

APPENDIX 3

For General Release

REPORT TO:	FULL COUNCIL 30 JANUARY 2016
AGENDA ITEM NO:	9
SUBJECT:	RECOMMENDATION OF THE ETHICS COMMITTEE REFERRED TO COUNCIL FOR DECISION
LEAD OFFICER:	Jacqueline Harris-Baker, Acting Council Solicitor and Acting Monitoring Officer
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON: Following consideration by Ethics Committee, Council is recommended to consider the proposed amendments to the Members Code of Conduct for approval, such matters being reserved to Council.	
FINANCIAL IMPACT Implementation of the recommendations contained in this report shall be contained within existing budgets.	
FORWARD PLAN KEY DECISION REFERENCE NO.: N/A	

1. RECOMMENDATIONS

Council is asked to:

- 1.1 Amend the Members' Code of Conduct as set out in Appendix 3A to this report for the reasons set out within the body of the report.

2. EXECUTIVE SUMMARY

2.1 At its meeting of the 23 November 2016, the Ethics Committee received and considered a report setting out proposals for revising the Members Code of Conduct in relation to how gifts and hospitality are to be reported to the Monitoring Officer and declared on the Members' register.

2.2 The Ethics Committee recommend changing the Members' Code of Conduct as set out in Appendix 3A.

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3. DETAIL

3.1 The current Code of Conduct makes provision for members to make declarations subject to statutory requirements and in addition to those disclosable pecuniary interests, places a requirement on Members to declare certain gifts and hospitality received.

3.2 The current Members' Code of Conduct provides as follows in relation to gifts and Hospitality:

"In addition, you must, within 28 days of taking office as a Member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary interests or non-pecuniary interests which the Council has decided should be included in the register. For these purposes, the Council has determined that you will disclose any gift(s) or hospitality the value of which exceeds £50."

3.3 Currently the Code does not take into account that Members may receive a number of smaller gifts/hospitality which of themselves would not amount to £50. However, if regular gifts/hospitality are received from the same donor that could indicate a pattern of behaviour which a member of the public may consider ought to be declared. Following consideration of the declaration of gifts and hospitality register by internal audit, it was recommended that Members be invited to consider updating the code to require members to make a declaration in the circumstances referenced above.

3.4 Ethics Committee Members were invited to consider whether it is appropriate to impose further parameters or disclosure requirements on members where there is a frequency of gifts/hospitality of a lesser value than the £50 threshold such that the accumulated value of gifts from the same person/ organisation may amount to a value which exceeds £50 over a defined period of time. For example where a member receives a number of small gifts/hospitality from a person/organisation over a 12 month period or such time frame as Members consider appropriate.

3.5 Following consideration by Ethics Committee, the Committee determined that the following wording be recommended to full Council for inclusion in the Members' Code of Conduct: *"For these purposes, the Council has determined that you will disclose any gift(s) or hospitality the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period."*

3.6 Accordingly, Council is asked to amend the Members' Code of Conduct as recommended by the Ethics Committee. A copy of the Members Code of Conduct which includes the proposed new wording, is set out at Appendix 3A.

3.7. For Members ease of reference, the Ethics Committee report can viewed via the link:

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<https://secure.croydon.gov.uk/akscroydon/users/public/admin/kab14.pl?operation=SUBMIT&meet=17&cmte=ETH&grpId=public&arc=1>

- 3.8 As part of their consideration of Gifts and Hospitality registration, the Ethics Committee asked the Acting Monitoring officer to write to all members with a reminder on how to ensure that they register their interests. Subject to Full Council adopting the recommendation in this report, the Acting Monitoring Officer will be writing to all members to advise of the changes and remind members of their obligations regarding the registration of interests in accordance with the Members Code of Conduct.

4. CONSULTATION

- 4.1 The Ethics Committee has the role of considering the Code and making recommendations to Council in relation to any proposed updates to the Members' Code of Conduct as detailed earlier within this report.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 There are no financial implications arising from the recommendations within this report

6. COMMENTS OF THE ACTING COUNCIL SOLICITOR AND ACTING MONITORING OFFICER

- 6.1 The Council is required to adopt a Code of Conduct and it is good practice for Members to consider and review the Code to assess whether or not it remains fit for purpose. The Ethics Committee has the role of considering the Code and making recommendations to Council in this regard, Members approval is accordingly sought in relation to the recommendations within this report in relation to gifts and hospitality and the potential cumulative impact of smaller gifts/hospitality.

7. HUMAN RESOURCES IMPACT

- 7.1 There are no HR implications arising from the recommendations within this report.

8. EQUALITIES, ENVIRONMENTAL AND CRIME AND DISORDER REDUCTION IMPACT

- 8.1 There are no equalities, environmental or crime and disorder reduction impacts arising from the recommendations within this report.

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APPENDIX 3A: Members' Code of Conduct as amended.

BACKGROUND DOCUMENTS: None

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 5.I - Members' Code of Conduct*

1. You are a member or co-opted member of the London Borough of Croydon or a Member of the Health and Wellbeing Board and as such you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and truthfulness, leadership and undertake to observe this Code when acting in your capacity as a member or co-opted member.
2. When acting in your capacity as a member or co-opted member:-
 - i) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
 - ii) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you inappropriately in the performance of your official duties.
 - iii) When carrying out your public duties you must make all choices, such as making public appointments, determining applications, awarding contracts or recommending individuals for rewards or benefits, on merit without discrimination or bias.
 - iv) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office as determined by the Council.
 - v) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
 - vi) You must declare any private interests, both pecuniary and non-pecuniary, which relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest. This means you must register and declare the interests set out in paragraph 3 below, in a manner conforming with the procedures set out therein.
 - vii) You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

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viii) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example, including not doing anything which breaches the equalities legislation and observing the Council's Protocol on Staff - Councillor Relations.

3. Registering and disclosing pecuniary and non-pecuniary interests

- i) You must, within 28 days of taking office as a member or co-opted member, notify the Council's Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
- ii) In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's Monitoring Officer of any disclosable pecuniary or non-pecuniary interest which the Council has decided should be included in the register. For these purposes the Council has determined that you will disclose any gift(s) or hospitality the value of which exceeds £50 **or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period.**
- iii) If an interest described in (i) above has not been entered onto the Council's register, or is not pending inclusion on the register following your notification to the Monitoring Officer then you must disclose the interest to any meeting of the Council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹
- iv) Following any disclosure of an interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
- v) Unless a dispensation has been granted, you may not participate in any discussion of, vote on or discharge any function related to any matter in which you have a disclosable pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions the Council places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by the Council.