

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 and Full Council

Date: 27 June 2023 and 13 July 2023

Subject: Review of the Council's Code of Conduct for Members

1. Synopsis

- 1.1. To update the Standards Committee on 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 note that the Code has been reviewed for compliance with the Local Government Association Model Councillor Code of Conduct 2020 and best practice.
- 2.2. To recommend to Council that the Code of Conduct for Members is amended as per the tracked changes in **Appendix A**.

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. One of the Seven Principles of Public Life is the principle of integrity, that *“holders of public office must avoid placing themselves under any obligation to people or organisations that might try to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.”*
- 3.4. Members’ registration of personal interests should be guided by this duty. They should also give the Monitoring Officer who is responsible for the register of members’ interests any information they may request in order to keep that register up to date and any other information which members consider should be entered in the register.
- 3.5. 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. All members need to register their disclosable interests – both disclosable pecuniary interests and other interests that must be declared and registered as required by the council’s Code of Conduct for members or by members’ duty to act in conformity of the Seven Principles of Public Life.
- 3.6. The Code was last updated by full Council on 9 December 2021. The update was in consequence of the introduction of the Local Government Association Model Code of Conduct for Councillors in 2020.
- 3.7. As reported to Standards Committee on 15 March 2023, the Code also required a review in accordance with the January 2023 Report by the Committee on Standards in Public Life titled *“Leading in Practice: A Review by the Committee on Standards in Public Life”*.
- 3.8. Officers have reviewed the codes of conduct of other (London) local authorities including Kensington & Chelsea, Lambeth and Westminster and the Local Government Association’s Model Councillor Code of Conduct.
- 3.9. The Declaration of Interests provision in the Code, amended as tracked in **Appendix A**, would be in compliance with the LGA Model Councillor Code of Conduct in that it extends the definition of personal interests to apply to councillors’ family members, as follows:

“...my spouse, civil partner, parent, grandparent, child, grandchild, sibling, or anyone that I live with as a spouse or civil partner...”

- 3.10. Officers are therefore recommending a slightly revised version of the Code to the Committee, with the intention of seeking approval of the final version at Full Council on 13 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 amendment to the Code.

Appendices: Appendix A – paragraph 12 Declarations of Interest [excerpt from the Code of Conduct, Part 6 of the Constitution]

Background papers: None

Final report clearance:

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

Date: 19 June 2023

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