

Legal Services, Law & Governance

7 Newington Barrow Way, London, N7 7EP

Report of: Interim Director of Law & Governance and Monitoring Officer

Meeting of: Standards Committee

Date: 15 March 2023

Subject: Review of the Islington Code of Conduct for Members

1. Synopsis

- 1.1. To seek the Standards Committee's views prior to a review of the council's Code of Conduct for Members ("the Code") to ensure that it is up to date, accessible and fit for purpose.

2. Recommendations

- 2.1. To approve the procedure for reviewing the Code as outlined in this report.

3. Background

- 3.1. The Standards Committee is responsible for:
 - a) Advising the council on the adoption or revision of the Code;
 - b) Considering whether complaints of breach of the Code should be investigated and hearing complaints which have been investigated.
 - c) Agreeing procedures for investigation of complaints of breach of the Code.
- 3.2. The system of regulation of standards of councillor conduct in England is governed by the Localism Act 2011. Local authorities are under a duty to promote and maintain high standards of conduct by their elected members and co-opted members. Every local authority must have a code of conduct for its members, which must be consistent with the "Seven Principles of Public Life": selflessness, honesty, integrity, objectivity, accountability, openness and leadership. The code

of conduct must also make provision for the registration and disclosure of pecuniary and other interests.

3.3. The council has adopted a Code of Conduct for its members which is in Part 6 of the Constitution and is on the council's website.

3.4. The Code was last updated by full Council on 9 December 2021 and should be reviewed to ensure it is in accordance with the recent Report by the Committee on Standards in Public Life titled "Leading in Practice: A Review by the Committee on Standards in Public Life" (January 2023) which formulates a series of questions for leaders in the public sector to consider, as set out below:

"Communicating values and leading by example

- 1. How do the people in your organisation know that you care about the Principles of Public Life?*
- 2. What do you do to help people understand how the Principles of Public Life translate to the standards of behaviour expected in their day-to-day work?*
- 3. How do you address behaviour that is not consistent with the Principles of Public Life?*
- 4. How do you know that people across your organisation are hearing a consistent tone from their managers in relation to the standards of behaviour expected of them?*

Encouraging a 'speak up' culture

- 5. Are there clear and well-understood ways that people across your organisation can raise their concerns when things "just don't feel right"? How do you know these routes are trusted?*
- 6. What do you do to ensure that retaliation is not tolerated in your organisation?*
- 7. How do you ensure you are listening to the concerns and suggestions of people in your organisation? Are you being open and transparent in communicating the outcome to people in your organisation, while respecting confidentiality?*
- 8. How do you know the managers in your organisation are listening and responding well to concerns that are raised directly with them?*

Training, discussion and decision-making

- 9. Is your staff training specific to the ethical risks and challenges faced by your organisation?*
- 10. How do you encourage leaders at all levels to discuss the practical application of the Principles of Public Life in their teams?*
- 11. Have you considered whether the people in your organisation might benefit from dedicated support for considering ethical issues, such as ethics committees or counsellors?*
- 12. How do you know that people in your organisation are making consistently good decisions that take into account the Principles of Public Life?*

Governance

- 13. Is your board clear on their role in relation to the ethical culture of the organisation?*

14. *Does your risk assessment process identify and monitor the key ethical risks for your organisation?*
15. *Does your board have access to the range of data needed to assess and monitor the ethical health of your organisation and to identify potential areas of concern?*
16. *How do you ensure that your organisation takes necessary action where the data suggests that changes are needed?*
17. *When things have gone wrong in your organisation, could the signs have been spotted and addressed earlier?*

Recruitment and performance management

18. *Does your recruitment and selection process place sufficient weight on the extent to which candidates' personal values align with the Principles of Public Life?*
19. *How does your organisation's selection process test the ability of candidates to exercise sound judgement when faced with ethical dilemmas?*
20. *Do the performance management processes of your organisation give sufficient weight to how individuals deliver on their objectives, as well as the outcomes that are achieved."*

- 3.5. Officers will also review the codes of conduct of other (London) local authorities and the Local Government Association's Model Councillor Code of Conduct.
- 3.6. Members will also be consulted on the revised Code of Conduct at the upcoming member development sessions on Governance.
- 3.7. Officers will recommend a revised version of the Code to the Committee at its next planned meeting on 27 June 2023. The final version can then be recommended to Full Council on 6 July 2023.

4. Implications

4.1. Financial Implications

There are no financial implications.

4.2. Legal Implications

Section 28 Localism Act 2011 states as follows:

"(6) A relevant authority other than a parish council must have in place –

- (a) Arrangements under which allegations can be investigated and*
- (b) Arrangements under which decisions on allegations can be made.*

(7) Arrangements put in place under subsection (6)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person –

(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and

(b) whose views may be sought –

(i) by the authority in relation to an allegation in circumstances not within paragraph (a),

(ii) by a member, or co-opted member, of the authority if that person's behaviour is the subject of an allegation, and

(iii) by a member, or co-opted member, of a parish council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority..."

4.3. **Environmental Implications and contribution to achieving a net zero carbon Islington by 2030**

There are no environmental implications.

4.4. **Equalities Impact Assessment**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

There is no impact on equalities at this stage.

5. Conclusion and reasons for recommendations

5.1. The Committee is asked to consider and approve the proposed approach to reviewing the Code.

Appendices: Report by the Committee on Standards in Public Life titled "*Leading In Practice: A Review by the Committee on Standards in Public Life*" (January 2023)

Background papers: None

Final report clearance:

Authorised by: **Marie Rosenthal, Interim Director of Law & Governance and Monitoring Officer**

Date: 23 February 2023

Legal Implications Author: **Sonal Mistry, Interim Chief Lawyer (Governance)**

Tel: 020 7527 3833

Email: sonal.mistry@islington.gov.uk