

Committee(s) Member Development and Standards Sub-Committee	Date: 15 December 2023
Subject: Members' Code of Conduct	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	6
Does this proposal require extra revenue and/or capital spending?	No
Report of: Comptroller and City Solicitor and Town Clerk and Chief Executive	For Decision
Report author: Edward Wood, Assistant City Solicitor	

Summary

The Civic Affairs Sub-Committee reviewed the Corporation's current Members' Code of Conduct and the Local Government Association ("LGA") Model Councillor Code of Conduct in October 2022. Members expressed a preference to adopt a new hybrid Code combining the more modern drafting of the LGA Code with some of the City specific elements from the Corporation's current Code. A draft of a potential Code was then considered at further meetings of the Civic Affairs Sub-Committee in December 2022 and March 2023, together with some particular areas for discussion. Now that the Member Development and Standards Sub-Committee has responsibility for this area of work, the draft Code is presented for your further consideration and review. Any proposed new Code will need to be the subject of a wider consultation process before going on to the Policy and Resources Committee and the Court of Common Council for adoption.

Recommendation(s)

Members are asked:

- To approve the latest version of the draft Code of Conduct or provide any additional comments;
- To confirm the arrangements for further consultation.

Main Report

Background

1. The Civic Affairs Sub-Committee reviewed the Corporation's current Members' Code of Conduct and the LGA Model Councillor Code of Conduct in October 2022. Members expressed a preference to adopt a new hybrid Code combining the more modern and illustrative drafting of the LGA Code with some of the City specific elements from the Corporation's current Code. A draft of a potential Code was then considered at further meetings of the Civic Affairs Sub-Committee in December 2022 and March 2023, together with some particular areas for discussion.
2. As highlighted at your first meeting in July 2023, your Sub-Committee now has responsibility for this area of work, and the draft Code is therefore presented for your further consideration and review. An updated draft Code that reflects the previous discussions is attached (Appendix 1). A separate document highlighting all of the modifications made to the LGA Code as tracked changes is included for comparison (Appendix 2). The Corporation's current Members' Code of Conduct (Appendix 3) and the LGA Model Councillor Code of Conduct (Appendix 4) are also attached in full for information.
3. Certain relatively straightforward changes to the LGA code include a shorter more tailored introduction, the insertion of paragraph numbers throughout (whilst retaining the existing LGA numbering for the main Code provisions), and changes in terminology such as substituting "Member" for "councillor" and "Corporation" for "local authority". Changes have also been made at various points to reflect the fact that the Town Clerk has traditionally given advice on Code of Conduct matters and played a major role in the registration of interests at the Corporation, supplementing the role of the Monitoring Officer.
4. Other matters previously agreed by the Civic Affairs Sub-Committee in relation to the new Code are as follows:
 - The Code of Conduct should continue to apply to all of the City Corporation's functions and to all of its Members and external Members, whether voting or not;
 - A new provision in relation to charities should be included;
 - The minimum value for gifts and hospitality that must be registered should remain at £100;
 - The existing provisions around cumulative gifts or hospitality worth £200 or more should be retained;
 - The special arrangements for the Lord Mayor and Sheriffs in relation to gifts and hospitality should be retained and extended to the Policy Chair;

- The list of ‘other’ registerable interests should be updated as set out in Table 2 of the draft Code;
 - The current arrangements for declarations and participation where disclosable pecuniary and non-pecuniary interests are engaged should be retained;
 - The International Holocaust Remembrance Alliance (IHRA) definition of Antisemitism should be retained;
 - Training in the Code of Conduct should be mandatory.
5. However, if your Sub-Committee wishes to revisit any of the above matters, or any other aspect of the draft Code, then this report represents an opportunity to do so.

Additional considerations

Mandatory training

6. In relation to training, the Civic Affairs Sub-Committee decided to retain C8.1 from the LGA code in the new draft Code, which states that, “I undertake Code of Conduct training provided by the Corporation”. This would mean that any Member failing to undertake Code of Conduct training would be in breach of the Code. Members will recall that your Sub-Committee also considered this issue as a preliminary matter at your July meeting and were in agreement that Code of Conduct training should be mandatory. A further report to consider the new training arrangements in more detail, together with additional potential measures to supplement the relevant provision in the draft Code, comprises a separate item on your agenda.

Confidentiality and access to information

7. Members will recall that concerns around the leaking of non-public information were raised at both your July and September meetings. As previously advised, both the current Code of Conduct (2(g)-(h)) and the draft Code of Conduct (C4) contain wording relating to confidentiality and access to information. Both sets of provisions are considered to sufficiently address these issues from a drafting perspective. However, a further report looking at these matters in more detail, including additional practical steps that could be taken to supplement the Code requirements, also comprises a separate item on your agenda.

Consultation and next steps

8. Once your Sub-Committee is happy with the draft Code, it will be necessary to consult more widely on the proposals, to include as a minimum all Members and Co-opted Members to whom the Code applies and the Panel of Independent Persons. Once the consultation is complete the proposals can be reported to the Policy and Resources Committee and the Court of Common Council for formal adoption.

Conclusion

9. The Civic Affairs Sub-Committee previously expressed a preference to adopt a new Code of Conduct, combining the LGA Code with some elements of the Corporation's current Code. A potential draft Code was considered by that Sub-Committee in December 2022 and March 2023. An updated draft Code is now attached for further consideration and comment. Once your Sub-Committee is content with the text it will need to be the subject of a wider consultation process before going on to the Policy and Resources Committee and the Court of Common Council for adoption.

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Appendices

Appendix 1 – Draft Code of Conduct

Appendix 2 – Draft Code of Conduct showing tracked changes from LGA Code

Appendix 3 – Current Corporation Code of Conduct

Appendix 4 – LGA Code

Background papers

Report to the Civic Affairs Sub-Committee dated 11 October 2022
Report to the Civic Affairs Sub-Committee dated 6 December 2022
Report to the Civic Affairs Sub-Committee dated 31 March 2023