

Meeting Name:	Audit, Governance and Standards Committee
Date:	13 November 2024
Report title:	Review of the Members' Code of Conduct update
Ward(s) or groups affected:	All
Classification:	Open
Reason for lateness (if applicable):	N/A
From:	Assistant Chief Executive – Governance & Assurance/ Monitoring Officer

RECOMMENDATION

1. That the committee note the progress of the Review of the Members' Code of Conduct and the timelines for the final recommendations to be made to Council Assembly in 2025.

BACKGROUND INFORMATION

2. The current code of conduct has been in place since 2011. In 2021, the Local Government Association (LGA) issued a new model code of conduct for consideration by councils. In 2023 the Monitoring Officer reported to the Audit Governance and Standards Committee that it would be timely for a review of the current code of conduct in light of the LGA model code. The key consideration is whether the current code should change. Options include keeping the current code, adopting the LGA code in part or in its entirety, or amending the current code, to include some elements of the LGA code.
3. A member/officer working group was established on September 2023. This is chaired by the Monitoring Officer. Members appointed are Councillors Esme Dobson, Natasha Ennin, Sam Foster, Barrie Hargrove, Sunny Lambe and Jane Salmon. The working group is supported by officers from constitutional support and legal services.
4. The group has met five occasions: 30 October 2023, 29 January, 11 March, 29 April and 30 September 2024, to review progress and agree the plan of work.
5. External governance trainer, Bethan Evans, has been engaged to review the current code of conduct and consider the impact of adopting the LGA code. Two virtual Member workshops were facilitated by Bethan Evans to consider the impact of adopting the model code (or parts of it). These took place on 7 and 26 February. Around 24-28 members attended these workshops.

6. Feedback on the potential move from the current code to the LGA code has also been obtained from the Independent Persons. (These are the persons consulted by the Monitoring Officer when a complaint is made about a member).
7. A benchmarking exercise has been undertaken to look at the extent to which other London boroughs have adopted the model LGA code, in part, in full or not at all.
8. Following consultation with members, officers are providing further advice and options in relation to other registerable interests.
9. Consideration is also being given to existing protocols within the Constitution, which will also need to be amended, if the LGA model code is adopted (in part or in whole), to ensure that all relevant provisions are contained within the new code. A revised Member Officer Protocol is also being consulted on. It is anticipated that this will be finalised at the same time the Code of Conduct.

KEY ISSUES FOR CONSIDERATION

10. This is the Members' Code of Conduct and so it is for Members to determine whether to recommend that the current code remains unchanged, or whether to adopt the LGA model code in full or in part.

The timetable for progress to date and proposed steps is as follows:

Action	Date
Code of Conduct (CoC) MOWG	11 March 2024
Consultation with independent persons	April 2024
CoC MOWG	29 April 2024
Audit, governance and standards committee Update report: timetable, consultation, workshops for all Members.	3 June 2024
CoC MOWG	12 June 2024
Consultation on Draft Code of Conduct	September 2024
CoC MOWG	30 September 2024
Consultation with political groups on Draft Code of Conduct	7 October 2024
Audit, governance and standards committee	13 November 2024
Training sessions on Final draft of CoC and MOP	15 & 23 January 2025

Action	Date
Audit, governance and standards committee Receive final draft for agreement and referral to council assembly	3 February 2025 (planned)
Constitutional steering panel Receive final draft from AGS for agreement and referral to CA	5 March 2025 (planned)
Council assembly: Sign off of final draft for implementation from beginning on 2025/26 municipal year	19 March 2025 (planned)
Workshops for all members on new CoC	April 2025

Policy framework implications

11. The council must have a code of conduct for members. The current code is considered to be lawful and compliant. The adoption of the LGA model code, in full, is likely to be most impactful in relation to disclosure of interests and withdrawal from decisions.

Community, equalities (including socio-economic) and health impacts

Community impact statement

12. The code of conduct sets out how members should conduct themselves when acting in their capacity as members.

Equalities (including socio-economic) impact statement

13. It is already a requirement of the current code that members deal with representations and enquiries from residents and communities fairly and impartially, with respect and in accordance with our legal obligations.

Health impact statement

14. There are no health impacts arising from this report.

Climate change implications

15. There are no climate change implications arising from this report.

Consultation

16. Consultation has already taken place with Members and the Independent persons.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark code of conduct (Southwark)	Available on the internet	S Feasey 02075257580
LGA model code of conduct (LGA)	Available on the internet	S Feasey 02075257580

AUDIT TRAIL

Lead Officer	Doreen Forrester-Brown, Assistant Chief Executive and Monitoring Officer	
Report Author	Sarah Feasey Head of Legal	
Version	Final	
Dated	1 November 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive, Governance and Assurance	Yes	Yes
Strategic Director, Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		4 November 2024