

ADOPTION OF NEW COUNCILLOR CODE OF CONDUCT	
STANDARDS COMMITTEE	CLASSIFICATION:
MEETING DATE (2021/22) 8 December 2021	OPEN
WARD(S) AFFECTED N/A	
Director Dawn Carter-McDonald, Director of Legal and Governance Services and Monitoring Officer	

1. SUMMARY

- 1.1 This report concerns the proposed adoption of a new Code of Conduct for elected members and voting co-optees to replace the current Code.

2. RECOMMENDATIONS

The Standards Committee is asked:

- i) To recommend to Full Council that the revised Councillor Code of Conduct be adopted and come into effect following the elections in May 2022.
- ii) To recommend to Full Council that the Councillor Code of Conduct Guidance and the Code of Conduct Complaints Assessment, Investigations and Hearings Procedure Note be endorsed for use alongside the Councillor Code of Conduct.

3. BACKGROUND

- 3.1 In 2019, the Local Government Association (LGA) produced a draft Model Code of Conduct in response to the “Local Government Ethical Standards” report by the Committee of Standards in Public Life in 2019. The report made a series of recommendations in order to ensure that the governance of local authorities was robust and took account of recent learning across the sector and the production of a model Code of Conduct formed one component of this response. The model Code of Conduct was adopted by the LGA in December 2020 following extensive consultation.
- 3.2 The LGA’s aim was to make a Code of Conduct that was relatively short and easy to read, rather than an overly complex legal document, given that it

needed to be accessible to councillors, officers and the public alike. The code is intended to protect councillors' democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor.

- 3.3 The LGA's model Code is a template and authorities may choose to adopt it either in whole or with amendments to take into account local circumstances, or indeed continue with the current Code of Conduct.

4. **TASK AND FINISH GROUP**

- 4.1 In 2020, the Standards Committee established a Task and Finish Group to review the LGA's model Code of Conduct and consider whether the Council ought to adopt it as a replacement for the current Code of Conduct for Members and Voting Co-Optees with or without further amendment.

- 4.2 The Task and Finish Group has met on several occasions to consider the model Code of Conduct and has made a number of recommendations around alterations to the model which it considers better reflect the Council's commitment to ensure high standards of integrity by Councillors whilst in public office.

- 4.3 The substantive amendments to the LGA model Code that have been proposed by the Task and Finish Group are as follows:

- 4.3.1 An explicit reference, in section 4, to Councillors not disclosing exempt information within the meaning of Section 100F and Part 1 of Schedule 12A of the Local Government Act 1972.

- 4.3.2 The inclusion of the sanctions which might follow a criminal conviction in section 9.

- 4.3.3 A reduction, in section 10, in the amount of any gift or hospitality which must be registered from £50 to £25. The amount in the current Code of Conduct is £25 and the Task and Finish Group considered that it ought to remain at that level in the interests of openness and transparency.

- 4.3.4 The inclusion, in section 10, of a time period within which Councillors ought to disclose the register the offer of any gift or hospitality that they have declined of 28 days to align this with the time limit for declaring gifts or hospitality which have been accepted.

- 4.3.5 The inclusion of an additional section about attendance by Councillors at any training prescribed as being mandatory by the Monitoring Officer, with a list of that training and how frequently it ought to be undertaken.

- 4.4 The Council's current Code of Conduct for Members and Voting Co-Optees is attached as **Appendix 1**. The proposed Councillors Code of Conduct appears at **Appendix 2**. It will be noted that the two documents take a very different approach, not least because the proposed Councillors Code of Conduct is in the first person ("I") rather than in the second person ("you") and includes more

detail as to what the obligations actually are as well as guidance to explain the reasons for the obligations and how they should be followed.

- 4.5 It is considered that this provides greater clarity to all those who will use the Code of Conduct and it is for that reason that the Monitoring Officer recommends the adoption of the proposed Councillors Code of Conduct.
- 4.6 Given that the Council has both Mayoral and member elections in May 2022, it is recommended that the new Code of Conduct takes effect following those elections. The Local Government Act 1972, as amended by the London Councillors Order 1976, provides that the term of office of councillors shall be four years and they shall retire together in every fourth year after election on the fourth day after the ordinary day of election of councillors. Newly elected councillors shall come into office on the day on which their predecessors retire. The elections in May 2022 are scheduled to take place on 5 May 2022, this means the 'retirement' date for councillors will be 9 May 2022. It is therefore proposed that the Code of Conduct takes effect on that date.
- 4.7 To sit alongside the proposed new Code, the Monitoring Officer and Deputy Monitoring Officer have prepared two further documents. The first is intended to provide Councillors with guidance on the application of the proposed new Councillors Code of Conduct and their obligations under the new Code. The second is a new procedure note setting out how complaints that a Councillor has breached the Code of Conduct will be assessed and investigated, including how and when any complaints may be referred either to an Assessment Sub-Committee of the Standards Committee or a Hearing Sub-Committee of the Standards Committee. This guidance and procedure note draws heavily on guidance produced by the LGA, with alterations made to reflect proposed amendments to the model Code and the Monitoring Officer's standard practice when investigating complaints. The Councillors Code of Conduct Guidance is attached as **Appendix 3**. The Code of Conduct Complaints Assessment, Investigations and Hearings Procedure Note is attached as **Appendix 4**.

5. TRAINING FOR COUNCILLORS

- 5.1 Assuming Full Council agrees to adopt the new Code of Conduct, the Monitoring Officer and Deputy Monitoring Officer will deliver training to support Councillors in understanding the Code and their obligations under it. The training is proposed to be delivered via a number of 'in person' workshops to be held as soon as practicable following the election. These workshops will include practical scenarios for attendees to consider and guidance on completing the required declarations of interest.
- 5.2 The training on the new Code will be mandatory for all members of the Council, whether they are re-elected or newly elected in May 2022.

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

- 6.1 There are no financial implications arising directly from the adoption of a new Councillor Code of Conduct. Any costs that might arise from the need for all Councillors, whether re-elected or newly elected, to receive training on the new Code will be met from existing budgets.

7. COMMENTS OF THE DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

- 7.1 Under s27 Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct by members and co-opted members of the Council and must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. S28 of the Localism Act requires that the Code is, when viewed as a whole, consistent with the seven principles of public life and must include provisions as regards the disclosure of pecuniary interests and interests other than pecuniary interests. Section 28 also provides that the Council may revise its Code of Conduct or replace it.
- 7.2 The adoption of a new Code of Conduct and the associated guidance and procedure note will ensure that the Council can maintain these high standards whilst ensuring that Councillors and members of the public alike have a clearer understanding of the obligations placed upon Councillors and how complaints will be dealt with.

APPENDICES

Appendix 1 – Hackney’s current adopted Code of Conduct for Members and Voting Co-Optees

Appendix 2 - Proposed Hackney Councillors Code of Conduct

Appendix 3 - Proposed Councillors Code of Conduct Guidance

Appendix 4 - Proposed Code of Conduct Complaints Assessment, Investigations and Hearings Procedure Note

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