

Item No. 8.2	Classification: Open	Date: 4 July 2012	Meeting Name: Council Assembly
Report title:		Adoption of Code of Conduct and consequential changes	
Ward(s) or groups affected:		All	
From:		Constitutional Steering Panel	

RECOMMENDATIONS

1. That Council Assembly adopts the Code of Conduct for Members attached as Appendix A.
2. That Council Assembly agrees the changes to the member officer protocol attached as Appendix B.
3. That Council Assembly agrees the changes to the Committee Procedure Rules as detail in paragraph 11.

BACKGROUND INFORMATION

4. The Localism Act 2011 ("the Act") provides for the abolition of the current standards regime including Standards for England, standards committees, the jurisdiction of the First Tier Tribunal over standards of conduct, and a nationally set code of conduct for councillors.
5. Standards for England was abolished on 31 January 2012. The remaining standards provisions will come into force on 1 July 2012.
6. All constitutional changes are considered by constitutional steering panel, which then recommends changes to council assembly. The adoption of the Code of Conduct and the changes in this report were recommended by the constitutional steering panel, which met on 18 June 2012.

KEY ISSUES FOR CONSIDERATION

Code of Conduct

7. Southwark needs to formally adopt a Code of Conduct in accordance with section 28 of the Act. Standards Committee at their meeting on 12 June 2012 decided on the code and the information required on interests was appropriate for the authority. This is attached as Appendix A.
8. Following the meeting of the Standards Committee on 12 June 2012, members favoured dealing with interests through guidance and by amending the member and officer protocol. Appropriate amendments are attached as Appendix B.
9. The Monitoring Officer will issue guidance to all members once the Code of conduct is adopted.

10. The Standards Committee also proposed that an amendment to the Committee Procedure Rules should be made to deal with disclosable pecuniary interest at licensing and planning meetings. Under the proposed Code of Conduct members do not have to withdraw from the room if they have a disclosable pecuniary interest (unlike the position previously where they had a prejudicial interest) but cannot take part in the discussion on the matter or vote on the matter.
11. In order to protect both members and the council from accusations of bias in relation to the planning and licensing functions, it is proposed that members should not stay in the room in relation to those matters. The amendment would be as follows:

8. ADDITIONAL RULES APPLYING TO PLANNING COMMITTEE AND LICENSING COMMITTEE OR SUB-COMMITTEES

4. At any meeting of the planning committee or licensing committee if the committee is determining any application for an approval, consent, licence, permit or permission any members has a disclosable pecuniary interest in any matter being considered at that meeting then they must withdraw from the room or chamber where a meeting considering the business is being held.
5. At any meeting of the planning sub-committee or licensing sub-committee if the sub-committee is determining any application for an approval, consent, licence, permit or permission any members has a disclosable pecuniary interest in any matter being considered at that meeting then they must withdraw from the room or chamber where a meeting considering the business is being held.

Investigations

12. Section 28 of the Act also requires provision for the appointment of at least one independent person whose views must be sought and taken into account before the authority makes a decision on an allegation. This matter is dealt with in another item on the agenda.
13. The Act requires local authorities to have arrangements to investigate allegations and make decisions on them. The previous system of sub-committees was time consuming and protracted. Standards Committee considered that a simplified procedure with a filtering system under which the monitoring officer in consultation with the whips and the independent person would determine whether a complaint should proceed for investigation.
14. The detailed arrangements are for Standards Committee to approve, and will be put to the first meeting of the new committee.

Resource implications

15. There are no additional resource requirements associated with the adoption of the changes.

Legal implications

16. Legal issues are outlined in the body of the report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Constitution 2011	On-line on council's website	Ian Millichap 020 7525 7225

APPENDICES

No.	Title
Appendix A	Proposed Code of Conduct
Appendix B	Proposed changes to Member and Officer Protocol

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Norman Coombe, Head of Corporate Services (Legal Services)	
Version	Final	
Dated	19 June 2012	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Strategic Director of Communities, Law & Governance	Yes	Yes (included in body of report)
Finance Director	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		20 June 2012