) overview and scrutiny committees; and
 - b) joint or area committees, to the extent that such committees are not exercising functions of the authority or its executive.

For the purposes of this Part of the Code, 'meeting' means any meeting of –

- a) the authority;
- b) the executive of the authority; or
- c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees.

The register of members' interests

Registration of Financial and Other Interests

Within 28 days of the provisions of an authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his financial interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's monitoring officer of –

- a) any employment or business carried on by him;
- b) the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;
- c) the name of any person, other than a relevant authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;
- d) the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

- e) a description of any contract for goods, services or works made between the authority and himself of a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- f) the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the authority;
- g) the address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and
- h) the address or other description (sufficient to identify the location) of any land in the authority's area in which he has a licence (alone or joint with others) to occupy for 28 days or longer.

Within 28 days of the provisions of the authority's code of conduct being adopted or applied to that authority or within 28 days of his election or appointment to office (if that is later), a member must register his other interests in the authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the authority's monitoring officer of his membership of or position of general control or management in any –

- a) body to which he has been appointed or nominated by the authority as its representative;
- b) public authority or body exercising functions of a public nature;
- c) company, industrial and provident society, charity, or body directed to charitable purposes;
- d) body whose principal purposes include the influence of public opinion or policy; and
- e) trade union or professional association.

A member must within 28 days of becoming aware of any change to the interests specified under paragraphs 14 and 15 above, provide written notification to the authority's monitoring officer of that change.

Standards Board for England

The Standards Board for England, which was set up in November 2001, has a duty to investigate complaints made against Councillors in respect of the Code of Conduct. The Board is a national body set up to oversee the implementation of the new measures under Part III of the Local Government Act 2000. Their role is to provide advice and guidance to help Councillors and Council maintain high standards of conduct.

The Code

There are two very important provisions in the Code, by which members will be bound at all times. These are:

- they should not do anything which brings their Council or office into disrepute; and
- they should not misuse their official position to their own advantage or to the advantage or disadvantage of others.

Otherwise, the provisions of the Code will only apply whenever members are conducting the business of their Council or office. This is in their 'official' role as a representative of the public, for example, at meetings of the Council, with other members and officers and public meetings and forums where they are there as a member.

Where they are also a member of another authority they will be subject to the code which applies to the authority whose business they are carrying out at the time. For example, if a councillor is also a member of a police authority they will be bound by the police authority's local code when carrying out police business.

As a representative

The code will also apply when members represent their council on other bodies. However, where the other body is bound by legal obligations which conflict with the Council's code, then the rules of that authority apply.

What Members have to do

General Duties

The code places a positive duty on members to:

- Promote equality by not discriminating against others
- Respect confidential information
- Listen to the advice of the Council's Monitoring Officer and Chief Financial Officer where it relates to possible illegal decisions or spending; and
- Inform the Standards Board if they reasonably believe another member has broken the Code.

There are also a number of things members should not do.

These are:

- Bring their council or office into disrepute;
- Misuse their official position to their own advantage or to the advantage or disadvantage of others
- Unduly influence any person who works for the council
- Stop somebody seeing or getting copies of documents they are allowed to have or
- misuse council resources or authorise their misuse, in particular for unauthorised party political purposes.

Register of Interests

Each Member has to provide a record of their interests in a public register. Members must tell their Monitoring Officer, in writing, of any interests that they have which fall within the categories set out in the Code. These categories include:

- their jobs;
- the name of their employer, the name of any firm in which they are a partner and the name of any company for which they are a director;
- the name of any person who has made a payment to them in respect of their appointment as a member or expenses they have incurred in carrying out their duties;
- the name of any corporate body in which they have a shareholding of more than £25,000 (face value) or a stake of more than 1/100th in the company;

- any contracts for goods, services or works between the authority and the member, their firm (if they are a partner) or company (if they are a director of have a £25,000 shareholding (face value) or stake of more than 1/100th in the company)
- landholdings in the area;
- land leased or licensed from the authority; and
- membership of, or position of control or management in;
 - other bodies where they represent the authority;
 - other public authorities
 - companies, industrial and provident societies and charitable bodies;
 - bodies whose main purpose is to influence public opinion or policy; and
 - trade unions or professional associations.

Members should notify any changes to their declaration on the register within 28 days to Mick Steward, Cabinet and Committee Secretariat on extension 3134. Failure to do so will be a breach of the Code of Conduct.

Declarations of interest

Alongside the register of interests, the Code also requires the declaration of interests at meetings of the Council (including Cabinet and Committee meetings). Members have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest which affects the member more than most other people in the area. People in the area include those who live, work or have property in the area of the council. Members will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area.

If they do have a personal interest, they must declare it and say what the interest is before any meeting where the issue is to be discussed or as soon as it comes to light. However, they can still take part in the meeting and vote unless the personal interest is also a prejudicial interest.

A prejudicial interest is a matter of judgement for each member. What members have to do is ask themselves whether a member of the public – if he or she knew the facts – would think that the member's interest was so important that their decision would be affected by it. If a member has a prejudicial interest then they must declare what that interest is (if they have not already done so) and withdraw from the meeting (by leaving the room).

If an executive member has a prejudicial interest in a matter, they cannot take part in decisions about that matter.

There are two exceptions to the rules about prejudicial interests:

- members can still take part in an Overview and Scrutiny Committee meeting unless it is a prejudicial interest of a financial nature or if it is about a decision taken at another committee of which he/she is a member; and
- similarly, they can take part in an area or joint committee meeting unless the prejudicial interest is of a financial nature or the meeting is taking a decision delegated from the executive or the council about the issue.

This means that members are encouraged to bring their personal experience to bear when considering matters but they should not be involved in taking decisions if they have a prejudicial interest.

Registration of Gifts and Hospitality

A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority's monitoring officer of the existence and nature of that gift or hospitality.

Constitution

The Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. A copy of the constitution on disk has been sent to all Members.

Complaints

Although the Council aims to provide quality services that meet its customers needs at all times, it is inevitable that it will not always get it right first time. It is important that the Council admit its mistakes and does all it can to put things right. All complaints must be treated seriously. Complaints may be made by letter, telephone, fax, in person or by e-mail.

The Council has a three-stage corporate complaint procedure.

Stage One: when a complaint is initially received, it is directed to the staff with the in-depth knowledge of the relevant service. These are the staff most able to deal with the complaint effectively.

Stage Two: If the complainant is not happy with the response or the way the complaint was handled, each department has a Customer Services Officer who will investigate the complaint.

Stage Three: If the complainant is still not satisfied an officer from the Corporate Complaints Team of the Chief Executive's department will review the complaint on behalf of the Chief Executive.

Information about complaints received is used both by departments and corporately to identify and address problem areas and improve service delivery. Information about complaints is also submitted to the Audit and Performance Committee for Monitoring by Members.

The Local Government Ombudsman

Members of the public also have the right to refer complaints to the Local Government Ombudsman. The Commission for Local Administration in England was set up in 1974 for the investigation of complaints from members of the public about maladministration in local government.

As a rule, the Ombudsman expects to receive complaints, via a local Councillor, but will not investigate a complaint until the Council has had the opportunity to do so.

For further details and guidance on how to handle a complaint please see the guidance available from the department's Contact Officer. If they are unable to help with your enquiry please contact the Corporate Complaints Team (Ext. 8013 in the Policy and Communications Directorate who are responsible for overseeing the operation of the corporate complaints procedure.

Members' Website

A Members website has been created to provide a central point through which Members can access key information and documents and receive corporate bulletins. It also draws together content currently available from such sources as the Council's intranet site and individual departments. The website can be accessed by Members only and a password will be provided.

Protection from Personal Liability

As a matter of policy the City Council has decided, subject to various exceptions, to indemnify all Councillors and employees of the Council against any damages or costs or legal expenses which they may be ordered to pay or may have reasonably incurred, arising from activities carried out on behalf of the City Council. The form of the indemnity is set out on the following page.

This indemnity will apply to the activities of Councillors or employees carried out on behalf of the City Council itself and, in certain circumstances, will also apply to activities on outside bodies, where the Member or Officer concerned is acting as a representative of the City Council on that outside body or where, for example, the City Council is required or empowered to appoint Members to the body in question by statute. However, it should be noted that the indemnity will not apply in respect of all appointments the City Council makes in respect of outside bodies. In many cases the appointee is not representing the City Council as such and the indemnity will not apply. Where the member is not representing the City Council, details of indemnity and/or insurance protection should be sought from the organisation concerned. Further advice is available from the Director of Finance.

Indemnity

The City Council will, subject to the exceptions below, indemnify all Councillors or employees of the Council against any damages, costs or legal expenses which any such Councillor or employee may be ordered to pay or may reasonably have incurred arising from activities carried out on behalf of the Council if the Councillor or employee acted in good faith and honestly believed that the act complained of was within his/her power and that his/her duty as a Councillor or employee required or entitled him/her to do or omit to do it. Such indemnity shall apply to any liability incurred by any Councillor or employee as the City Council's representative on an outside body and to any employee who in connection with his/her employment with the City Council provides an administrative, technical, professional or other service to any person or body outside the City Council.

For avoidance of doubt this indemnity will apply to existing and former Councillors and employees in respect of acts and omissions whilst they were Councillors or employees.

Except as mentioned above the City Council will not itself make any claim against any Councillor or employee for any loss or damage occasioned by any neglect, act, error or omission committed by an individual arising from the pursuit of his/her duties on behalf of the City Council whilst acting within the scope of his/her authority.

Exceptions:

- 1) This indemnity will not extend to loss or damage directly or indirectly caused by or arising from:
 - a) Fraud, dishonesty or any criminal offence on the part of a Councillor or employee (except where the criminal offence is an offence under the provisions of the Health & Safety at Work Act 1974 or relevant statutory provisions within the meaning of that Act in which case the indemnity will continue to apply.
 - b) Any neglect, error or omission by an individual otherwise than in the course of his/her duty

- c) Activities which are ‘ultra vires’ ie. outside the legal powers of the City Council, save to the extent that at the time of the activity concerned the individual bona fide and reasonably believed that the activity was intra vires, i.e. within the legal powers of the City Council
 - d) Liability in respect of any surcharge and Sections 17 and 18 of the Audit Commission Act 1998. Provided that where upon final determination of an objection to the Auditor the Council is satisfied that a person the subject of an objection was not blameworthy it will meet the legal costs reasonably incurred by such a person in connection with such objection.
- 2) This indemnity will not apply if a Councillor or employee without the written authority of the Director of Legal and Administrative Services admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this resolution.
- 3) This indemnity will not apply where a Councillor or employee has been appointed to and is acting in the capacity of:
- a) a director on a board of directors of a company; or
 - b) a trustee of a trust
 - c) a voting member of a management committee of another outside body
- 4) The indemnity will not extend to the situations where the Member is acting outside his or her powers, so it is important that Members who feel that they are in this position seek guidance in individual situations.

Members’ Insurance Cover

The City Council maintains insurance cover for members in respect of Personal Accident, Libel and Slander, Travel and Public Liability. Please contact the Insurance Officer for more details.

Requirements to maintain confidentiality

The Council's Standing Orders and the Code of Conduct require Members and Officers to maintain confidentiality.

Members will receive confidential information generally in two ways. Firstly, by way of informal briefing notes, issued by Officers, which have been marked confidential, and are therefore supplied by the author on this basis, and by way of reports addressed to Cabinet Members, the Cabinet or to Committee and Sub-Committee meetings which are marked Not For Publication because they contain information as specified in Schedule 12A to the Local Government Act 1972. Schedule 12A was varied by new regulations issued earlier this year in order to ensure that the Local Government Access to Information rules were compatible with both the Data Protection Act 1998 and the Freedom of Information Act 2000. The practice at the City Council is for Not for Publication reports to normally be printed on yellow paper to distinguish them as needing to be treated as confidential. Improper disclosure of confidential information constitutes a breach of the Code of Conduct.

Members Allowances

The City Council has decided to pay basic allowances to all Members towards the expenses they incur as Members. The Members Allowances Scheme which gives details of the allowances members are entitled to receive is set out in full in the Constitution and on the Council's website.

The Basic allowance currently £7,300 per annum is paid to all Members who wish to receive it. A Special Responsibility allowance is paid to Members who have specific additional responsibility, currently:

- Leader of the Council
- Deputy Leader of the Council
- Cabinet Members and Deputy Cabinet Members
- Overview and Scrutiny Committee and other Committee Chairman
- Vice-Chairman of Overview and Scrutiny Committees
- Lead Members
- Party Chief Whips and Leader of the Opposition
- Members of Quasi-judicial bodies which have particularly regular meetings.

In the June after the City Council elections a lump sum allowance of £1000 will be payable for the purchase of IT and other equipment.

The Council is required to publish annually the amount of allowances paid to individual Members. Claim forms are open to public inspection.

Members wishing to query any aspect of their allowance should contact Mick Steward on extension 3134.

Members' Allowances - Tax

Members' Allowances are subject to deductions of tax and employee National Insurance contributions, which will be made at source.

Members who are exempt from the payment of National Insurance Contributions or already pay the maximum contribution should send the relevant form to Mick Steward, 17th Floor, City Hall. Phone: 020 7641 3134. Email: msteward@westminster.gov.uk

Members should note that these allowances are income which should be disclosed when applications for benefits are being made.

Travel Allowances

Members are entitled to claim travel expenses for the attendance at approved duties. Approved duties are defined as follows:

Attendance approved by the appropriate Committee or by the Director of Legal and Administrative Services, in accordance with his delegation at conferences convened by other authorities and organisations to discuss matters relevant to the discharge of the Council's functions.

Attendance by the Leader of the Council, Cabinet Members, Deputy Cabinet Members, Leader of the Opposition and Chief Whips on matters concerning the discharge of the Council's functions.

Attendance by Cabinet Members, Chairmen and Vice-Chairmen of Committees and Sub-Committees concerning the discharge of functions relevant to the work of their portfolio or their Committees or Sub-Committees, including Chairman's Call-over meetings and site visits.

Attendance before Parliamentary Committees, official bodies and inquiries to give evidence or make representations on the Council's behalf.

Attendance as the Council's appointee or nominee at any meeting (This excludes party group meetings but includes single member duties where one member has been appointed, appearing as a Council witness at a Planning Inquiry or court proceedings or member-level working groups appointed by a Committee and representation on any outside body which is not eligible for attendance allowance).

1) Travel

a) Travel by own private vehicle

Motor Mileage Allowance	Pence Per Mile
Motorcycles:	
Up to 150cc	8.5
151-500cc	12.3
Over 500cc	<u>16.5</u>
Cars and Tri cars:	
500cc-999cc	35.8
1000-1199cc	39.9
Over 1199cc	<u>49.4</u>

b) Travel by Public Transport

The ordinary fare or any reasonably available cheap fare actually paid.

c) Travel by Taxi

Members are not permitted to claim for travel by taxi except as part of onward or return travel to or from a conference held outside the City of Westminster where a claim for other travel expenses has or could be made.

The Director of Legal and Administrative Services shall be authorised to reimburse claims for taxi fares, on an exceptional basis, for example on medical advice, to and from approved duties. Such authority to be obtained in advance, if possible.

d) Travel by Rail and Air

i) The ordinary fare or any available cheap fare actually paid.

ii) Actual expenditure incurred on:

Reservation of seats

Sleeping accommodation for an overnight journey

Deposit on portorage of baggage

iii) Travel by Air shall only be allowed when included as part of the formal approval of the attendance at a conference or overseas visit. In the case of overseas visits the cost to be met from the budget of the relevant service.

e) Additional Travel Expenses

The rates specified above may be increased by not more than the amount of any expenditure incurred on tolls, ferries, parking fees or cost of overnight garaging of a motor vehicle, except that reimbursement of the Central London Congestion Charge shall not be permitted.

2) Subsistence

Subsistence claims for the reasonable costs of overnight accommodation or meals not included in the Conference fee can only be claimed, up to a maximum of £150 per day, upon production of relevant receipts.

3) Receipts

Claims for reimbursement of expenditure by main line rail, air or any other additional expenses, or subsistence, must be accompanied by a receipt.

Planning Committees

The Planning and City Development Committee and the Planning Applications Sub-Committees determine all planning applications that are not delegated to the Director of Planning and City Development. The Planning and City Development Committee also consider and approve planning briefs and statements. The meetings are open to the public. Paper copies of Planning Agendas are available from the Cabinet, Committee and Scrutiny Secretariat and can also be viewed electronically on the Council's website five working days in advance of the meeting.

The procedures for the Planning and City Development Committee (which meets on the final Thursday of each month) and the Planning Applications Sub-Committee (which meets on the other Thursdays in the month) are essentially the same. Meetings are held on Thursdays at 6.30pm in City Hall. The Committee comprises of six Councillors. The Sub-Committees comprise four Councillors.

Members and the public can submit written comments on planning applications as part of the consultation process. If you want to make comments which will be taken into account in determining an application they should be submitted in writing to the planning case officer. This can be by letter or via email.

If you are unclear about what an application involves or need more information, the planning case officer will be happy to discuss the application with you. You will normally have 21 days to comment. You can support or object to a proposal, but you should bear in mind that planning applications can only be decided on the basis of planning issues. The issues raised will be taken into account by the planning officer considering the application. This may lead to the officer contacting the applicant and suggesting amendments to the scheme. All comments received within the required period are summarised in the officers' report and verbally to the Committee during the officer's presentation. Written representations can, however, be submitted up

to and including the day of the meeting. Those received after the publication of the report are forwarded to the Committee Members in advance of the meeting, or if received on the day tabled at the meeting, and are summarised by the presenting officer in the presentation to the Committee.

Whilst Members of the public are not allowed to speak at meetings, Ward Members may make oral representations at the meeting. As a matter of courtesy Ward Members are asked to notify the Chairman of their intention to speak in advance of the meeting. Those Members that have requested to do so will be invited by the Chairman to speak once the presenting officer has concluded the presentation.

Guide to City Hall and Council House

The main locations of the departments of the Council are set out below. Information on department structures and services provided can be found on the Members' website.

City Hall, 64 Victoria Street, SW1

Phone: 020 7641 2202 or 020 7641 2674

- Customer Services
- Legal and Administrative Services
- Policy and Communications
- Finance
- Environment and Leisure
- Social and Community Services (including Housing and Education)
- Planning and City Development
- Transportation

Council House, Marylebone Road, NW1

Phone: 020 7641 1165

- Community Protection

Facilities for Members

City Hall, 64 Victoria Street, SW1

City Hall is the main administrative headquarters of the Council and contains Members' Rooms for the Majority Party on the 19th floor and the Minority Party on the 17th floor. There are also Committee Rooms on the 17th floor. Facilities for Members are provided by the Members Services Manager, Mick Steward (Ext. 3134), on the 17th floor (South).

i) Car Parking

There is very limited car parking at City Hall for members attending on official business. All members are asked, upon their election, whether they wish to use this facilities and if so, they must give details of the vehicles they use for security and control reasons. Any queries concerning this facilities should be addressed to the Corporate Services team (Ext. 2755)

ii) Conference and Meeting Rooms

There are a number of rooms located on the 17th and 18th floors which can be used by members for official purposes connected with Council activities. The rooms are very heavily booked and should not be used unless previously reserved through the Corporate Services team (Ext. 2755). Certain outside organisations may use rooms at City Hall for which a charge may be made. The City Council may waive the charge in respect of certain specific organisations. Rooms must not be used for private business nor may they be used for Councillor's Surgeries.

iii) Members' Room

The Members' Rooms are located on the 17th (Minority Party) and 19th (Majority Party) floors. Both are comfortably furnished and available for use by respective Councillors. The Majority Party room is maintained by the Leader's Policy Analyst, Ms Alex Bigland (Ext. 3403), and the Minority Party room is maintained by the Minority Party Secretary, Ms Veronica Mockler (Ext. 2230).

The rooms provide:

1. A telephone extension to the main switchboard for official internal and external calls.
2. Writing desks, computers which are connected to the intranet and a supply of official members' stationary e.g... Crested envelopes and headed paper.
3. Copies of a selection of daily and local newspapers.
4. Copies of Council agendas and minutes and Committee agendas.
5. Copies of periodicals such as the Local Government Chronicle and the Municipal Journal.
6. Copies of the Council's Constitution and Code of Governance.

Members' letters may be left in their respective out trays in their Members' Rooms for posting. There is a post collection from City Hall at 10.30am and 4pm each day.

iv) Photocopying

Two photocopies are available for use by members on Council business in their respective Members' Rooms. Photocopies are not intended to be used for high volume printing but only for a limited amount of copying and are only available during normal office hours only.

v) Post and Despatch Arrangements

The Post / Despatch Office is situated on the 4th floor (East) and handles all internal and external postal arrangements. Members can use this office for the despatch of official Council business and ward post. All post from members is despatched on the day of receipt and posts first class. Members may leave their post either in the Members' Room for collection or they may take it direct to the Post/Despatch Office.

This office also provides for the despatch of Council post to members ie. Committee agendas, letters etc which takes place on Wednesday and Friday evenings.

Internal post, appropriate addressed, can be left at any district Library or any main administrative building for forwarding to City Hall.

vi) Catering

Members may make use of the restaurant which is situated on the 1st floor (West). The restaurant provides breakfasts between 8am and 10.45am and then a selection of salads and hot lunches from 11.45am until 3pm. The cafe on the 1st floor (east) subsequently stays open until 4pm for other light refreshments and snacks.

Tea and coffee facilities and light snacks are also provided free of charge in the respective Members' Rooms.

vii) Stationary

Members stationary is available in the respective Members' Rooms. In addition supplies can be obtained from the Members' Services Manager, Mick Steward (Ext. 3134). Headed stationary is only to be used on matters of Council business and must not be used in connection with party political matters.

viii) Telephones

Telephone extensions are available in the respective Members' Rooms for official internal and external calls.

Westminster Council House, Marylebone Road, NW1

The Westminster Council House contains the Council Chamber of the Council and offices. All full Council meetings are held at these premises. No car parking facilities are available but parking on single yellow lines after 6.30pm is permitted.

i) Members' Room

A single Members' Room is available at the Council House during normal office hours. The room is situated adjacent to the Council Chamber and contains a computer connected to the intranet, a telephone for internal and external calls, facilities for writing and official members' stationary. This Members' room is not available during meetings of the Licensing Sub-Committee.

Members may not use the Members' Room for meeting or surgeries.

ii) **Photocopying**

Photocopying facilities are available for Council business only in the Members' Room at Council House.

iii) **Catering**

Members may use the restaurant on the 2nd floor of the Council House Annex for refreshments and meals. The restaurant is open between 8am and 3.30pm for light refreshments and snacks. Breakfast is also available between 8am and 10am with lunch available between 12noon and 2pm each day.

iv) **Conference and Meeting Rooms**

There are a number of rooms available which can be used by members for official purposes connected with Council activities. These rooms are located on the first floor at Council House, opposite the Council Chamber.

These rooms should not be used unless previously booked through the Corporate Services team on extension 2755.

Certain outside organisations may use rooms at the Council House for which a charge is normally made. The City Council has agreed to waive the charge in respect of certain specific charity and professional organisations.

Details of Members' Support

Services for members can be obtained from a variety of sources, depending upon the member's individual role within the Council. The services area described below:

a) **Members' Services**

Secretarial services (ie. the provision of typing, audio and photocopying facilities) are provided for back-bench members (ie. who are not part of the Executive or Overview and Scrutiny Chairmen) from the Members' Services team on the 17th floor (South).

The team will provide general information on the Council activities, decisions and the meeting timetable whilst also undertaking all matters relevant to Council business and constituents' case work. The production of papers and letters for circulation to members of the public (ie. on a large scale) will not normally be acceptable nor will a service be provided on matters which are, in the opinion of the Chief Executive, of an overtly political nature.

Within the unit is an answerphone which is available to receive messages 24 hours a day, should a member of the team not be available. The extension for Members' Services is 2322.

b) Cabinet, Committee & Scrutiny Secretariat

All meetings of the Cabinet, Committees and Sub-Committees are serviced by a team of Committee staff. These staff are responsible for the production and distribution of Committee agendas, Minutes etc and for advising on and co-ordinating the work of the meetings. Committee staff also collate post for Overview and Scrutiny Committee Chairmen which are despatched on Wednesday and Friday evenings, as well as assisting in their Ward responsibilities. Members should not hesitate to contact the Deputy Head of the Cabinet, Committee and Scrutiny Secretariat, Mick Steward, on extension 3134 if they require information or advice on Committee or Council work.

c) Cabinet Support

Each Member of the Executive is assigned a Policy Analyst and Support Officer upon their appointment.

d) Public Relations and the Press

The role of the Communications team is to improve communication within the press, public and officers on matters concerning Council activities and services. While the work of the section is relevant to the Council as a whole, certain facilities are available for individual members.

The press office functions of the section (ie. Media releases, interview briefings, forums and conferences) are normally channelled through Cabinet Members to prevent clashes of interest and to produce a consistent approach overall to public relations, but Press Officers area always ready to help individual members who need advice.

The press office can supply lists of media contacts who have regular dealings with the City Council and who may be able to help individual members with their own particular needs. If a member requires specific copies of press cuttings, press releases, information on media contacts of public relations in general, he/she should contact the Head of Communications, Alex Aiken on extension 3226.

Licensing Sub-Committees

The Licensing Sub-Committee generally meets every Thursday and meetings are normally held in the Council Chamber at Council House.

Each Sub-Committee comprises three Councillors, and membership is not subject to proportionality.

Members of the public can submit written comments on licensing applications as part of the consultation period. Such interested parties are then permitted to attend Licensing Sub-Committees for consideration of such items and to make representations.

The role of Members' themselves is however more proscribed. Under the terms of the Licensing Act 2003, Councillors are prevented from attending licensing sub-committee hearings if they have a personal and prejudicial interest in the case being considered.

As a basic rule, if the Councillor is speaking on his/her own behalf as an interested party, he/she has an interest and can make written representation but may not attend the meeting. If they are representing other people who are interested parties, but do not live in the vicinity of the premises themselves, there is no problem.

If members require further advice on licensing legal issues, please contact Peter Large on 020 7641 2711.

For any other information on the licensing service or licensing applications, please contact Chris Wroe on 020 7641 5903.

