

## The Ethical Framework

### Questions for Members to consider

1. The draft code of conduct prepared for Standards Committee has retained as many elements of the current code as possible which have been adapted to fit the new statutory framework. Is this the style of code which Members want or would they prefer a much shorter version containing the bare statutory minimum?
2. It is understood that the Local Government Association is considering the adoption of a model code which may emerge in both minimalist and expanded forms. If such model is reasonable in style and format and meets Members requirements as stated in relation to Question 1 above, would Members prefer to use that model which may be adopted widely, rather than a bespoke Haringey version?
3. The Act prescribes how **disclosable** pecuniary interests must be registered and disclosed. However it is left to authorities to include in their codes whatever they consider appropriate in respect of the registration and disclosure of other pecuniary and non-pecuniary interests. In the draft code those matters which are personal interests under the current code have been broken down into 'other pecuniary interests' and 'non-pecuniary interests'. Are Members happy with this approach?
4. The Act requires registration of disclosable pecuniary interests, but once registered there is no requirement to make further disclosures at meetings even though the Member would not be able to remain or participate during the conduct of that business. Are Members satisfied with this or would they prefer disclosures at meetings on each occasion a disclosable pecuniary interest arises, whether or not it is registered?
5. Subject to views on Question 4 above, are Members happy with the same registration/disclosure arrangements for all forms of interest?
6. The Act provides that a pecuniary interest of a Member's spouse or civil partner or a person living with the Member as a spouse or civil partner is a disclosable pecuniary interest if the Member is aware of it. However there is no test of reasonableness attached and a Member would not have to declare an interest because he/she is unaware even though a reasonable person would have been aware. Are Members satisfied that this is sufficient or should this be extended to cover interests of which the Member is aware or 'ought reasonably to be aware'? If included in the code, whilst failure to disclose such interest of which a Member is aware would be both a criminal offence and a breach of the code, failure to disclose an interest of which the Member ought reasonably to be aware would be only a breach of the code.

7. The Act removes the requirement for Members to agree to comply with the code of conduct when signing the declaration of acceptance of office. However the Council could still require Members to give a written undertaking to do so which would not carry any legal obligation but would give Members cause to reflect upon the serious nature of their undertaking to act in accordance with the code at all times when acting as a Member. Do Members wish to give such an undertaking?
8. The Council is required to appoint at least one 'Independent Person' (IP). Should we appoint just one or would it be best to have one IP plus one or more deputies who could stand in if the IP is unavailable or conflicted?
9. The duties of the IP in the Localism Act are to give his/her views when they are sought before the authority makes a decision on an allegation it has decided to investigate; to the authority at other points in the process; to a Member the subject of an allegation. Should the IP have a role in the wider promotion of high standards of conduct by being co-opted onto the Standards Committee?
10. Should the IP and any deputies be paid an allowance? Should the IP attract an additional allowance if co-opted to the Standards Committee?
11. Draft arrangements for dealing with allegations of failure to comply with the code have been assembled from a combination of the current statutory arrangements with modest improvements borne from experience, the principles of natural justice and general best practice in complaints procedures. As with the Code of Conduct, the Local Government Association may produce model arrangements. If such model is reasonable in style and format would Members prefer to use that model which may be adopted widely, rather than a bespoke Haringey version?
12. Turning to the detail of the draft arrangements, are Members happy with the Monitoring Officer determining that an allegation does not merit any further action on the stated grounds which are largely factually based or would Members prefer all allegations to go before an Assessment Sub-Committee?
13. The current statutory system has been curtailed somewhat by the elimination of the Review Sub-Committee role. The procedure proposed is regarded as sufficiently robust without this element. Do Members agree?
14. It is proposed that the Standards Committee has two sub-committees, the Assessment Sub-Committee and the Hearing Sub-Committee and that Members be appointed on to these sub-committees based on political balance as far as possible, and there be a quorum of three, for

the committee and sub-committees. Do Members consider this to be satisfactory?

15. For the elimination of doubt, a Member who has sat on an Assessment Sub-Committee will not be precluded from sitting on a Hearing Sub-Committee considering the same allegation as attendance at the former will not prejudice attendance at the latter. Do Members support this approach?
  
16. Under the Localism Act there are five grounds upon which Members with disclosable pecuniary interests may be granted dispensations to participate and vote. It is proposed that the new Standards Committee only should determine applications upon three of the grounds, where without the dispensation the representation of different political groups would be so upset as to alter the likely outcome of any vote; where granting the dispensation is in the interests of persons living in the borough; and where it is otherwise appropriate to grant a dispensation. In addition to the Standards Committee it is suggested that the Monitoring Officer could also be authorised to determine applications on the other two grounds, where without the dispensation so many Members would be prohibited from participating that the transaction of the business would be impeded (ie the meeting would be inquorate), and similarly in relation to Cabinet where each Member would be prohibited from participating. Delegation to the Monitoring Officer would enable dispensations to be granted 'at the door of the meeting' which could not be achieved if the power rested with the Standards Committee. Are Members satisfied with these proposals?