



STANDARDS COMMITTEE

Tuesday, 14th July, 2020

at 6.30 pm

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<https://youtu.be/t68XUhxWPeo>

Committee Membership:

Deputy Mayor Anntoinette Bramble (Chair)
Councillor Jessica Webb (Vice-Chair)
Councillor Soraya Adejare
Councillor Humaira Garasia
Councillor Katie Hanson
Councillor Anna Lynch
Councillor Sem Moema
Councillor Carole Williams

Co-opted Members

Nicola Hanns
Onagete Louison
Adedoja Labinjo
Aoife Scannell

**Independent Person to
Standards Committee**

Jonathan Stopes-Roe

Tim Shields
Chief Executive

6 July 2020

Contact:
Clifford Hart
Senior Governance Services Officer
Tel: 020 8356 3597
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The press and public are welcome to attend this meeting.

Please see the link facility to join this meeting on the
agenda front sheet

AGENDA

Tuesday, 14th July, 2020

ORDER OF BUSINESS

Item No	Title	Page No
1	<p>APOLOGIES FOR ABSENCE</p> <p>To receive and note any apologies for absence.</p>	
2	<p>URGENT BUSINESS</p> <p>The Chair to advise the Committee of any unrestricted items of urgent business.</p>	
3	<p>DECLARATIONS OF INTERESTS</p> <p>A Member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:</p> <p>(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and</p> <p>(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.</p> <p>A Member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.</p> <p>Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 8.1-15.2 of Section Two of Part 5 of the Constitution and Appendix A of the Members' Code of Conduct.</p>	
4	<p>To note the Terms of the reference of the Standards Committee</p> <p>To note the terms of reference of the Standards Committee for the Municipal Year 2020/21.</p>	1 - 2
5	<p>Petitions/Questions or deputation requests</p>	
6	<p>TO CONFIRM THE UNRESTRICTED MINUTES OF THE STANDARDS COMMITTEE HELD ON 13 FEBRUARY 2020</p> <p>To confirm the unrestricted minutes of Standards Committee held on 13 February 2020 as an accurate record of the proceedings.</p>	3 - 10
7	<p>Standards Committee Draft Work Programme 2020/21</p> <p>This report advises the Standards Committee of the schedule of items to be considered by the Committee during the Municipal Year 2020/21.</p>	11 - 20

8	Annual report of the Standards Committee 2019/20	21 - 46
	The Annual report details all matters considered by the Standards Committee during the Municipal Year 2019/20, for approval and referral to Full Council.	
9	Annual ICT report and update on activity in 2019/20, and proposals for 2020/21	47 - 54
	To receive the annual ICT report and update for 2019/20 and proposals for 2020/21	
10	Member Training and Development Update for 2019/20 and proposals for 2020/21	55 - 60
	To receive an update on the 2019/20 Member training and development programme, and proposals for 2020/21.	
11	Verbal update on complaints received in relation to members since February 2020 to date	
	To receive a verbal update from the Director of Legal & Governance on any complaints received in relation to members since February 2020, to date.	
12	Verbal update on the current position with regards to recommendations arising from the Government's Committee on Standards in Public Life on the subject of ethical standards in local government	
	This verbal update by the Director of Legal & Governance will advise the Standards Committee on any progress with regard to the Government's consideration of the recommendations from its Committee on Standards in Public Life with respect to ethical standards in Local Government.	
13	Draft Model Members Code of Conduct proposals recommended by the Local Government Association	61 - 96
	This report advises the Standards Committee of proposals from the Local Government Association regarding the adoption of a model Members Code of Conduct for Local Authorities in England and Wales.	
14	Any other unrestricted business the Chair considers to be urgent	
	To consider any unrestricted items of urgent business.	
15	Exclusion of the Public & Press	

Note from the Governance Services Manager

In the event of there being any late items of exempt urgent business then the Chair will MOVE the resolution as defined below to allow consideration of urgent exempt matters.

PROPOSED RESOLUTION :

That the press and public be excluded from the remainder of the meeting as the item (s) below contain exempt information, as defined under Part 1, Schedule 12A of the Local Government Act 1972.

16

Any other exempt business the Chair considers to be urgent

To consider any items of urgent exempt business.

Access and Information

Copies of the Agenda

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Council & Democracy- www.hackney.gov.uk

The Council & Democracy section of the Hackney Council website contains details about the democratic process at Hackney, including:

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- [MPs, MEPs and GLA](#)
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RIGHTS OF PRESS AND PUBLIC TO REPORT ON MEETINGS

Where a remote meeting of the Council and its committees are open to the public, the press and public are welcome to report on meetings of the Council and its committees, through any audio, visual or written methods and may use digital and social media providing they do not disturb the conduct of the meeting and providing that the person reporting or providing the commentary is present at the meeting.

Those wishing to film, photograph or audio record a meeting are asked to notify the Council's Monitoring Officer by noon on the day of the meeting, if possible, or any time prior to the start of the meeting or notify the Chair at the start of the meeting.

The Monitoring Officer, or the Chair of the meeting, will advise that this meeting is being held remotely.

The Chair shall have discretion to regulate the behaviour of all those present recording a meeting in the interests of the efficient conduct of the meeting. Anyone acting in a disruptive manner may be required by the Chair to cease recording or may be excluded from the remote meeting. Disruptive behaviour may include: causing excessive noise; intrusive lighting; interrupting the meeting; or filming members of the public who have asked not to be filmed.

Those visually recording a meeting are asked to respect the wishes of those who do not wish to be filmed or photographed. Failure by someone recording a meeting to respect the wishes of those who do not wish to be filmed and photographed may result in the Chair instructing them to cease recording or in their exclusion from the meeting.

If a meeting passes a motion to exclude the press and public then in order to consider confidential or exempt information, all recording must cease.. The press and public are not permitted to use any means which might enable them to see or hear the proceedings whilst they are excluded from a meeting and confidential or exempt information is under consideration.

Providing oral commentary during a meeting is not permitted.

ADVICE TO MEMBERS ON DECLARING INTERESTS

Hackney Council's Code of Conduct applies to **all** Members of the Council, the Mayor and co-opted Members.

This note is intended to provide general guidance for Members on declaring interests. However, you may need to obtain specific advice on whether you have an interest in a particular matter. If you need advice, you can contact:

- The Director of Legal & Governance;
- The Legal Adviser to the committee; or
- Governance Services.

If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

1. Do you have a disclosable pecuniary interest in any matter on the agenda or which is being considered at the meeting?

You will have a disclosable pecuniary interest in a matter if it:

- relates to an interest that you have already registered in Parts A and C of the Register of Pecuniary Interests of you or your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner;
- relates to an interest that should be registered in Parts A and C of the Register of Pecuniary Interests of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner, but you have not yet done so; or
- affects your well-being or financial position or that of your spouse/civil partner, or anyone living with you as if they were your spouse/civil partner.

2. If you have a disclosable pecuniary interest in an item on the agenda you must:

- Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you (subject to the rules regarding sensitive interests).
- You must leave the room when the item in which you have an interest is being discussed. You cannot stay in the meeting room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision.
- If you have, however, obtained dispensation from the Monitoring Officer or Standards Committee you may remain in the room and participate in the meeting. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a pecuniary interest.

3. Do you have any other non-pecuniary interest on any matter on the agenda which is being considered at the meeting?

You will have 'other non-pecuniary interest' in a matter if:

- i. It relates to an external body that you have been appointed to as a Member or in another capacity; or
- ii. It relates to an organisation or individual which you have actively engaged in supporting.

4. If you have other non-pecuniary interest in an item on the agenda you must:

- i. Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- ii. You may remain in the room, participate in any discussion or vote provided that contractual, financial, consent, permission or licence matters are not under consideration relating to the item in which you have an interest.
- iii. If you have an interest in a contractual, financial, consent, permission or licence matter under consideration, you must leave the room unless you have obtained a dispensation from the Monitoring Officer or Standards Committee. You cannot stay in the room or public gallery whilst discussion of the item takes place and you cannot vote on the matter. In addition, you must not seek to improperly influence the decision. Where members of the public are allowed to make representations, or to give evidence or answer questions about the matter you may, with the permission of the meeting, speak on a matter then leave the room. Once you have finished making your representation, you must leave the room whilst the matter is being discussed.
- iv. If you have been granted dispensation, in accordance with the Council's dispensation procedure you may remain in the room. If dispensation has been granted it will stipulate the extent of your involvement, such as whether you can only be present to make representations, provide evidence or whether you are able to fully participate and vote on the matter in which you have a non pecuniary interest.

Further Information

Advice can be obtained from Dawn Carter-McDonald Director of Legal & Governance (Acting), on 020 8356 6237 or email suki.binjal@hackney.gov.uk



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Standards Committee Terms of Reference

The Standards Committee is responsible for promoting and maintaining high ethical standards at the Council. The Standards Committee is responsible for the following functions:

1. To review and maintain oversight of the Council's ethical framework and procedures and make reports and recommendations accordingly;
2. To review and maintain oversight of the conduct of Members and co-opted members of the Council and assist them in upholding high ethical standards;
3. To advise Full Council and its Committees on the adoption of a Members' Code of Conduct, codes of practice and protocols relating to ethical governance matters;
4. To hear and consider complaints made against Members and co-opted members under the Code of Conduct, codes of practice or protocols;
5. To adopt procedures for considering complaints made under the Code of Conduct, codes of practice or protocols;
6. To consider whether to grant applications for dispensation to Members and co-opted members, in accordance with Members' Code of Conduct; and
7. To maintain oversight of ethical governance training provided to Members and co-opted members and make reports and recommendations accordingly.

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UNRESTRICTED MINUTES OF A MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 13TH FEBRUARY, 2020

Councillors Present: Deputy Mayor Anntoinette Bramble in the Chair

Cllr Jessica Webb (Vice-Chair),
Cllr Soraya Adejare, Cllr Anna Lynch and
Cllr Carole Williams

Co optees Present Nicola Hanns and Aoife Scannell

Apologies: Councillor Humaira Garasia, Councillor Katie Hanson and Councillor Sem Moema

Officers in Attendance:

Also in Attendance:

1 Apologies for Absence

An apology for lateness was received from Councillor Lynch.

Apologies for absence were received on behalf of Councillors Garasia, Hanson, and Moema, Co-opted members Ms Labinjo and Ms Louison, and also from the Independent person – Mr Stopes-Roe.

NOTED

2 Welcome by the Chair of the Standards Committee to the newly appointed Co-opted Members

The Chair welcomed Ms Hanns and Ms Scannell to the meeting and congratulated them on their appointments as Co-opted members.

NOTED

3 Urgent Business

There were no items of urgent business.

NOTED

4 Declarations of Interest - Members to declare as appropriate

There were no declarations of interests.

NOTED

5 Deputations/Petitions/Questions

There were no deputations, petitions or questions.

NOTED

6 To Confirm the Unrestricted Minutes of The Standards Committee held on 16 September 2019, and 13 January 2020 (Special)

RESOLVED

That the unrestricted minutes of the meetings of Standards Committee held on 16 September 2019, and 13 January 2020 (special) be confirmed as an accurate record of the proceedings.

7 Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

The Chair advised that the report before Standards Committee detailed the recent comparison of the Council's current Ethical Standards arrangements in place to identify whether they conformed to the fifteen best practice recommendations identified by the Government's Committee - Standards in Public Life's CSPL report, arising from a recommendation of the Standards Committee of 16 September 2019.

The Chair asked for an introduction of the report.

The Head of Legal & Governance – Ms Carter-McDonald informed the Committee that as intimated by the Chair, the Standards Committee at its meeting on 16 September 2019 considered the findings of the Government's Committee on Standards in Public Life (CSPL) review on the subject of local government ethical standards. As part of that consideration and arising from the recommendations before the Committee on 16 September, the Committee agreed that the Council's Monitoring Officer undertake a comparison of the Council's current Ethical Standards arrangements in place with a view to identifying whether they conformed to the fifteen best practice recommendations identified by the CSPL report.

Ms Carter-McDonald advised that the comparison analysis in respect of the fifteen best practice recommendations was now reported back to the Standards Committee for its consideration. The findings had shown that the Council currently operated within the auspices of thirteen recommended best practice proposals, as two of the recommendations were for District and Parish Councils to comply with only. The comparison clearly showed LBH compliance with twelve of the thirteen recommendations for Local Authorities, together with the one recommendation showing that the Council partially met the proposed best practice.

Ms Carter-McDonald commented that in respect of the partially met recommendation - *Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities* – it was the case that the Monitoring Officer was able to

seek amendment to, and amend parts of the Code of conduct as set out in Part 5 of the Constitution and the code defined those parts which were within the power of the Monitoring officer and those parts which are reserved for Full Council to amend.

Ms Carter-McDonald advised that having carried out a thorough review it was felt that in terms of this recommendation it was a partial compliance as it was the case that the Co-optees and the independent person could arguably be deemed to be members of the public. Whilst LBH did not seek the views of community organisations it undertook research with other local authorities when required to. It was therefore as a result of the comparison findings the Committee were being asked to note the findings and to adopt the one finding currently partially met, and recommend its adoption to Full Council.

Ms Carter- McDonald further reminded the Committee that the Council had a duty under s.27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that was consistent with the Nolan Principles. The identified findings represented in the main a good comparison of the LB Hackney's current arrangements benchmarked against the 13 best recommendations of the CSPL review . It was the case that the Council had the discretion to review and update its Code of Conduct for Members to reflect some of the identified good practice prior to legislation being introduced, and therefore it was proposed that the Standards Committee recommend to Full Council the adoption of best practice as recommended by the CSPL where the Council currently did not meet the proposed one best practice proposal as outlined.

The Chair thanked Ms McDonald-Carter for her succinct introduction.

The Committee briefly discussed the report and three collective observations were identified:

- That it was reassuring to note that following a robust assessment of the thirteen recommendations of the CSPL these were already contained within the Council's current Code of Conduct with only one of the thirteen recommendations being partially met.
- In the wider context of the review of standards in public life and proposed primary changes legislation the Council would be on a firm footing to undertake a review of overall current practices and implementation of new procedures
- That the best practice compliance as detailed in the appendix would require to be published as part of an overall publicity awareness when the Council considers and approves the awaited primary legislative changes to the current ethical governance arrangements, arising from the review of Standards in Public Life by the CSPL

The Chair thanked members for their comments and contributions.

There being no further comments on a **MOTION** by the Chair it was:

RESOLVED

- i. **That the comparison findings of the Monitoring Officer on Best Practice as detailed in the attached appendix 1 of the report in respect of the 15 Best Practice recommendations of the CSPL report be noted;**

- ii. That it be agreed that the Council's Best Practice protocol be amended where applicable in line with the findings of the Monitoring Officer in respect of the 15 recommendations of the CSPL report;
- iii. That Full Council be recommended to agree the proposed updates as detailed in the appendix 1 of the report; and
- iv. That the matter of best practice compliance as detailed in the appendix to the report form part of an overall publicity awareness when the Council considers and approves the awaited primary legislative changes to the current ethical governance arrangements, arising from the review of Standards in Public Life by the CSPL.

8 Review of the current Members Declarations of Interests Form

The Chair in asking for an introduction of the report advised that the report provided Standards Committee with an update of the review of the Members Declaration of Interests form arising from a recommendation of the Standards Committee of 16 September 2019.

The Head of Legal & Governance – Ms Carter-McDonald advised the Committee that at its meeting on 16 September it had considered findings of the Government's Committee on Standards in Public Life (CSPL) review on the subject of local government ethical standards. In considering the report the Standards Committee during its wide ranging discussions particularly commented on the existing LB Hackney register of gifts and hospitality and general declarations form, and concerns that it was not particularly helpful or clear. As a result the committee felt that it was an opportune time to review and suggest a clearer summary of what should and should not be declared, and it was therefore agreed that a task and finish group comprising of members and officers look at the issues of declarations, and explanations of what was best practice and examples of what things should be recorded.

Ms Carter-McDonald advised that the task and finish group – comprising of Councillor Lynch, a senior Lawyer, the Clerk to the Committee – Clifford Hart, and herself met on 11 November 2019 and carried out a succinct and robust review of the current declaration form and as a result a number of changes were recommended as detailed in Appendix 1 attached to the report.

Ms Carter-McDonald commented that following on from the task and finish group officers then revised the existing declarations form shown at appendix 2 of the report and were proposing the adoption of a new declaration form as detailed at Appendix 3 to the report. Ms Carter McDonald commented that the new form attempted to answer some of the concerns raised regarding ambiguity and now showed a much clearer and better explanation of what was being requested. The Committee was therefore being asked to consider the findings of the Task and Finish Group and the proposed changes to the existing form and to agree to adopt the new form for use by members from the beginning of the Municipal Year 2020/21.

The Chair thanked Ms Carter-McDonald for her succinct introduction.

In opening the discussion up on the findings of the task group the Chair asked Councillor Lynch – who had been a task group member to give her views.

In thanking the Chair for the opportunity to give her view Councillor Lynch commented that the task group exercise had been a very robust and drill down process and a clear view had been given of the existing form being not quite as robust as other two other local authorities declarations forms. It was a fact that as the group had begun to drill down the views expressed then easily flowed which had resulted in the revisions being proposed. Councillor Lynch felt that it was the case that in drilling down it clearly exposed the need for plain English and a clear simple explanation of what each category meant. It was felt that the revised form would assist greatly – especially for newly elected Councillors who at the point of becoming a Councillor had an array of issues to grasp and the intensity of the beginning of an administration was somewhat added to by the complication of the declaration form.

Councillor Lynch further commented that it was felt during discussion at the task group that members could have to a degree have possibly /inadvertently breached the code of conduct by default by not completing the declaration form correctly due to a lack of clear clarity of information required. Councillor Lynch in commending the report and the recommendations to the Committee thanked officers for their efforts in bringing the report back to the Committee.

Ms Hanns expressed similar sentiments with regard to the completion of the declarations form. As a newly appointed Co-optee to the Committee she had found the form not particularly clear and had had to seek guidance as to what some of the required declarations had meant. Upon seeing the proposed form she had felt that it had answered some of the concerns she had expressed and thought that the new form would greatly assist members in the future.

Ms Scannell as a newly appointed Co-opted Member, in echoing the sentiments expressed by Ms Hanns commented that she was in agreement with Councillor Lynch as regards the possibility of inadvertently breaching the code of conduct. Ms Scannell also felt that it would benefit to have a training session for members on an annual basis and written guide/explanation which accompanied the form.

The Chair thanked Members for their contributions. The Chair commented that the newly revised form would greatly assist going forward and she thanked both Councillor Lynch, and Ms Carter-McDonald and Mr Hart for their efforts to bring the revised form proposals back to the Committee for consideration.

There being no further points of clarification on a **MOTION** by the Chair it was:

RESOLVED

- i. That the findings of the Member Working Group of 11 November 2019 attached at Appendix 1 to the report in respect of a short review of the current Members Register of Interests Declarations Form, following the request of Standards Committee of 16 September to review the current Members Register of Interests Form attached at Appendix 2 of the report, be noted; and
- ii. that the proposed revised new Members Declarations of Interests Form attached at Appendix 3 of the report be agreed for use by Members for the Municipal Year 2020/21.

9 Verbal Review of the number of complaints about Members

The Chair asked Ms Carter-McDonald to update the Committee.

Ms Carter-McDonald advised the meeting that there had been no complaints received since the last meeting Standards Committee since September 2019.

NOTED

10 Any other unrestricted business the Chair considers to be urgent

There were no items of unrestricted urgent business.

NOTED

11 DATES AND TIMES OF MEETINGS OF STANDARDS COMMITTEE - 2019/20

NOTED – That there were no other scheduled meetings of Standards Committee in the current Municipal Year 2019/20. The provisional 2020/21 meetings of the Standards Committee were scheduled to take place on:

14 July 2020

17 February 2021

12 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED

THAT the press and public be excluded from the proceedings of the Standards Committee during consideration of Exempt item 13 on the agenda on the grounds that it is likely, in the view of the nature of the business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972 as amended.

13 To Confirm the exempt Minutes of The Standards Committee held on 13 January 2020

RESOLVED

That the exempt minutes of the meetings of Standards Committee held on 13 January 2020 (special) be confirmed as an accurate record of the proceedings.

14 Any other exempt business the Chair considers to be urgent

There were no items of exempt urgent business.

NOTED

Duration of the meeting: Times Not Specified

Signed

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Chair of Committee

Contact:
Clifford Hart, Governance Services

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<p>STANDARDS COMMITTEE WORK PROGRAMME 2020/21</p>
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<p>STANDARDS COMMITTEE 14 July 2020</p>	<p>CLASSIFICATION: Open</p>
<p>WARD(S) AFFECTED All Wards</p>	
<p>Dawn Carter-McDonald – Director of Legal & Governance (Acting)</p>	

1. INTRODUCTION

- 1.1 In line with established good practice, the Standards Committee sets out a work programme to help it focus its attention on promoting and maintaining high ethical standards among Members of the Council.
- 1.2 This report outlines the areas of work which the Committee will be undertaking to ensure that it maintains effective oversight of Member conduct and ensures that high ethical governance standards are maintained.
- 1.3 The report therefore invites the Committee to agree a work programme for the year 2020/21.

2. RECOMMENDATION

- 2.1 **Standards Committee is asked to agree the draft work programme for 2020/21 as detailed in Appendix 1 to this report.**

3. REASON FOR DECISION

- 3.1 Issues concerning ethical governance including the promotion and maintenance of high ethical standards among Members of the Council are within the remit of the Committee. Agreement of the Committee's work programme would therefore enhance the work of the Committee.

4. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

- 4.1 This report seeks agreement for the work programme of the Standards Committee and does not have financial implications outside of the approved budget of the Council.

5. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

- 5.1 The work programme enables the Council to discharge its legal obligation under the Localism Act 2011, to promote and maintain high standards in public office.

6. BACKGROUND

- 6.1 The Localism Act 2011 places an obligation on the Council to ensure that high ethical standards are promoted and maintained among its Members. At the Council meeting on 28 March 2012, the Council appointed the Standards Committee to assist with promoting and maintaining high ethical standards in the Council.
- 6.2 The suggested work programme, attached at Appendix 1, is intended to help the Committee to focus attention on its responsibilities and duties, with particular attention on ensuring all Members receive appropriate training, complete their register of interests forms and continue to uphold high ethical governance standards. There is some flexibility to add items to the work programme subject to time and resources.

6.3 Complaints received in the year may necessitate additional meetings being held by a Sub-Committee of the Standards Committee.

Dawn Carter-McDonald
Director of Legal & Governance (Acting)

LIST OF APPENDICES

Appendix 1 –Standards Committee Work Programme 2019/20

BACKGROUND PAPERS

No documents which require listing been relied upon in the preparation of this report.

Report Author	Clifford Hart Senior Governance Services Officer Clifford.hart@hackney.gov.uk 02083563597
Comments for and on behalf of the Director of Legal and Governance	Michael Honeysett Director Financial Management 020 8356 3332 Michael.honeysett@hackney.gov.uk
Comments on behalf of the Director of Legal and Governance	Dawn Carter-McDonald Director of Legal & Governance (Acting) 020 8356 6234 Dawn.CarterMcDonald@hackney.gov.uk

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STANDARDS COMMITTEE

14 July 2020

Draft Work Programme 2020/21

Appendix 1

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**STANDARDS COMMITTEE
WORK PROGRAMME 2020/21**

MEETING DATE	ITEM	ACTION	PURPOSE	RESPONSIBILITY
14/07/20				
Page 17	Standards Committee Terms of Reference	Noting	The Committee will be asked to note its terms of reference.	Monitoring Officer
	Standards Committee Annual Report 2019/20	Decision	The report will provide Members with an annual review of the Committee's work for comment and commendation to Council. It will also update Members on proposed areas of work for the future.	Monitoring Officer
	Draft Work Programme	Decision	The report will ask Members to agree the priorities for and work of the Committee for 2020/21.	Monitoring Officer
	Verbal Update on the review the Committee of Standards in Public Life Consultation	Noting	Verbal update on any progress of the Government's Committee on Standards in Public Life's published report in January 2019 and recommendations on ethical standards in local government, following a year-long review and wide consultation, and the implications for the LB Hackney and covering the main headline issues arising from the review.	Monitoring Officer
	Review of the Members' Training and Development Programme Information	Decision	The Committee will be asked to consider a report on training provided to Members especially with focus on ethical governance matters. The report will include an overview of the training and e-learning training provided, information on attendance and feedback received from Members. The Committee will be	Head of Business Support

**STANDARDS COMMITTEE
WORK PROGRAMME 2020/21**

			asked to provide comments and suggestions on any further training needs	
	Update on complaints received in relation to members since February 2020 to date	Information	Update on any complaints received against Members since February 2020	Monitoring Officer
Page 18	Annual Report on Compliance with Guidance on Members' Use of ICT Information	Decision	The report will include an overview of the training and e-learning training provided, information on attendance and feedback received from Members. The Committee will be asked to provide comments and suggestions on any further training needs.	Head of ICT
	DRAFT MODEL CODE OF MEMBERS CODE OF CONDUCT – RECOMMENDATIONS FROM THE LOCAL GOVERNMENT ASSOCIATION – JUNE 2020	Decision	The report advises of a proposed draft model code of conduct for Members as recommended by the Local Government Association, and recommends a task and finish group to review and recommend changes to the Council's existing code. Following the outcomes of the proposed task and finish group a report on its findings will be reported to a special meeting of Standards Committee in late autumn (November 2020) subject to confirmation	Monitoring Officer
	LATE AUTUMN 2020 – TO BE CONFIRMED	REPORT BACK TO COMMITTEE ON FINDINGS AND RECOMMENDATIONS OF THE TASK AND	Decision	Report on findings/recommendations of task and finish group

**STANDARDS COMMITTEE
WORK PROGRAMME 2020/21**

<p>SPECIAL STANDARDS COMMITTEE</p>	<p>FINISH GROUP REGARDING THE REVIEW OF DRAFT MODEL CODE OF MEMBERS CODE OF CONDUCT – RECOMMENDATIONS FROM THE LOCAL GOVERNMENT ASSOCIATION – JUNE 2020</p>			
<p>Page 19 07/02/2021</p>	<p>Update on complaints received in relation to members since July 2020 to date</p>	<p>Information</p>	<p>Update on any complaints received against Members in the past year</p>	<p>Monitoring Officer</p>
	<p>Review of the Register of Members' and Co-optees' Declaration of Interests</p>	<p>Information</p>	<p>The report informs the Committee on Members and Co-optees completion of their declaration of interests' forms</p>	<p>Monitoring Officer</p>
	<p>Further update on the review the Committee of Standards in Public Life Consultation and implications for the LB Hackney</p>	<p>Information /decision</p>	<p>Further (verbal possibly) update on progress in relation to the implications of the findings and recommendations considered in July 2019</p>	<p>Monitoring Officer</p>

**STANDARDS COMMITTEE
WORK PROGRAMME 2020/21**

	Bi –annual Review of the Code of Conduct and ROI Form	Decision	The Code of Conduct and Register of Interest Form will be reviewed to clarify the requirements	Monitoring Officer
Page 20	Approval of process to appoint i. The position of Independent Person to Standards Committee which expires in 2021, and ii. to two existing co-optee vacancies on Standards Committee, and the appointment of two new co-opted members as a result of expiration of existing memberships	Decision	The report will ask Members to agree the recruitment process for the filling of the position of the Independent Person to Standards Committee from May 2021, and up to four co-optee vacancies on Standards Committee from May 2021.	Monitoring Officer

The Standards Committee and Standards Sub-Committees may meet as and when required to consider complaints made under the Members' Code of Conduct.



STANDARDS COMMITTEE DRAFT ANNUAL REPORT 2019/2020

STANDARDS COMMITTEE

14 July 2020

COUNCIL

TBC

CLASSIFICATION:

Open

WARD(S) AFFECTED

All Wards

**Dawn Carter-McDonald
Director of Legal and Governance (Acting)**

1. SUMMARY

- 1.1 This report gives an overview of the work and activities of the Standards Committee over the past year 2019/20 and provides information on the monitoring of the Members' Code of Conduct.

2. RECOMMENDATIONS

- 2.1 **That the Standards Committee considers the Annual Report for 2019/20, as attached at Appendix 1 & 2 , and endorse it for submission to Full Council.**
- 2.2 **That Full Council notes the Standards Committee's Annual Report for 2019/20, as attached at Appendix 1 & 2.**

3. RELATED DECISIONS

- 3.1 This is the eighth Annual Report of the Standards Committee established by the Council on 1 July 2012.

4. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

- 4.1 This report sets out the work and activities of the Standards Committee over the previous municipal year and therefore does not contain any potential financial implications.

5. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

- 5.1 The Council has a legal duty under the Localism Act 2011, to promote and maintain high standards of conduct of Members and co-opted Members in public office.

- 5.2 The Council therefore established a Standards Committee to help promote and uphold high standards of conduct amongst Members and co-opted Members.

6. BACKGROUND TO THE REPORT

- 6.1 This Annual Report is submitted to Council in line with best practice for the Council to maintain an overview of the work of the Standards Committee. This is the eighth Annual Report of the Standards Committee established by the Council following implementation of the Localism Act 2011 and the introduction of related ethical governance arrangements.

- 6.2 In upholding high standards the Committee monitors and makes recommendations on the Members' Code of Conduct and considers complaints made under the Code.

6.3 The Standards Committee during 2019/20 undertook work in the following areas, which are explained in further detail in Appendix 1 of this report:

- Members Code of Conduct
- Review of the Register of Members' and Co-optees Declaration of interests form
- Granting of dispensation to Members regarding declarations in relation to the Local Government Pensions Scheme
- Appointment of Co-opted Members to Standards Committee
- Review of the number of complaints about Members
- Update on the outcome of the Committee of Standards in Public Life Consultation
- Review of best practice of the Local authority in respect of its members code of conduct

Dawn Carter-McDonald
Director of Legal & Governance (Acting)

APPENDICES

Appendix 1 – Standards Committee Annual Report 2019/20

Appendix 2 – Best Practice recommendations

Report Author	Clifford Hart, Senior Governance Services Officer 020 8356 3597 Clifford.hart@hackney.gov.uk
Comments of the Group Director, Finance and Corporate Resources	Ian Williams, Group Director Finance and Resources 020 8356 3003 ian.williams@hackney.gov.uk
Comments of the Director, Legal and Governance	Dawn Carter-McDonald Director of Legal and Governance (Acting) 020 8356 6234 Dawn.Carter-McDonald@hackney.gov.uk

STANDARDS COMMITTEE

14 July 2020

Annual report of the Standards Committee 2019/20

Appendix 1

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STANDARDS COMMITTEE

DRAFT ANNUAL REPORT 2019/20

1. Introduction from Councillor Anntoinette Bramble, Chair of the Committee for 2019/20 and Deputy Mayor & Cabinet Member for ethical governance matters

This report provides an overview of the Committee's work in the 2019/20 Municipal Year, in what was the Committee's eight year since its establishment by the Council following the introduction of the Localism Act 2011. This Annual Report outlines the key areas of work undertaken by the Committee during 2019/20 as well as looking at future work and challenges.

This is my fourth annual report since taking on responsibility for this Committee. I am happy to report that Members and co-opted members continue to uphold high ethical standards. I am also pleased to report that the refreshed Members' training programme which was launched in 2017/18 continued to have positive feedback, and has continued to have a positive outcome since the local elections and influx of new members in May 2018.

It is yet again regrettable that the opposition parties decided not to take up their places on the Standards Committee for the 2019/20 Municipal Year. The Committee functions in an independent and non-party political way. It will continue to retain the place for the now sole opposition party for the duration of this new municipal administration in the hope that it will be taken up.

2. Membership

For 2019/20, membership of the Committee was as follows:

- Cllr Anntoinette Bramble, Deputy Mayor, Elected Chair of the Committee.
- Originally arising from appointments at annual council May 2019 seven non-executive Council Members – Councillor Soraya Adejare, Humaira Garasia, Katie Hanson, Anna Lynch, Sem Moema, Jessica Webb (vice-chair); and one executive member - Carole Williams

- Two non-voting co-opted members – Adedoja Labinjo and Onagete Louison, and two newly appointed co-optees from 22 January 2020 – Nicola Hanns & Aoife Scannell (plus two vacancies).
- Independent Person – Jonathan Stopes-Roe
- There remained One Conservative vacancy on the committee.

The table below outlines Members' and co-optees' attendance at meetings of the Standards Committee meetings during the 2019/20 Municipal Year. As ever, Members and co-optees had a large number of alternative commitments such as other public meetings, ward commitments, representing the Council on outside bodies and work commitments, and were therefore not always available to attend every meeting of the Committee

Member	16/09/19	13/01/20 (Special)	13/02/20
Cllr Anntoinette Bramble	P	P	P
Cllr Soraya Adejare	A	P	P
Cllr Garasia Humaira	P	P	A
Cllr Katie Hanson	P	P	A
Nicola Hanns	Not appointed until 22/01/20	Not appointed until 22/01/20	P
Adedoja Labinjo	A	P	A
Onagete Louison	P	A	A
Cllr Anna Lynch	P	P	P
Cllr Sem Moema	A	A	P
Aoife Scannell	Not appointed until 22/01/20	Not appointed until 22/01/20	P
Jonathan Stopes-Roe	P	P	A

Cllr Jessica Webb (Vice Chair)	P	P	P
Cllr Carol Williams	P	P	P

Key:

P = Present

A = Apologies for absence

N = Not required to attend

3. Terms of reference 2019/20

The Standards Committee operated within the following terms of reference for 2019/20 Municipal Year, which went to the Standards Committee meeting on 16 September 2019:

The Standards Committee is responsible for promoting and maintaining high ethical standards at the Council. The Standards Committee is responsible for the following functions:

1. To review and maintain oversight of the Council's ethical framework and procedures and make reports and recommendations accordingly;
2. To review and maintain oversight of the conduct of Members and co-opted members of the Council and assist them in upholding high ethical standards;
3. To advise Full Council and its Committees on the adoption of a Members' Code of Conduct, codes of practice and protocols relating to ethical governance matters;
4. To hear and consider complaints made against Members and co-opted members under the Code of Conduct, codes of practice or protocols;
5. To adopt procedures for considering complaints made under the Code of Conduct, codes of practice or protocols;
6. To consider whether to grant applications for dispensation to Members and co-opted members, in accordance with Members' Code of Conduct; and
7. To maintain oversight of ethical governance training provided to Members and co-opted members and make reports and recommendations accordingly.

4. Members' Code of Conduct

Following the Municipal Elections in May 2018 all Members on their election to office, and co-optees on their appointment, were required to sign a declaration confirming that they will abide by the Members' Code of Conduct. It is important for them to have good knowledge of the requirements of the Code. Similarly, officers who work directly with Members and co-optees need to have a good understanding of the Code in order to give Members effective support.

The Committee is pleased with the continuing support and training provided to Members on the Code of Conduct and believes that it helps contribute to the high ethical governance standards demonstrated by Members and Co-optees of the Council. Newly elected and returning Members, and Co-opted Members where appropriate, attended refresher sessions during the Municipal Year 2019/20. The

Committee will continue to monitor training on the Code of Conduct to ensure that high standards continue.

5. Review of Register of Declaration of Interests Forms

We have continued to review the requirements of the The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which requires all local authorities to adopt a Code of Conduct and for all its all Members and voting co-optees to complete and return a declaration of interests form.

The Localism Act 2011 also places an obligation on all local authorities to promote high ethical standards in public office. Regulations also require Members and Co-optees to be transparent and declare all disclosable interests on their declaration of interest form.

The declaration of interests forms were held in a hard copy register and on the Council's website as well. Following on from the Municipal election in May 2018 , all elected Members were required to complete an ROI form within 28 days of taking up office. Our Governance and Member Services ensured that this was done. We agreed that quarterly email be sent from our member services to remind members to review and update their form and advise Governance Services accordingly. It had been common practice to also keep Members updated as and when necessary, on case law relating to declarations of interest. Following on from the election in May 2018 all Members of the Council were required to, and attended mandatory training on the Members Code of Conduct.

In further discussions of the report on 16 September on Standards in public life (see 9 below) we discussed declaring interests on the Rol. Arising from the discussions it had become evident that a review of the actual Rol form was required in order to review its contents and explanations of to complete the form as it was felt that this had was not particularly helpful and user friendly.

As a result a member/officer 'one off' meeting took place on 11 November 2019 – comprising of our Councillor Lynch, the Head of Legal & Governance, and the Governance Officer to the Committee, which undertook a robust in-depth review of the existing form in comparison to that of two other London Local Authorities.

As a result of the in-depth review the findings were reported back to our Standards Committee on 13 February 2020 with recommendations for the adoption a revised Rol form – these findings and revisions where wholly welcomed by our Committee and approved for adoption for use from the commencement of the Municipal Year 2020/21. However due to the current crisis the form will be phased in for use during the summer/autumn of 2020.

6. Complaints about Member Conduct

Jonathan Stopes-Roe has continued to serve as the Council's Independent Person on ethical governance matters and he was reappointed by Full Council for a further 4 year term at its meeting on 26 July 2017.

There were no complaints received under the Members' Code of Conduct that were referred to the Standards Assessment Sub-Committee in the 2019/2020 Municipal Year.

7. Dispensation Requests

Under the Council's dispensation Procedure, the Standards Committee is responsible for considering requests for dispensations on the grounds that it is in the interests of residents or that it is otherwise appropriate to grant dispensation for some other reason.

We agreed on 16 September 2019 to a dispensation for any member of the Council belonging to the Local Government Pension Scheme.

8. Appointment of Co-opted Members to current vacancies on the Standards Committee

Our Standards Committee at our meeting on 16 September 2019 considered and agreed to the recruitment process for appointing to the four Co-opted Member vacancies on our Standards Committee – in accordance with the provisions of the Localism Act 2011 and the requirement to have up to six co-opted members on a Local Authority's Standards Committee. We also agreed to an Interview Panel for interviews consisting of two members of the Committee and myself in a voting capacity, and in a non voting capacity one of the two existing Co-opted Members, and the Independent Person to the Committee.

In agreeing to the recruitment process an advert appeared in the local press and on the Council's website on 19 September. A closing date was set for 22 October, and following assessment of applications the interview panel convened on 11 November. As a result of interviewing those shortlisted candidates the Panel recommended to the Standards Committee the appointment of two candidates.

The Standards Committee on 13 January 2020 confirmed the appointments for approval by Full Council, and in accordance with requirements for appointment of Standards Committee Co-optees (as defined in the Localism Act 2011) Full Council on 22 January 2020 endorsed the appointment of Nicola Hanns and Aoife Scannell as Co-opted Members to Standards for a four year term to January 2024.

Our newly appointed Co-opted Members attended their first meeting on 13 February 2020.

9. Committee of Standards in Public Life

The Government's Committee of Standards in Public Life went out to consultation on Local Government Ethical Standards in early 2018. The consultation closed in late 2018 and in February of 2019 we were advised of the findings and recommendations on ethical standards in local government.

We noted that the main headline findings of the report were:

- a new power for local authorities to suspend councillors without allowances for up to six months
- revised rules on declaring interests, gifts and hospitality
- local authorities retain ownership of their own Codes of Conduct
- a right of appeal for suspended councillors to the Local Government Ombudsman
- a strengthened role for the Independent Person
- greater transparency about the number and nature of Code complaints.

We considered on 16 September 2019 an in-depth update report on progress with the findings of the review noting that it was likely that these, when brought into effect by central government, would require revisions to primary legislation – mainly the Localism Act 2011, and subsequently revisions will be required to the existing Members Code of Conduct. We have agreed to receive a further report in the early summer of 2020 on any progress in respect of the proposed amendments to primary legislation.

We would also feel it should be noted that given the current pandemic situation, together with other pressing legislative issues it is unlikely that this would hit statute until later in 2020 at the earliest, however but we feel that it is of considerable benefit to work on the implications of the key findings at this juncture.

10. Further non primary legislation changes in relation to recommendations in respect of Best Practice arising from the findings of Committee of Standards in Public Life

As part of the findings of the Committee of Standards in Public Life review it was recommended that Local Authorities and Parish/District Councils carry out a review of best practice in respect of their existing Members Codes of Conduct.

There were fifteen recommendations arising from the review to consider (see attached appendix 2) prior to and not requiring changes to primary legislation in respect of best practice – thirteen of fifteen the applicable to Local authorities, and two further specific to District and Parish Councils. As a result our Monitoring Officer has carried out an in-depth review, and as a result these findings were reported to our Standards Committee on 13 February 2020. Of the thirteen recommended practices our Authority had already implemented twelve of these within its current code, with only one partially met – as a result our Standards Committee have recommended to Full Council (elsewhere in this meeting) the update of the code to ensure full compliance with this partially met recommendation.

11. Conclusion

Our Standards Committee has now been in operation for eight years following its establishment by Council. We remain dedicated to maintaining high ethical standards in Hackney and supporting Members and co-optees in doing so. Our Committee is pleased to see that the current framework is operating successfully and we believe that Council Members and co-optees continue to demonstrate high ethical standards.

Our Committee's ongoing focus will be to support Members to ensure that they are fully aware of the principles of the Code of Conduct and to monitor attendance at training and completion of Register of Interests' forms.

I wish to thank the two existing and two newly appointed co-optees of the Committee for their assistance and hard work on the Committee and the Independent Person, Mr Jonathan Stopes-Roe, for his contribution to our work.

Councillor Anntoinette Bramble

Chair of Standards Committee 2019/20

STANDARDS COMMITTEE

14 July 2020

Annual report of the Standards Committee 2019/20

Appendix 2

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STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p>Best Practice as Identified by the CSPL</p>	<p>LBH current best practice</p>
<p>Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>	<p>Part 5 – member code of conduct Under section 3 General Obligations</p> <p>3.1 You must treat others with respect.</p> <p>3.2 You must not—</p> <p>(a) do anything which may cause your authority to breach any of the equality enactments (as defined in the Equality Act 2010);</p> <p>(b) bully any person;</p> <p>(c) intimidate or attempt to intimidate any person who is or is likely to be—</p> <p style="padding-left: 40px;">(i) a complainant, (ii) a witness, or (iii) involved in the administration of any investigation or proceedings,</p> <p style="padding-left: 40px;">in relation to an allegation that a member (including yourself) has failed to comply with the authority's code of conduct; or</p> <p>(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.</p> <p>Compliance with best practice recommendation</p>

STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p>Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>Part 5 of Constitution – Section 2 Section 15 - Protocol for Member/Officer Relations</p> <p>Breach of the Protocol by a Member</p> <p>Members are required to report any matter that they believe may be a breach of the Code of Conduct to the Monitoring Officer.</p> <p>Officers are required to report any matter they believe may be a breach of the Code of Conduct to the Monitoring Officer. The Monitoring Officer may refer the complaint to the Standards Committee if there is evidence that there has been a breach of the Code of Conduct and the Monitoring officer considers it appropriate to do so.</p> <p>Co-opted Members of any Council Committee or Sub-Committee are required to report any matter they believe may be a breach of this or other Council protocols or a breach of the Code of Conduct by a non-voting co-opted member to the Monitoring Officer.</p> <p>Where there has been an alleged breach of the protocol the Monitoring Officer will arrange for the matter to be investigated and may refer the complaint to the Standards Committee to be determined under local procedures. A summary of all alleged breaches will be reported to the Standards Committee once each quarter.</p> <p>The Monitoring Officer, in conjunction with the Chief Executive,</p>
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STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p>Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</p> <p>Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.</p>	<p>may refer the alleged breach to the relevant party whip and leader where appropriate.</p> <p>Compliance with best practice recommendation</p> <p>The Monitoring Officer is able to seek amendment to, and amend parts of the Code of conduct as set out in Part 5 of the Constitution – the code sets out those parts which are within the power of the Monitoring officer and those parts which are reserved for Full Council to amend –</p> <p>Partial compliance with the best practice recommendation</p> <p>Consideration should be given to seeking views of the views of the public, community organisations and neighbouring authorities</p> <p>LBH meet this in part as the Co-optees and the independent person could arguably BE deemed to be members of the public. LBH does not seek the views of community organisations but it undertakes research with other local authorities when required to.</p> <p>Available on the Council's website and in hard form held by Governance Services</p> <p>Compliance with best practice recommendation</p>
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STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p>Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p> <p>Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p> <p>Best practice 7: Local authorities should have access to at least two Independent Persons.</p> <p>Best practice 8: An Independent Person should be consulted as to</p>	<p>Part 5 – member code of conduct Section – Part Section 11 – other interests sub para 11.4</p> <p>11.4 Where a Member has received a gift or hospitality with an estimated value of at least £25, this must be disclosed on the register of interests form and declared at meetings.</p> <p>Members Services/Governance Services on a quarterly basis request members to update their Register of Interests – Members registers are readily available to view on the Council’s website and are available for public viewing in hard form (kept by Governance Services)</p> <p>Compliance with best practice recommendation</p> <p>Part 5 – member code of conduct</p> <p>Compliance with best practice recommendation</p> <p>Currently have one independent person appointed to Standards Committee.</p> <p>Partial compliance with the best practice recommendation</p>
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STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p>whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.</p>	<p>In accordance with Part 2 of the Constitution – Articles – Section 8 - The Standards Committee and Independent Person</p> <p>Sub sections 8.9 – 8.13 Independent Person</p> <p>Independent Person</p> <p>8.9 Full Council will appoint an Independent Person in accordance with section 28 of the Localism Act 2011.</p> <p>Role of the Independent Person</p> <p>8.10 The views of the Independent Person shall be sought and taken into account by the Council’s Monitoring Officer before the Council makes its decision to investigate a complaint.</p> <p>8.11 The Independent Person may be consulted by the Monitoring Officer on other allegations not covered in 8.10 above, and may also be consulted by a Member or voting co-opted member of the authority who is the subject of a particular allegation.</p> <p>8.12 The Independent Person, as part of an Independent Panel, also has a role in providing Full Council with advice, views and recommendations on the proposed disciplinary action or dismissal of specified statutory senior officers in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.</p>
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STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p>Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a</p>	<p>Appointment of the Independent Person</p> <p>8.13 Full Council may not appoint an Independent Person unless the appointment is:</p> <ul style="list-style-type: none"> i) advertised in a local newspaper; ii) of a person who has submitted an application to the Council; iii) of a person interviewed and recommended for appointment by the Monitoring Officer or some other person appointed by him/her; iv) of a person who has not been a Member, co-opted member of officer of the Council in the five years immediately preceding the appointment; v) of a person who is not a close relative or close friend of a Councillor or officer of the Council; vi) of a person who has the ability to consider and evaluate information and arguments and reach sound, justifiable and fair conclusions based on that information; vii) of a person who is independent of party politics; viii) of a person who is not a member or officer of another local authority; and ix) of a person who's appointment is approved by a majority of Members at Full Council. <p>Compliance with best practice recommendation</p> <p>Part 5 – member code of conduct</p>
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STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p>formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.</p>	<p>Part 2 – Sub section 15 – breach of the code by a member</p> <p>Where there has been an alleged breach of the protocol the Monitoring Officer will arrange for the matter to be investigated and may refer the complaint to the Standards Committee to be determined under local procedures. A summary of all alleged breaches will be reported to the Standards Committee once each quarter.</p> <p>The Monitoring Officer, in conjunction with the Chief Executive, may refer the alleged breach to the relevant party whip and leader where appropriate.</p> <p>In accordance with defined procedures and the terms of reference of the Standards Committee and its Hearing Sub-Committee where LBH makes a decision on an allegation of misconduct following a formal investigation, a decision notice is published as soon as possible on the Council’s website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.</p> <p>The matter is also reported to Full Council</p> <p>Compliance with best practice recommendation</p>
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Appendix 2

STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p>Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.</p> <p>Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.</p> <p>Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</p> <p>Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</p>	<p>Available on the Council's website under the section ethical standards in public life – clear accessible guidance available</p> <p>Compliance with best practice recommendation</p> <p>NOT APPLICABLE</p> <p>NOT APPLICABLE</p> <p>Compliance in accordance with the provision of the Localism Act 2011 – the Monitoring Officer will make a judgement as to whether to place the investigation of a complaint in the hands of another local authority where a possible conflict of interest may apply.</p> <p>Compliance with best practice recommendation</p>
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STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p>Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.</p> <p>Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>The Head of Internal Audit ensures compliance with this requirement as part of their annual statement to Audit Committee, and it is published on line and in the annual accounts.</p> <p>Compliance with best practice recommendation</p> <p>This practice currently happens within the ‘3 2 1 with golden triangle’ arrangement where Senior Cabinet members meet with the Chief Executive and Mayor.</p> <p>The Chief Executive meets with the Opposition Leader on a regular basis as well where standard issues would be discussed.</p> <p>Compliance with best practice recommendation</p>
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MEMBERS USE OF ICT 9TH ANNUAL REPORT	
STANDARDS COMMITTEE 14 JULY 2020	CLASSIFICATION: Open
WARD(S) AFFECTED All Wards	
CORPORATE DIRECTOR Ian Williams, Group Director of Finance and Resources	

1. SUMMARY

1.1. This annual report provides the Standards Committee with an update on Members' use of the ICT services provided by the Council.

1.2. This report covers the following topics:

- Members' use of ICT during the 2019 calendar year
- Delivery of Data Protection training for Members
- The refresh of Members' ICT provision
- Introduction of virtual committee meetings (including live streaming for public viewing) in response to the Covid-19 pandemic

2. RECOMMENDATIONS

2.1. Standards Committee is invited to:

- Note the update on Members' use of ICT
- Note the progress with delivery of Data Protection training and refresh of ICT equipment for Members
- Note the successful implementation of virtual committee meetings and live streaming

3. RELATED DECISIONS

3.1. Revised Draft Guidance for Members on the Use of ICT: March 2011.

3.2. Report of the Internal Auditor on Ethical Standards: January 2010.

4. FINANCIAL CONSIDERATIONS

4.1. This report seeks the Standards Committee to note the update with regards to Members' use of ICT.

4.2. The report includes an update on the delivery of the upgrades to Members' IT equipment which have been funded as part of the Council's 2019/20 capital programme. The costs are expected to remain within the approved budget.

5. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

5.1. The Members' Code of Conduct provides that it is to be read in conjunction with other codes and protocols adopted by the Council as supplementary guidance; one such document is the ICT Policy. This provides that Council resources must be used for carrying

out Council functions and restrictions are imposed on any significant personal use of such resources. The policy specifically addresses how Members should use Council provided ICT resources. There are no immediate legal implications arising from this report.

6. MEMBERS' USE OF ICT DURING THE 2019 CALENDAR YEAR

- 6.1. Hackney Council's Member Code of Conduct provides that a Member must act in accordance with the Council's requirements and ensure that Council resources are not used for any unauthorised or political purpose (unless that use reasonably facilitates discharging the Council's functions). This includes Information & Communications Technology (ICT) resources.
- 6.2. Members' use of the Council's systems and information is covered by the Council's policies for *Using Systems and Data* and *Information Classification and Marking* which were updated in 2017 (and were included in draft form as part of the 2017 Annual Report to Standards Committee for comment and feedback prior to being adopted).
- 6.3. Members have been provided with access to the Council's email and productivity systems (based on Google G Suite).
- 6.4. The ICT service attends the Members' Reference Group meetings to ensure that Members' needs are understood and to discuss any areas where further support is required.
- 6.5. Monitoring of compliance with the guidance for Members' use of ICT is carried out by Corporate ICT staff. All potential incidents are reported to the ICT Services team, recorded on the ICT service management system and passed to the ICT Security Analyst for investigation and follow up.
- 6.6. There were no incidents relating to Members' use of the Council's ICT systems recorded during the 2019 calendar year:

Category	Number of incidents	Description	Action taken
Telephony	0	n/a	
Web / internet	0	n/a	
Email	0	n/a	
Information security	0	n/a	
Total Incidents / Breaches	0		

6.7. The table below shows the historical pattern of incidents relating to Members use of ICT:

Year	Incident category				Description	Data breach	TOTAL
	Telephony	Web / internet	Email	Info security			
2019	0	0	0	0	N/A	N/A	0
2018	0	0	0	0	N/A	N/A	0
2017	0	0	0	2	Lost / stolen iPads	N	2
2016	0	1	0	0	Inappropriate content	N	1
2015	0	0	0	0	N/A	N/A	0
2014	0	0	0	1	Lost / stolen laptop	N	1
2013	0	0	0	0	N/A	N/A	0
2012	0	0	0	1	Lost / stolen laptop	N	1
Total	0	1	0	4			5

7. DATA PROTECTION GUIDANCE FOR MEMBERS

7.1. As noted in previous reports, the UK's data protection laws (including the Data Protection Act, 2018) place a number of requirements on elected Members, who handle information in three distinct roles:

- As Members of the Council, where the Council is responsible for the safeguards that are put in place, including the responsibility for any fines relating to breaches of the Data Protection Act.
- As members of political parties, where Members handle information such as canvassing information on behalf of their party.
- As Ward Councillors, where Members are **personally responsible** as Data Controllers for the safeguarding of information that constituents share with them. This includes **personal liability** for any fines for breaches of the Data Protection Act when Members are acting in this role.

7.2. To help Members fulfil their obligations as elected Members, the Council has arranged to register each Member as a Data Controller with the Information Commissioner's Office. This is a mandatory requirement for all Members and is renewed annually.

- 7.3. The Council's online Data Awareness Training has been adapted to cover Members' responsibilities and the contexts in which they handle personal data. 53 Members have completed their training and arrangements will be made for face-to-face training for the remaining 5 Members who have requested this (a planned training session had to be cancelled due to system issues and a new date has been delayed due to the disruption caused by the Covid-19 lockdown).
- 7.4. Members are also welcome to request in-person advice where required by contacting the ICT Services team. They will be able to advise on Data Protection considerations where the Council is responsible for information and indicate other resources that Members might find useful in other contexts that apply to Members' use of data.

8. MEMBERS' ICT PROVISION

- 8.1. A funding bid for refresh of Members' ICT equipment was successful and work is in progress to deliver this programme.
- 8.2. The ICT Services team presented proposals for the refresh to the Member Reference Group meeting on 5 Nov 2019 and Members supported the recommendations based on providing a choice of either a Chromebook or iPad. Following this Members have been contacted to confirm which device they would prefer and arrangements to roll these out were just underway when the pandemic began. The programme was then paused as the ICT team were focused on providing devices to Members and officers who did not have a computer at home and on supporting Members and officers to use the Council's IT tools effectively, including the Google Meet video meeting service.
- 8.3. The programme will shortly be restarting in tandem with work to ensure that the Town Hall is reopened and to ensure that Members using Town Hall facilities have access to up to date devices. The offer to Members is summarised as follows:

Equipment

- Members are offered a choice of a Chromebook or an iPad Pro (11" or 12.9") with keyboard and case.
- Members are no longer provided with phones, although this policy is due to be reviewed in the short term as the telephone app currently available to support Members and Officers using their own devices has proven to be unreliable.
- Members can retain legacy devices provided there is no ongoing cost to the Council but old devices will not be supported and the Council will no longer pay for printer consumables.

Services

- Members will continue to be provided with access to email, calendar and Committee papers on the same basis as is currently available.

Support

- The support offer will continue on the current basis with appropriate adjustments made in response to the pandemic. The ICT service has developed a new “home working check-in” service to help all users to access services from home.

9. VIRTUAL COMMITTEE MEETINGS

9.1. Following the start of the lockdown and the provisions made through emergency legislation, work has taken place to establish virtual meetings for the Council. This work was undertaken collaboratively by a group of officers from ICT, Policy & Partnerships and Legal & Governance Services and involved much more than delivering a technical IT solution. It involved exploring and testing new meeting protocols and required all concerned to change the way meetings operate to suit online working.

9.2. At the time of writing, approximately 30 meetings have now been successfully delivered online, recorded and livestreamed. Some meetings, notably the scrutiny commissions and Planning Sub-Committees have attracted record numbers of viewers and participants. More than 100 people viewed the most recent Health in Hackney scrutiny commission meeting.

9.3. The Member Reference Group concluded that online committee meetings have been a resounding success. We are continuing to use Google Meet as the platform for delivering these meetings but are also exploring how features of other platforms such as Zoom might be of benefit for large, community oriented meetings.

Rob Miller, Director of ICT

Report Originating Officer: Rob Miller ☎ 020 8356 2600

Financial considerations: Dawn Seers

Legal comments: Louise Humphreys

S.100D Local Government Act 1972 (as amended)

List of Appendices

- N/A

Background documents

No documents which require listing have been relied upon in the preparation of this report.

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UPDATE ON MEMBERS' TRAINING AND DEVELOPMENT PROGRAMME

STANDARDS COMMITTEE

14th July 2020

CLASSIFICATION:

OPEN

WARD(S) AFFECTED

ALL WARDS

GROUP DIRECTOR

TIM SHIELDS - CHIEF EXECUTIVE

1. INTRODUCTION

1.1. This report provides an update with regards to the Members' Training & Development Programme the aim of which is to provide the necessary training and tools to members to enable them to reach their full potential in their various roles as councillors.

2. RECOMMENDATION

2.1 Members are asked to note the report content.

3. REASONS FOR THE DECISION

3.1 To note.

4. COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 4.1 The report seeks the Standards Committee to note the update with regards to the Council's member training and development programme.
- 4.2 The financial impact of the report is minimal and any cost arising will be funded from existing local budgets.

5. COMMENTS OF THE DIRECTOR OF LEGAL & GOVERNANCE SERVICES

- 5.1 Standards Committee is responsible for monitoring the Council's training and development programme for elected Members and voting co-opted Members. The Member Training and Development Programme should be designed to provide appropriate, comprehensive support for Members' training and development requirements to enable them to fully undertake their roles as elected Members and voting co-optees.

6. BACKGROUND

- 6.1 To continue with the sentiments expressed by Mayor Glanville's commitment in September 2016: "We have an amazing group of councillors, but they need to be supported - so I will launch a review of how we support them" - a fresh look at member training was undertaken resulting in a change of focus, launched in early 2017. Following the Council elections in May 2018 a whole programme of induction was delivered training on going.

7. TRAINING & DEVELOPMENT OFFER

- 7.1 The training 'offer' has continued to focus on a more individual approach to training to meet individual needs and aspirations and includes:
- (Optional) Individual Personal Development Plans (PDP), help to formalise each Councillors' area of work (e.g. committee) and their stated interests and personal aspirations. The Mayor and his Cabinet Members have regular 121's where training and development needs are also discussed, any needs will be recorded in the members PDP.
 - Using established training resources from the LGA and LGIU with a focus on member individual development. These are tailored courses delivered through varying formats from e-learning to detailed multi courses and peer support. The LGA/LGIU offer is designed specifically for members and has had extensive member input in its design and delivery.
 - 'In house' briefing sessions on key subject areas for the borough, including 'hot topics' e.g. the Housing Bill and Social Housing in Hackney
 - Ensuring statutory or role enhancing training is delivered (e.g. Planning, Licensing)
 - Training and information around resident or personal welfare – e.g.

personal safety and mental health first aid.

- Making appropriate officer updates or notes available to all members via a web page
- Access to the Council's 'learning hub' for on line learning courses including six courses dedicated to members.
- One to one sessions with officers where in depth knowledge or briefing is required.
- External training courses and briefings where required
- An induction programme for new Councillors
- Focussed training for Cabinet Members managed through the Mayor's office.

7.2 A dedicated members training web page is available to ensure all the relevant information is easily accessible and in one place. This includes links to all the main components such as LGA/LGIU & the learning hub, dates of briefings, PDP templates and guidance, as well as key contacts. It will continue to be the main landing page for all training and development for members and they should be able to find either the information or a link to it.

7.3 New members need particular and focussed support in their role. Induction programmes are run at the start of each term of office with additional one off introductory sessions run when needed. However new councillors also start during administrations following by elections and particular attention needs to be given to these members to ensure they are able to start their role as fully and as quickly as possible as the cycle of council meetings normally does not break for by elections.

A Members Induction Event was held following the election. Members were invited to attend the Town Hall to meet and engage with Directors, senior staff and key officers from services across the Council. The event provided an opportunity for new and returning members to network, gain information and updates from services and an insight into the key projects taking place.

Members also have the following available to them, alongside more wider training courses, to help them undertake their role as a councillor:

- Meeting with the Chief Executive to understand the strategy for the council
- Meeting with Member Services to develop a PDP
- Meetings with other key senior officers (as appropriate) to gain deep knowledge in areas of interest and ward issues
- Code of conduct (compulsory)
- Payroll & declarations information (compulsory)
- Training specific to any appointments (e.g. committee)
- Information and guidance around casework and surgeries including members support

- Information around the working and functions of the Council (officers and members)
- ICT hardware and practical set up including accessing emails and meeting papers, casework on Covalent
- Buddying with another Councillor
- Relevant LGIU or similar courses for new Councillors (e.g. personal safety)
- Member information booklet (A new resource developed to give Hackney specific information that members need all in one place)
- Ward profile information for their ward

7.4 General member training sessions have been arranged as shown below in the following areas:

Feb 2019 - Feb 2020

Training Title	Training Date	Invitees	Attendees
O&S Questioning Skills	13 February 2019	All Members	7
Stop Hate UK	18 March 2019	All Members	11
Casework & Advocacy Skills	15 April 2019	All Members	12
Planning Training (M)	10 June 2019	All Planning Committee Members	5
Licensing Training (M)	14 June 2019	All Licencing Committee Members	1
Anti- Bullying & Harassment	09 July 2019	All Members	10
Planning Review Meeting (Governance led)	17 July 2019	All Planning Committee Members	8
2021 Census Briefing	12 September 2019	All Members	4
Safeguarding /Corporate Parenting	17 September 2019	All Members	19
Housing Training - Resident's Safety	11 November 2019	All Members	3

Cancelled Sessions 2019 - 2020

Training Title	Reason for cancellation
VBA Smoking 28 October 2019	Cancelled due to low attendance. Minimum number of attendees required 10-15. Only 2 members attended on the day
Safeguarding /Corporate Parenting 25 November 2019	This session had to be cancelled due to the General Election
Transport 27 February 2020	This session had to be cancelled due to Covid-19 Lockdown
Safeguarding /Corporate Parenting 27 April 2020	This session had to be cancelled due to Covid-19 Lockdown
Finance	This session had to be cancelled due to the Covid-19 Lockdown
Preventing Bullying and Harassment 09 June 2020	This session had to be canceled due to the Covid-19 Lockdown

Members of the Audit Committee, Pensions Committee and the Pensions Board (which is formed of Co-opted members only) attend regular training and update sessions in advance of the meeting taking place. For example the following topics have been covered recently; responsible investment, investment strategy and an introduction to Hackney Fund Governance.

A number of Members have also attended external courses and programmes provided by the LGA (e.g. the Leadership Academy) and other external organisations including the Westminster Forum Projects, CIPFA and CFPS.

8 Change of approach to training following Covid-19

8.1 Following Lockdown for Covid-19 all scheduled member training was cancelled. During the lockdown period Members have become more used to the Council's new Google Meet (video) facilities and have been using these for all formal and informal meetings.

8.2 At the recent Members Reference Group, the 're-start' of member training was discussed as well as any changes that could be made following new ways of working from Covid-19. With face to face training and in person groups still not possible, members have asked officers to investigate delivery of training via a series of 'bite size' videos/briefings of around 10 to 15 minutes which can be viewed at

times convenient to members. The initial focus will be on areas related to Covid-19 and associated health.

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Comments of the Director of Legal & Governance	Dawn Carter-McDonald, Director of Legal and Governance Dawn.Carter-Mcdonald@hackney.gov.uk 020 8356 4817



**DRAFT MODEL CODE OF MEMBERS CODE OF CONDUCT –
RECOMMENDATIONS FROM THE LOCAL GOVERNMENT
ASSOCIATION – JUNE 2020**

STANDARDS COMMITTEE

14 July 2020

CLASSIFICATION:

Open

WARD(S) AFFECTED

All Wards

**Dawn Carter-McDonald
Director of Legal and Governance (Acting)**

1. SUMMARY

- 1.1 This report gives an overview of the recently published work of the Local Government Association (LGA) proposing revisions /modifications in respect of local authority 'Members Code of Conduct'. This review has been carried in tandem with the recent recommendations of the Government Committee in respect of standards in public life.

2. RECOMMENDATIONS

- 2.1 That the Standards Committee considers and notes the report of the Local Government Association (LGA) in respect of recommendations contained at attached appendix 1 with regard to its proposed member model code of conduct;
- 2.2 That Standards Committee agree to review its existing Member of Code of Conduct (attached as appendix 2) with a view to considering modifying its existing code where required ;
- 2.3 That Standards Committee establishes a Member/officer task and finish group to convene on an ad-hoc basis through to the autumn/winter of 2020 to assess and draw comparisons between the Council's current adopted code and the proposed LGA model code of conduct and report these findings to either a special meeting of the Standards Committee in the late autumn of 2020, or at its scheduled Standards Committee in February 2021 together with recommendations for revisions to the existing Code of Conduct, and approval of revisions and recommendation to Full Council for adoption thereto; and
- 2.4 That the proposed membership of the task and finish group as agreed in 2.3 above be comprise of two Councillor members of Standards Committee, two co-opted members of Standards Committee, the Director of Legal & Governance, a senior lawyer, and the Clerk to Standards Committee in a governance support capacity.

3. RELATED DECISIONS

- 3.1 Consideration of the Government's Committee on ethical standards in public life – Standards Committee – 16 September 2020.

4. COMMENTS OF THE GROUP DIRECTOR, FINANCE AND CORPORATE RESOURCES

- 4.1 This report sets out recommendations from the LGA for Local Authorities to consider in respect of adopting a model member code

of conduct. In that context there are no immediate financial implications arising from this report.

5. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE

5.1 The Council has a legal duty under the Localism Act 2011, to promote and maintain high standards of conduct of Members and co-opted Members in public office.

5.2 The Council therefore established a Standards Committee to help promote and uphold high standards of conduct amongst Members and co-opted Members.

6. BACKGROUND TO THE REPORT

6.1 The Local Government Association (LGA) has been working to provide Local Authorities with a proposed 'Model Member Code of Conduct' as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

6.2 As stated in the LGA report the role of councillor in all tiers of local government is a vital part of the country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that councillors will be held accountable and all adopt the behaviours and responsibilities associated with the role.

6.3 The conduct of an individual councillor affects the reputation of all councillors. The LGA has highlighted that the role of councillor should be one that people aspire to and want to participate with, and want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

6.4 As the Standards Committee is aware all councils are required to have a local Member Code of Conduct, which the Council through this Committee undertakes a review from time to time. Given the recommendations of the Government's review of standards in public life, which the Committee received and welcomed in September 2019, it is timely that the proposed Model Member Code of Conduct has been developed, in consultation with the sector offers as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The Council will be able to seek the LGA's support in terms of their offering training

and mediation to councils and councillors on the application of the Code.

- 6.5 Members when elected to a Local Authority, will each represent local residents, and work to develop better services and deliver local change. It is a fact that the public have high expectations of its elected Councillors and entrust them to represent everyone within the Borough, taking decisions fairly, openly, transparently and with civility. Also Councillors should be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. The model Code, therefore, has been designed to protect Councillors democratic roles, encourage good conduct and safeguard the public's trust in local government.
- 6.6 The purpose of receiving the proposed model code of conduct is for the Standards Committee to note the proposed model and to carry out an in depth and robust review of the Council's existing code, to draw comparisons between the existing and proposed model code, and recommend to the Standards Committee changes to the Code to bring it in line with the proposed Model Code.
- 6.7 It is therefore proposed to convene a Member/officer task and finish group to meet on an ad-hoc basis over the mid -summer /autumn of 2020 to review as outlined above . It would then be intended to report its findings and recommendations to a special Standards Committee in either late Autumn /early winter 2020, or to its scheduled meeting in February 2021 (this proposal being fluid given the current situation with the pandemic crisis). The recommendations of the task and finish group, once considered and agreed by Standards Committee would then be reported to Full Council for adoption, and the existing Member Code of Conduct to then be amended accordingly.
- 6.8 With regard to the proposed membership of the task and finish group as detailed above it is suggested that Group comprise of two Councillor members of Standards Committee, two co-opted members of Standards Committee, the Director of Legal & Governance, a senior lawyer, and the Clerk to Standards Committee in a governance support capacity.

Dawn Carter-McDonald
Director of Legal & Governance (Acting)

APPENDICES

Appendix 1 – LGA report on the proposed Model of Code of Conduct

Appendix 2 – LB Hackney current member code of conduct

Report Author	Clifford Hart, Senior Governance Services Officer 020 8356 3597 Clifford.hart@hackney.gov.uk
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STANDARDS COMMITTEE

14 July 2020

**Draft Model
Members Code of Conduct
proposals recommended by the
Local Government Association**

Appendix 1

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Local Government Association Model Member Code of Conduct

Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group



Councillor Nick Forbes CBE
Leader, LGA Labour Group



Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group



Councillor Marianne Overton MBE
Leader, LGA independent Group

Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]¹ in [public or in]² your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

Model member conduct

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest

Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

As a councillor I commit to:

Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

Bullying and harassment

- 3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Although you can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and

printed materials are open to the public except in certain circumstances. You should work on this basis but there will be times when it is required by law that discussions, documents and other information relating to or held by the council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on other councillors and/or your council.

Your position

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

Use of council resources and facilities

9. Not misusing council resources.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

Interests

10. Registering and declaring my interests.

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

Gifts and hospitality

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you

because you are a member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

Example

LGA guidance and recommendations

Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.

Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details www.gov.uk/government/news/the-principles-of-public-life-25-years
5. ACAS’s definition of bullying

Appendices

Code Appendix A

The principles are :

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately 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.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Code Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 .
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and
	(b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body—	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	



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We consider requests on an individual basis.

STANDARDS COMMITTEE

14 July 2020

**Draft Model
Members Code of Conduct
proposals recommended by the
Local Government Association**

Appendix 2

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CODE OF CONDUCT FOR MEMBERS AND CO-OPTees LONDON BOROUGH OF HACKNEY

GENERAL INTRODUCTION

- 1.1 Hackney Council has adopted this Code of Conduct for Members in accordance with the Localism Act 2011. The Code will assist the Council in complying with its duty to promote and maintain high standards of conduct by its Members and co-optees and provide excellent local government for the people of the borough.
- 1.2. The Council's Code of Conduct is based upon the seven principles of public life ("the statutory principles") which are set out in Appendix A. It applies to the Mayor, all councillors and co-opted members of all Council Committees.
- 1.3 The Code should be read together with the statutory principles prescribed by law and the Secretary of State in accordance with Regulations.
- 1.4 The Council will investigate any alleged breach of the provisions of the Code of Conduct by a Member or co-opted member of the Council.
- 1.5 A Member (including a co-opted member) may not act as a Member unless s/he has given the Council a written and signed undertaking that in performing his/her functions s/he will observe this Code of Conduct and any locally agreed codes and protocols.
- 1.6 This Code of Conduct should be read in conjunction with the other codes and protocols that have been adopted by the Council as supplementary guidance for Members and officers. Although these codes and protocols do not form part of the Code of Conduct, Members and officers are required to comply with their provisions.
- 1.7 Any failure by a Member to comply with these additional codes and protocols may be investigated and appropriate action may be applied by the Council where necessary.
- 1.8 The Council has approved the following Protocols:
 - Guidance for Member/Officer relations
 - ICT Policy
 - Planning Code of Practice for Members
 - Licensing Code of Practice for Members

- 1.9 There are some decisions that the authority will need to make that could affect every Member. A list of these is set out at Appendix B. A Member **may** take part in these decisions *unless* they fall into one of the exceptions set out in the list.
- 1.10 Any Member requiring further guidance on the application or interpretation of the provisions of the Code or and additional codes or protocols should contact the Monitoring Officer.

Code of Conduct for Members and Co-optees

PART ONE

GENERAL PROVISIONS

Introduction and interpretation

- 1.1 This Code applies to you as a Member of the authority, or a co-optee.
- 1.2 You should read this Code together with the seven statutory principles prescribed by law and the Secretary of State. These principles are annexed to this Code.
- 1.3 It is your responsibility to comply with the provisions of this Code.
- 1.4 In this Code—

“*meeting*” means any meeting of—

(a) the authority;

(b) the executive of the authority;

(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members.

“*member*” includes a co-opted member and an elected member.

“*co-opted member*” means a person who is not an elected member of the authority but who (a) is a member of any committee or sub-committee of the authority, or (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote at meetings.

Scope

- 2.1 Subject to paragraphs 2.2 to 2.5, you must comply with this Code whenever you act as a Member or a co-optee and references to your official capacity are construed accordingly.
- 2.2 Subject to sub-paragraphs 2.3 and 2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

- 2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph 2.3) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- 2.5 Where you act as a representative of your authority—
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

- 3.1 You must treat others with respect.
- 3.2 You must not—
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in the Equality Act 2010);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with the authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.
4. You must not—
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (i) you have the consent of a person authorised to give it;
- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or

(b) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;

(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to the Code of Recommended Practice on Local Authority Publicity.

7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the authority's chief finance officer; or

(b) the authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

- 7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART TWO

INTERESTS

Pecuniary Interests

- 8.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:

(a) it is an interest of yours, or

(b) it is an interest of:

(i) your spouse or civil partner;

(ii) a person with whom you are living as husband and wife, or

(iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

Registration of pecuniary interests

- 9.1 Subject to paragraph 12.1 below (sensitive interests), you have a duty, to notify the Council's Monitoring Officer in writing of any disclosable pecuniary interests you have within 28 days of:

(a) this Code being adopted or applied by Full Council; or

(b) your election or appointment (where that is later).

- 9.2 Subject to paragraph 12.1 below, you have a duty, within 28 days of becoming aware of any new pecuniary interest or any change to any pecuniary interest notified to the Monitoring Officer under paragraph 9.1, to notify the Council's Monitoring Officer in writing of that new pecuniary interest or change.

Pecuniary interests in matters considered at meetings

- 10.1 If you attend a meeting and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, you must - subject to paragraph 12.1 below - disclose that interest to the meeting, and – unless you have obtained a dispensation– you cannot participate in any further discussion on the matter and must leave the meeting room whilst the matter is under discussion and takes place.

Other interests

- 11.1 Where a Member is a member of an external body this must be disclosed on the interests form and declared at meetings.
- 11.2 When contractual, financial, consent, permission or licence matters are under consideration relating to an external body on which you sit as a Member, such an interest must be declared and you cannot participate in the meeting as a Member of the Committee and must leave the meeting whilst the matter is under discussion and takes place.
- 11.3 When contractual, financial, consent, permission or licence matters are under consideration and you have actively engaged in supporting an individual or organisation on the matter, you cannot participate in the meeting as a member of the Committee and must leave the meeting whilst the matter is under discussion and takes place.
- 11.4 Where a Member has received a gift or hospitality with an estimated value of at least £25, this must be disclosed on the register of interests form and declared at meetings.

Sensitive interests

- 12.1 Where you consider (and the Council's Monitoring Officer agrees) that the nature of a disclosable pecuniary interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it will be deemed to be a "sensitive interest" for the purposes of the Code. Details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 10.1 above.

Interests arising in relation to overview and scrutiny committees

- 13.1 In relation to any business before an overview and scrutiny committee of the authority (or of a sub-committee of such a committee) where—
- (i) that business relates to a decision made (whether implemented or not) or action taken by the authority's executive or another of the authority's committees, subcommittees, joint committees or joint sub-committees; and
 - (ii) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (i) and you were present when that decision was made or action was taken; or

(iii) that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's Constitution or under delegated authority from the Mayor),

you may attend a meeting of the overview and scrutiny committee of the authority or of a sub-committee of such a committee but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Dispensation

14.1 A Member or co-optee may submit a written request for dispensation relieving them from the restrictions on a participation in and on a disclosable pecuniary interest.

14.2 Dispensation may be granted if:

(a) the number of persons prohibited from participating in the meeting would be so great a proportion as to impede the transaction of the business

(b) without the dispensation the balance of political groups on the committee would be affected and affect the outcome of any

(c) granting dispensation is in the interests of residents

(d) each member of the executive would be prohibited from participating in any particular business to be transacted by the executive

(e) it is otherwise appropriate to grant a dispensation.

Applications under sections 14.2(a)(b) and (d) above shall be made to the Monitoring Officer. All other applications shall go to Standards Committee.

Pre-determination or bias

15.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member. However, you should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

- 15.2 When making a decision in such situations, you should consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Breach of this Code of Conduct

- 16.1 Failure to comply with the provisions on disclosure of pecuniary interests in paragraphs 9.1 and 9.2 is a criminal offence and may result in a prosecution. If convicted a fine of up to £5,000 (level 5) could be imposed. A member could be disqualified for a period of up to 5 years.
- 16.2 Failure to comply with the general obligations in paragraphs 3.1, 3.2, 4, 5, 6, 7 or 10.1, 11, 15.1 and 15.2 may result in the consideration of a complaint against the Member concerned by the Standards Committee.

Appendix A

GENERAL PRINCIPLES

In accordance with the Localism Act 2011 the following statutory principles are to govern the conduct of the Members and co-optees of Hackney Council:

1. Selflessness

Members should act solely in terms of the public interest.

2. Integrity

Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately 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. Objectivity

Members must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Members are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Members should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

6. Honesty

Members should be truthful.

7. Leadership

Members should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Where the decision referred to in paragraph 1.9 of the General Introduction above relates to one of the functions of the authority set out below and the condition which follows that function does not apply to you when making that decision, you may participate in the decision:

(i) housing, where you are a tenant of your authority *unless* those functions relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school *unless* it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

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