

<p>Non-Executive Report of the:</p> <p><b>Standards Advisory Committee</b></p> <p>Thursday, 1 July 2021</p>	
<p><b>Report of:</b> Janet Fasan, Director of Legal and Interim Monitoring Officer</p>	<p><b>Classification:</b> Open (Unrestricted)</p>
<p><b>New Member Code of Conduct - update report</b></p>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	(All Wards);

### **Executive Summary**

At its meeting on 4 February, the Committee received a report setting out the new Model Code of Conduct which had been published by the Local Government Association.

The Committee agreed that the Council should adopt the new Code subject to any amendments that were felt appropriate and an informal sub-group was established to work through the Code and recommend an updated version to the Committee.

This report provides the Committee with an update on that work.

### **Recommendations:**

The Standards Advisory Committee is recommended to:

1. Review and comment on the progress to date in relation to the new Member Code of Conduct.
2. Agree that the Monitoring Officer circulate the draft Code of Conduct to the political groups for comment subject to consultation with the Chair of the Committee to take place following the publication of the expected national guidance on the Code of Conduct.

### **1. REASONS FOR THE DECISIONS**

- 1.1 This report enables the committee to steer the development work on the draft new Code of Conduct.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The Committee may propose alternative options or agree to retain the existing Code of Conduct.

## **3. DETAILS OF THE REPORT**

- 3.1 As set out in the Committee report dated 4 February 2021, the new Model Code of Conduct was produced by the Local Government Association following a consultation period which ran through the summer of 2020.
- 3.2 The new Code is very similar in effect to the existing Tower Hamlets Code but it has updated much of the language and increased emphasis in some areas where that was felt appropriate.
- 3.3 When considering the new Code, the Committee considered that it would be appropriate to adopt it but that it would be useful to consider any potential adjustments that may be appropriate. It was therefore agreed to establish an informal sub-group to meet and discuss the development of the new Code.
- 3.4 That group has since met three times and also reported back to the Committee on 22 April 2021. The group considers that it has now completed its initial work.
- 3.5 The only significant outstanding actions are:
- To review the expected upcoming national guidance on the Code of Conduct and to consider any updates from that.
  - To complete an Annexe to the Code featuring examples and case studies. It is anticipated that the national guidance will provide much of the content for this section.
- 3.6 Following completion of the above, and subject to the Committee's agreement, the new Code will then be circulated to the groups for comment. Feedback from the groups will be presented to the Committee before final confirmation of the Code and submission to Council for agreement.
- 3.7 The sub-group have looked through the whole code and the main areas where changes were agreed or discussed involved:
- Adding small sections of text from the existing code for emphasis, for example around the reasons for having a code.
  - Made it clearer who was not covered by the Code (but stating that they should have regard to it).
  - Reference to specific accompanying Tower Hamlets codes such as the Tower Value and the Social Media Policy
  - How to best set out the dual expectation that the public must treat Members with respect and highlighting that Members do not have to feel compelled to deal with threatening individuals.

- How best to provide examples and case studies for use in conjunction with the Code including those on bullying which were previously created due to the recommendations of the Committee on Standards in Public Life.
- Agreeing to retain the £25 threshold for gifts and hospitality declarations and also adding guidance around regular small donations and the option of donating gifts to the Speaker's Charity.
- A line was added highlighting that large value gifts should normally be refused if they are not linked to a Councillors specific role.
- Adding more detail on the types of gifts that do not need to be declared.
- Ensuring the different types of interests were set out clearly.

3.8 The Committee are asked for any final comments the Code as presented.

#### **4. EQUALITIES IMPLICATIONS**

4.1 Equalities considerations are important as part of the consideration of the Code and have been included in the discussions. The Committee should ensure they are satisfied that the Code covers all relevant equalities issues.

#### **5. OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 Nil items.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no direct financial implications arising from this report.

#### **7. COMMENTS OF LEGAL SERVICES**

7.1 The principal statutory provisions relating to standards of conduct are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides

that the Council must promote and maintain high standards of conduct by members and co-opted members of the authority.

- 7.2 Sections 27 and 28 of the 2011 Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about the alleged breach of the Code that has been investigated.
- 7.3 Under the Council's Constitution, the Standards Advisory Committee's terms of reference include advising the Council on the adoption or revision of the Council's Code of Conduct for Members.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Reports to the Standards Advisory Committee 4 February 2021 and 22 April 2021.

### **Appendices**

- Appendix 1 – early draft of the new Member Code of Conduct

### **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.

- None.

### **Officer contact details for documents:**

N/A