

	<b>Annual Council Meeting</b> 14 May 2018
	<b>Report from the Director of Legal  and HR Services</b>
<b>Members' Code of Conduct</b>	

<b>Wards Affected:</b>	Not Applicable
<b>Key or Non-Key Decision:</b>	Not Applicable
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	One
<b>Background Papers:</b>	None
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	Debra Norman, Director of Legal and HR Services, 0208 937 1578; and  Looqman Desai, Senior Solicitor (Governance), 0208 937 1366.

## 1.0 Purpose of the Report

1.1 This report proposes changes to the Members' Code of Conduct.

## 2.0 Recommendations

2.1 To approve the proposed changes to the Members' Code of Conduct at **Appendix 1**.

2.2 To authorise the Director of Legal and HR Services to make the consequential changes referred to in the report.

2.3 To note that the changes to the Members' Code of Conduct will come into effect immediately and will be publicised on the Council's website.

## 3.0 Detail

### ***Statutory background***

3.1 The Council has a statutory duty under the Localism Act 2011 (the Act), to promote and maintain high standards of conduct by elected members and co-

opted or appointed members (collectively referred to in this report as members) of the Council. In particular, the Council has to adopt a code dealing with the conduct that is expected of members when they act in an official capacity. This code has to be consistent with the following principles: selflessness; integrity; objectivity; accountability; openness; honesty and leadership. It also has to make provision for the registration and disclosure of interests (both pecuniary and non-pecuniary) by members.

- 3.2 The Council can revise its code at any time but is required to publicise the revision of the code in such manner as it considers is likely to bring the revision to the attention of persons who live in its area.
- 3.3 The function of revising a code of conduct cannot be delegated and has to be discharged by Full Council.

### ***Factual background***

- 3.4 The existing Members' Code of Conduct was adopted in July 2012 and, following revisions in 2014 and 2015, is couched in similar terms to the statutory code of conduct councils had to adopt under the former standards regime. The code is comprehensive and detailed but is complex and legalistic.

### ***Decision making background and the proposals***

- 3.5 On 27 March 2018, in the context of agreeing the Council's response to a consultation by the Committee on Standards in Public Life (CSPL) on local government standards, the Standards Committee noted that the section of the code on interests in particular was long, complex and not easy for members to understand. The Standards Committee therefore recommended that the entire code be simplified.
- 3.6 In the context of generally reviewing gifts and hospitality registered by members since January 2017 and, more specifically, considering good practice in respect of recording the value of gifts and hospitality, the Standards Committee recommended that certain recording requirements be written into the code (see below) to ensure the highest standards are achieved more consistently.
- 3.7 Accordingly, a simplified version of the code is set out at **Appendix 1** for approval with immediate effect. These are the key changes:
  - 3.7.1 wherever possible, the wording has been simplified;
  - 3.7.2 the code has been formatted into two columns;
  - 3.7.3 the general obligations have been set out in individual paragraphs;
  - 3.7.4 para. 16 (b): as well as political, council resources cannot be used for private purposes;
  - 3.7.5 para. 17 (a): the obligation to have regard to advice given by the Chief Executive (in her capacity as the Head of Paid Service);

3.7.6 there are now two types of interests only: statutory disclosable pecuniary interests (DPIs) and personal interests. The substance of the former 'prejudicial interests' has been incorporated into the provisions relating to personal interests. In practical terms, the same standards regulating conflict of interests and ensuring transparency and integrity have been maintained but in simplified form; and

3.7.7 para.31(c): the requirement to record the value or approximate value of gifts and hospitality (among other details) has been introduced.

3.8 If the proposed changes to the code are approved, the Monitoring Officer will make all the necessary consequential changes to supplementary documents such as the Licensing and Planning Codes of Practice and the Members' Gifts and Hospitality Protocol, as well as changes to the Constitution.

3.9 If approved, the changes to the code will also be publicised on the Council's website.

#### **4.0 Financial Implications**

4.1 None directly arising from this report.

#### **5.0 Legal Implications**

5.1 These are contained in the body of the report.

#### **6.0 Equality Implications**

6.1 None.

#### **7.0 Consultation with Ward Members and Stakeholders**

7.1 The proposals in this report have been considered by the Council's Standards Committee.

#### **8.0 Human Resources/Property Implications (if appropriate)**

8.1 None.

#### **Background Papers**

None

**Report sign off:**

***Debra Norman  
Director of Legal and HR  
Resources***