


<p>Non-Executive Report of the:</p> <p>Standards (Advisory) Committee</p> <p>22 September 2016</p>	
<p>Report of: Melanie Clay, Corporate Director for Law Probity and Governance</p>	<p>Classification: Unrestricted</p>
<p>Revised Code of Conduct for Members and Revised Arrangements for Dealing with Alleged Breach of the Code</p>	

<p>Originating Officer(s)</p>	<p>Mark Norman, Deputy Monitoring Officer</p>
<p>Wards affected</p>	<p>All</p>

Summary

This report updates the Advisory Committee on the proposals for revisions to the Council's Code of Conduct for Members and revisions to the Arrangements for Dealing with Alleged Breach of the Code. The proposed revisions were considered by the cross party Governance Review Working Group on 8 June 2016

Recommendations:

The Standards Advisory Committee is recommended to:

1. Consider and comment on the proposed revisions.

1. REASONS FOR THE DECISIONS

1.1 N/A

2. ALTERNATIVE OPTIONS

2.1 N/A

3. BACKGROUND

3.1 The Council is operating Executive arrangements and pursuant to section 37 of the Local Government Act 2000 it must have a Constitution and also ensure that the Constitution is kept up-to-date.

3.2 Pursuant to Article 15.01 of the Council's Constitution, the Monitoring Officer reviews and monitors the operation of the Constitution and may make recommendations for improvements as appropriate. Non material changes to the Constitution may be approved by the General Purposes Committee on the recommendation of the Monitoring Officer. Substantive proposals for change must be approved by full Council.

3.3 The Code of Conduct for Members is an important Constitutional document which forms part of the Council's ethical framework and is adopted under the provisions of the Localism Act 2011. The 2011 Act requires full Council to approve and adopt the Code and arrangements for dealing with complaints of alleged breach of the Code.

3.4 Annex A to this report contains the existing Code of Conduct for Members and the existing arrangements for dealing with complaints of alleged breach of the Code.

3.5 Annex B to this report contains the proposed revised Code and proposed revised arrangements for dealing with complaints of alleged breach of the Code.

3.6 In summary the proposed revisions to the Code include:

- Changes to the general principles of conduct to bring them up to date in terms of legislative context and current terminology.
- Greater clarity of the requirements to register and declare statutory disclosable pecuniary interests and other interests.
- A potential increase in the current value (£25) requiring the registration of gifts and/or hospitality.

3.7 In summary, the revisions to the arrangements for dealing with complaints of breach of the Code are proposed to streamline the complaint handling process and include:

- Providing greater autonomy for the Monitoring Officer to reject complaints at the initial stage (whilst retaining the ability to seek a view from the Investigation and Disciplinary Sub-Committee in more complex cases).
- Creating defined criteria on which the Monitoring Officer may reject complaints.
- Introducing a requirement for the Monitoring Officer to provide reasons for any rejection at the initial stage to the complainant (and include this in quarterly monitoring information provided to the Standards (Advisory) Committee).
- Introducing greater flexibility to seek local resolution of complaints at all stages of the process.
- Reducing the role of full Council to determine hearings and impose sanctions with a proposal that the Hearings Sub-Committee is decision making as to whether a breach has occurred but a requirement for full Council or the Mayor (as appropriate) to agree more serious sanctions such as removal of a Member from a Council Committee or the Executive.
- Abolishing the Hearings (Appeals) Sub-Committee.

In addition in order to enable proper investigation of more complex cases it is proposed to increase the time allowed to the Monitoring Officer to extend investigations making the total investigation period a maximum of 4 months instead of the current 3 months.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 There are no immediate financial implications arising out of this report.

5. LEGAL SERVICES COMMENTS

- 5.1 This report has been prepared by the Deputy Monitoring Officer and incorporates legal comments.

6. RISK MANAGEMENT IMPLICATIONS

- 6.1 The proposed revisions are designed to make the Code of Conduct more robust and streamline arrangements for handling complaints of alleged breach of the Code. This will assist in promoting and maintaining high standards of conduct and improving confidence in local democracy.

7. ONE TOWER HAMLETS CONSIDERATIONS

- 7.1 There are no specific anti poverty or equal opportunity implications arising out of this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 This report has no immediate implications for the Council's policy of sustainable action for a greener environment.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no specific crime and disorder reduction implications arising out of this report.

10. EFFICIENCY STATEMENT

- 10.1 This report is not concerned with proposed expenditure, the use of resources or reviewing/changing service delivery and an efficiency statement is not therefore required.

Linked Reports, Appendices and Background Documents

Linked Report

None

Appendices

- Annex A - Code of Conduct for Members and the existing arrangements for dealing with complaints
- Annex B - Proposed revised Code and proposed revised arrangements for dealing with complaints of alleged breach of the Code.

Local Government Act, 1972 Section 100D (as amended)

List of "Background Papers" used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- Standards (Advisory) Committee file

Officer contact details for documents:

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