

<b>Item No.</b> 14.	<b>Classification:</b> Open	<b>Date:</b> 17 July 2023	<b>Meeting Name:</b> Audit, governance and standards committee
<b>Report title:</b>		Review of the Members' Code of Conduct	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Assistant Chief Executive (Governance and Assurance)	

## RECOMMENDATIONS

1. That the committee notes this report.

## BACKGROUND INFORMATION

2. The Localism Act 2011 provided for local authorities to establish their own local arrangements for approving a members' code of conduct, and for dealing with any complaints about the code.
3. Following the implementation of the Act in 2012, Southwark Council approved its own code of conduct, formed a standards committee and appointed independent persons.
4. The responsibility for standards activity including the monitoring of the operation of the members' code of conduct passed to this committee in April 2016.
5. In 2021, the Local Government Association (LGA) issued a new model code of conduct. Whilst it remains the council's decision to adopt its own code of conduct, the monitoring officer has previously advised the committee that it would be timely to review the council's current code in the light of the LGA model code, and consider whether it should be changed. Options would be to keep the current code, to adopt the LGA code in its entirety or to amend the current code which may include some elements of the LGA code.
6. The current Members' code of conduct is in Part 5 of the council's constitution. The LGA model code is attached as Appendix 1.
7. This paper sets out the monitoring officer's proposals for that review and seeks the committee's views.

## KEY ISSUES FOR CONSIDERATION

8. The monitoring officer considers that it would be important to give the opportunity for all members to contribute to this review. She proposes that this might best be assisted by workshops, which would be facilitated by an external consultant who is a specialist in local authority governance and in particular members' codes of conduct. The monitoring officer considers that it would be helpful for at least one of these to be in person.

9. Prior to this, a paper will be produced setting out the options, and providing an analysis of the differences between the current code and the LGA model code, and some benchmarking of what other local authorities have done in the light of the model code being produced.
10. Any changes to the code of conduct will need agreeing by Council Assembly. Prior to that, and after the workshops, the monitoring officer would want to bring some proposals back to the committee for consideration and for onward recommendation to the Constitutional Steering Panel and Council Assembly. It may be helpful for a small working group of members to be established to assist the monitoring officer in drawing together those proposals.
11. An indicative timeline is as follows:

Initial report to Audit Governance and Standards Committee	July 2023
Briefing paper from Monitoring Officer sent to all member via whips	September 2023
Workshops for members	November- December 2023
Formulation of proposals- by monitoring officer with member working group	January-May 2024
Report to Audit, Governance and Standards Committee	July 2024
Report to Constitutional Steering Panel and Council Assembly	November 2024
Any changes and new code to be implemented at start of municipal year	May 2025

### **Policy framework implications**

12. This report is not considered to have direct policy implications.

### **Community and equalities (including socio-economic) impacts**

13. The council has an open and transparent process for anyone to make a complaint against a member when they consider that the code of conduct has not been maintained. Information about the process is accessible on the council's website and there are arrangements in place for members of the public to make complaints in writing, or orally if necessary due to any disability or language difficulties.
14. In carrying out this review, members and officers will need to be mindful of the public sector equality duty, giving due regard to the need to eliminate discrimination, advance equality of opportunity, and to foster good relations between people with protected characteristics and others.

### **Health Impacts**

15. There are no specific identified health impacts resulting from the matters addressed in this report, so a health impact statement is not considered necessary.

## Climate change implications

16. There are no specific climate change issues arising from the matters dealt with in this report.

## Legal implications

17. The requirement for the council to have a code of conduct for members is contained in sections 27 and 28 of the Localism Act 2011. The code must, when viewed as a whole, be consistent with the following principles—(a) selflessness; (b) integrity; (c) objectivity; (d) accountability; (e) openness; (f) honesty; (g) leadership.
18. The code of conduct must also include the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of—(a) pecuniary interests, and (b) interests other than pecuniary interests.

## Financial implications

19. The resources needed for dealing with the complaints process are contained within current budgets

## Consultation

20. All members and relevant senior officers will be consulted as part of this process. Views of the Independent Persons appointed by the council will also be sought and it is proposed to consult relevant local external organisations.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Members' code of conduct and complaints procedure	<a href="https://www.southwark.gov.uk/council-and-democracy/councillors-and-mps/your-councillors?chapter=2">https://www.southwark.gov.uk/council-and-democracy/councillors-and-mps/your-councillors?chapter=2</a> 160 Tooley Street PO Box 64529, London, SE1P 5LX	Constitutional team; constitutional.team @southwark.gov.uk

## APPENDICES

No.	Title
1	Local Government Association Model Code of Conduct

## AUDIT TRAIL

<b>Lead Officer</b>	Doreen Forrester-Brown Assistant Chief Executive (Governance and Assurance)		
<b>Report Author</b>	Allan Wells, Specialist Governance Lawyer		
<b>Version</b>	Final		
<b>Dated</b>	28 June 2023		
<b>Key Decision?</b>	No		
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>			
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>	
Assistant Chief Executive (Governance and Assurance)	Yes	Incorporated	
Strategic Director of Finance	No	No	
<b>Cabinet Member</b>	N/a	N/a	
<b>Date final report sent to Constitutional Team</b>		5 July 2023	