



Report of : Assistant Chief Executive, Governance and HR

Meeting of	Date	Agenda Item	Ward(s)
Standards	22 January 2014	A5	All

Delete as appropriate	Exempt	Non-exempt
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Subject: Review of Code of Conduct and complaint procedures

1. Synopsis

Following changes introduced under the Localism Act 2011, the council adopted a new Members Code of Conduct and new Procedures for Investigating Complaints.

2. Recommendations

- 2.1 To consider whether any changes to the Code or the procedures for investigating complaints under it should be recommended.

3. Background Details

- 3.1 Members will recall that the Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected councillors and voting co-opted members of committees. The Council adopted a new Members Code of Conduct and new procedures for dealing with complaints under the Code from 1st July 2012. The new arrangements have been in place for 18 months and a review appears timely so that any changes can be in place prior to the next local elections.

3.2 The Code of Conduct

The Council has a wider discretion in respect of the content of its Code of Conduct now than was the case under the previous legislation, provided that it is consistent with the seven principles conduct in the Act and with regulations concerning

registration and disclosure of “Disclosable Pecuniary Interests” (DPIs). The approach adopted in the new Code was to include provisions broadly similar to the old Code, but to simplify them where the requirements or complex wording of the old mandatory Code were unnecessary.

- 3.3 Changes to the new Code have been agreed by the Council since it was adopted to reflect the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These included additional requirements in respect of disclosure of conflicts of interest by members of the Executive which have been included in the current version of the Code.

3.4 The New Complaints Procedures

The new arrangements in the Localism Act did away with the requirement for a Standards Committee and introduced greater flexibility for arrangements for dealing with complaints of breach of the Code and a requirement to appoint Independent Members in place of the previously required Independent Members of the Standards Committee. The Council decided to retain a Standards Committee but confine its remit more specifically to the Code and dealing with complaints of breach.

- 3.5 The new procedures provided for the Monitoring Officer in some circumstances to carry out an initial assessment of complaints rather than all complaints being required to be considered at a meeting of the Committee for a decision as to whether they should be investigated.. The objective was to enable trivial or misconceived complaints, and those which could appropriately be informally resolved, to be dealt with by the Monitoring Officer without the need for the committee to meet.

4. The New Code and Procedures in Practice

- 4.1 Since the new Code and Procedures were adopted, 6 formal complaints involving 11 councillors have been received by the Monitoring Officer (the Corporate Director of Resources up until the end of 2012 and since then, the Assistant Chief Executive, Governance and HR). Of these 1 was resolved informally through apologies provided by the councillors concerned; in two cases the Monitoring Officer decided after undertaking the initial assessment procedure that the complaints should not be investigated as a reasonable informal resolution had been offered; in one case the Monitoring Officer decided the complaint did not amount to a potential breach of the Code and in two cases the Standards Committee received a report from the Monitoring Officer and after undertaking the initial assessment of the complaint decided the matters complained of were outside the scope of the Code.

5. Revised Government Guidance

- 5.1 Since the adoption of the new Code and Procedures the Government has issued revised guidance on “Openness and transparency on personal interests”. This is included in Appendix 1. The changes to the guidance particularly concern the issue of registering and disclosing membership of trades unions. As indicated in a recent

briefing to members on this new guidance, it is appropriate for the committee to consider whether it should recommend any changes to the existing Code of Conduct in the light of the new guidance.

- 5.2 The new guidance concludes that in order to comply with the general principles required to be reflected in the Code of Conduct, in particular the principle of integrity:

“All sitting councillors need to register their declarable interests – both declarable pecuniary interests, and other interests that must be declared and registered as required by your authority’s code, or your duty to act in conformity with the Seven Principles of Public Life, such as your membership of any Trade Union.”

However, there is no statutory requirement to register interests other than those specifically required to be registered in the relevant regulation. There are specific obligations in the Code to register sponsorship, including by a trade union, but this is a separate issue from that of membership of a trade union.

- 5.3 At the moment the general obligation of “Integrity” is covered in respect of trades union membership by the requirement in the Code that trades union membership be declared at specific meetings where that interest arises. This would also cover membership of other lobbying groups, like the CBI, political parties and charities etc. as well. The guidance is not statutory guidance but it would be open to the council to decide that such interests should be disclosed.

6. Implications

7.1 Legal Implications

These are contained in the body of the report.

7.2 Financial Implications

There are no financial implications arising directly from this report.

7.3 Equality Impact Assessment

There are no equalities implications arising directly from this report.

7.4 Environmental Implications

There are no environmental implications arising directly from this report.

8. Conclusion and recommendations

- 8.1 The Localism Act introduced a new regime for governing standards of member conduct which is significantly different from the old regime. The new arrangements adopted by the Council with effect from 1 July 2012 have now been in operation for 18 months and appear to be working well. There has yet to be an investigation under the new procedures and so that aspect of the new arrangements has yet to be tested. The changes made to the investigation procedure were intended to


speed the process up to that a resolution of complaints could be obtained more speedily.

- 8.2 Revised government guidance proposes that trade union membership should be required to be registered by members. It is open to the council to amend its Code to require this, but it is not obliged to do so. The committee is recommended to consider whether such a change should be recommended to the Council.

Background papers:

None.

Final Report Clearance

Signed by		14 January 2014
	Assistant Chief Executive, Governance and HR	Date

Received by	_____	_____
	Head of Scrutiny and Democratic Services	Date

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