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| Non-Executive Report of the: Council 5 December 2016 |  TOWER HAMLETS |
| Report of: Graham White, Acting Corporate Director, Law Probity & Governance | Classification: Unrestricted |
| Revised Code of Conduct for Members and Revised Arrangements for Dealing with Alleged Breach of the Code | |

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| Originating Officer(s) | Mark Norman, Deputy Monitoring Officer |
| Wards affected | All |

Summary

This report informs Council of proposals for revisions to the Authority's Code of Conduct for Members and revisions to the arrangements for dealing with alleged breach of the Code.

Recommendations:

Council is recommended to:

1. Approve and adopt the revised Code of Conduct for Members and the revised arrangements for dealing with alleged breach of the Code as set out in Annex B to this report.

1. **REASONS FOR THE DECISIONS**

- 1.1 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.

2. **ALTERNATIVE OPTIONS**

- 2.1 The Council could decide to retain the existing Code of Conduct for Members and complaint handling arrangements contained in Annex 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. The Monitoring Officer reviews and monitors the operation of the Constitution and may make recommendations for improvements as appropriate pursuant to Article 15.01 of the Council's Constitution,. 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.
- 3.2 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.
- 3.3 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.
- 3.4 Annex B to this report contains the proposed revised Code and proposed revised arrangements for dealing with complaints of alleged breach of the Code.
- 3.5 The proposed revisions were referred to political group leaders and have been considered by the cross party Governance Review Working Group and the Standards (Advisory) Committee.
- 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.
- 3.7 A potential increase in the current value of £25 contained in the Code for requiring the registration of gifts and/or hospitality was also considered. However, the Standards (Advisory) Committee has recommended that on balance and for better transparency the £25 threshold should remain unchanged.
- 3.8 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 of the Standards (Advisory) 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; it is proposed that the Hearings Sub-Committee of the Standards (Advisory) Committee is decision making as to whether a breach of the Code has occurred, but with 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.
- An increase in the time allowed to the Monitoring Officer to extend investigations for more complex cases, 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 As outlined above 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

Report to the Standards Advisory Committee 22 September 2016 – Revised Code of Conduct for Members and Revised Arrangements for Dealing with alleged Breach of the Code.

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.

- Code of Conduct Revisions file

Officer contact details for documents:

- Mark Norman 020 7364 4800