



GOVERNANCE COMMITTEE

14 November 2019

Subject Heading:

Review of Members' Code of Conduct

SLT Lead:

Andrew Blake-Herbert,
Chief Executive

Report Author and contact details:

John William Jones,
Deputy Director of Legal and Governance
and Monitoring Officer

Policy context:

Governance

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

[]
[]
[]
[]

SUMMARY

This report sets out the findings of a review of the Members' Code of Conduct as assessed against the Committee on Standards in Public Life's (CSPL) best practice recommendations published in January 2019.

RECOMMENDATIONS

That the Committee:

1. consider and comment on the review of the Members' Code of Conduct attached at **Appendix 1**; and
2. note that a full review of the Members' Code of Conduct and complaints procedure will be undertaken and reported back to the Committee.

REPORT DETAIL

1. Background

- 1.1 On 31 January 2019, the CSPL published its report and recommendations on ethical standards in local government, following a year-long review and wide consultation.
- 1.2 The CSPL's key findings and recommendations were reported to the Governance Committee on 7 March 2019 and the Committee noted that officers would report back on the 15 best practice recommendations which the CSPL expects all local authorities to implement.
- 1.3 Attached at **Appendix 1** is a review of Havering's Members' Code of Conduct, as assessed against the relevant best practice recommendations, to inform discussion on what changes, if any, should be implemented. Both the code and the Council's arrangements for dealing with complaints (i.e. the complaints procedure) are set out in Part 5 of the Council's Constitution and published on the Council's website.

2. Discussion of findings

- 2.1 The CSPL's best practice recommendations highlight many areas for greater clarity, certainty and improvement. This would be more helpful to all concerned and would also strengthen the value of the code.
- 2.2 For example, as the attempt to match the recommendations with the existing provisions of the code demonstrates (see 1. and 2. in particular), Members' obligations are couched in broad and sometimes vague terms and consequently overlap considerably. The gaps are also highlighted.

Namely, there are no specific prohibitions on bullying and harassment or making trivial, malicious, vexatious or repeated complaints.

- 2.3 The section on interests is long, detailed and complex. The technical detail is necessary but the repetition is not. It is a patchwork of the former statutory code and the Council's own provisions. The code could be improved by simplifying the rules on interests and setting them out more concisely. For example, avoidable confusion is caused by the use of the terms "disclosable pecuniary interest" and "pecuniary interest" in the same code especially when the differences between the two, including the consequences of breach, are significant.
- 2.4 There is also scope for streamlining and generally improving the complaints procedure. In order to ensure that all complaints are not only dealt with properly but also proportionately, a review of the initial assessment criteria and the scope for informal resolution could be explored to build-in greater flexibility.
- 2.5 The Government has thus far given no indication of how it intends to respond to the formal recommendations of the CSPL. This means that there are no indicative timescales for the changes in legislation needed to implement the recommendations. As a reminder, these include a replacement and updated model code, new categories of interests and the introduction of an objective test for establishing conflicts of interest, abolition of criminal sanctions but introducing a new power of suspension and a statutory register of gifts and hospitality. These changes (if implemented) will be substantial and significant.
- 2.6 In the meantime, however, it is suggested that it would be good practice for the Council to undertake a full review of its code and complaints procedure on its own initiative and make the improvements the law currently permits. The outcome of that review will be reported to this Committee for its consideration before any proposals for change are finalised. Ultimately, revisions to the code have to be approved by Full Council.

IMPLICATIONS AND RISKS

Financial implications and risks:

None in relation to this report.

Legal implications and risks:

Governance Committee, 14 November 2019

These are incorporated into the report.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

Background Papers

None.