


<p>Non-Executive Report of the:</p> <p>Standards Advisory Committee</p> <p>Tuesday, 16 April 2024</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Linda Walker, Interim Director of Legal and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Annual Review of the Member Code of Conduct and related procedures</p>	

Originating Officer(s)	Jill Bayley, Matthew Mannion, (Head of Legal Safeguarding), (Head of Democratic Services)
Wards affected	(All Wards);

Executive Summary

The Code of Conduct for Members (The Code), commits the Standards Advisory Committee and the Monitoring officer to undertake an annual review of the Code. This report invites the Committee to review and identify any changes they consider should be made to the Code.

The current Code was originally adopted by full council in November 2021 and came into force following the local elections in May 2022. Members will be aware that the current code largely reflects the version drawn up and recommended by the Local Government Association (LGA).

A number of bespoke changes were made to suit the council's local circumstances prior to its recommendation to full council in November 2021. These were proposed by a working group constituted from members of the Committee, including the chair.

The Code was reviewed in April 2023 where minor amendments were made.

If substantive changes are proposed then these will need to be presented to Council for final agreement.

Recommendations:

The Standards Advisory Committee is recommended to:

1. Review the Code of Conduct for Members as set out in Appendix 1 and consider what (if any) changes need to be made.
2. If required, delegate authority to the Monitoring Officer, following consultation with the Chair of the Advisory Committee, to make any such changes to the Code prior to submission to Council.

1. REASONS FOR THE DECISIONS

- 1.1 This report enables the committee to undertake the annual review of the Code of Conduct as required under the Code.

2. ALTERNATIVE OPTIONS

- 2.1 The Advisory Committee may consider that the existing Code of Conduct does not require review.
- 2.2 The Advisory Committee may consider that the Code should operate for another year before review as that will allow more time to understand its impact.

3. DETAILS OF THE REPORT

- 3.1 The current Model Code of Conduct was produced by the Local Government Association in 2021. It was adopted by Full council in November 2021 with some bespoke amendments that were proposed by a working group constituted from members of the Committee.
- 3.2 The new Code came into force in May 2022. The Code was provided to all Members at the election and promoted at the Member Induction training sessions and its provisions are reinforced whenever possible. The number of complaints for breaches of the code has remained at a consistent and low level throughout the year.
- 3.3 The Code was last reviewed by the Committee in April 2023. In the last year, officers have been monitoring the Code and do not, at this stage, have any changes to propose to the main body of the Code itself.
- 3.4 However, in reviewing the Code's Appendices (in particular Appendix C setting out procedures for dealing with complaints) and the Committee's Procedures set out in Part D, it is clear that there are potential duplications/clashes of text and also that it would generally be useful to review both documents.
- 3.5 Officers are also mindful of recommendations made by the Association of Democratic Services Officers (ADSO) when they recently reviewed the Constitution more widely on behalf of the Constitution Working Party. One of their key recommendations was to consider how appendices and procedures were set out in the Constitution to reduce duplication and avoid the possibility of conflicting guidance.
- 3.6 From the above it is clear that Appendix C to the Code of Conduct and the Standards Advisory Committee procedures set out in Part D do cover some of

the same ground especially around the work of any sub-committees handling complaints.

- 3.7 Having considered various options, officers are proposing that the Committee review whether Appendix C should be removed and the content merged with the Committee procedure rules in Part D.
- 3.8 The existing Code of Conduct (including its Appendices) is set out at Appendix 1 to this report, the existing Part D Standards Advisory Committee procedures are set out in Appendix 2 and a first draft of a possible combined guidance note is set out in Appendix 3 to this report.
- 3.9 The Committee are asked to consider this draft and make any comments they see fit.
- 3.10 Note that whilst merging the content, officers have also tweaked sections that were not felt to be clear or which needed reviewing. These are set out as track changes. The Committee are also welcome to review these suggestions and comment as necessary.
- 3.11 The ADSO reviewers also suggested that new protocols could be created around the process for managing gifts & hospitality and on use of social media. If the Committee thought these would be useful they could be created although it should be noted that currently Members are required to adhere to the Council's existing Social Media policies.

Other considerations

- 3.12 In the last year an updated Member/Officer Relations Protocol has been agreed. The Committee may therefore wish to review the Code alongside the new Protocol and consider whether any subsequent changes to the Code would be beneficial.

4. EQUALITIES IMPLICATIONS

- 4.1 None specific to this report although the Code of Conduct has an important role in highlighting the need to consider equalities issues to Members in their various roles.

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 None specific to this report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 This report deals with a review and changes to the Members' Code of Conduct. There are no financial implications arising from this as it is a routine governance process.

7. COMMENTS OF LEGAL SERVICES

7.1 Section 27 of the Localism Act 2011 requires the Council to promote and maintain high standards of conduct by Members and Co-opted Members of the Council, and to adopt a Code of Conduct governing the behaviour of such Members. Section 28 of the same Act sets out the matters which must be covered by the Code of Conduct.

7.2 The matters set out in this report demonstrate the Council's compliance with the above duties.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – The Member Code of Conduct (including its Appendices)
- Appendix 2 – The current Standards Advisory Committee procedures (Part D of the Constitution).
- Appendix 3 – a draft revised/combined Standards Advisory Committee Procedure including the procedure for handling Code of Conduct complaints. (To follow)

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