

Council

28 March 2019

Agenda Item 96

Brighton & Hove City Council

Subject:		Review of parts of the Council's Constitution, including the Code of Conduct for Members and related arrangements	
Date of Meeting:		28 March 2019 12 March 2019 – Audit & Standards Committee	
Report of:		Executive Lead Officer - Strategy Governance & Law	
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 29-1500
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Ward(s) affected:		All	

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 To comply with its obligations under the Localism Act 2011, the Council first adopted a new Code of Conduct for Members in July 2012. That Code and other parts of the authority's arrangements have since been reviewed and updated so as to ensure that they remain current and relevant as a key element of the council's ongoing commitment to maintaining high standards of conduct.
- 1.2 In January 2019, this Committee determined that a limited review of the Code of Conduct would be appropriate as a means of considering whether to incorporate into the Code an explicit prohibition on breaching certain provisions in the Equality Act 2010. A cross party working group of members was considered to be the best possible means of progressing this, and that group was convened, joined by both of the council's two independent persons. At the same time, it considered proposals to review the other related arrangements referred to in this Report.
- 1.3 This Report places before members the outcome of the work done by the cross party working group to review proposals to update and/or clarify some parts of the existing arrangements in the Code and related documents. This Committee is invited to review the appendices to this Report before referring them to full Council for approval.

2. RECOMMENDATIONS:

- 2.1 That **Audit & Standards Committee** refer the draft revised documents appended here at Appendix 1 (the Code of Conduct for Members), Appendix 2 (the Practice note on Publicity and the Use of Council Resources) and Appendix 3 The Code of Conduct for Member/ Officer Relations to full Council for approval.
- 2.2 That **Full Council** approve the Appendices 1, 2 and 3 referred by Audit & Standards Committee with immediate effect.

- 2.3 That **Full Council** grant delegated authority to the Monitoring Officer to publish the changes in the Council's Constitution and to make any necessary or incidental changes he considers necessary to give effect to them.

3. BACKGROUND INFORMATION

The Code of Conduct for Members

- 3.1 The proposed changes at Appendix 1 are limited. They seek firstly to make explicit the expectation that members will not act in such a way as to discriminate on the basis of one of the protected characteristics. Secondly they seek to articulate the expectation that members shall 'promote equality in their actions and behaviours'. This new provision was considered by the working group to be a proportionate response both to the Fawcett Society Report (referred to in the last Report on this topic to the Committee) and generally.

The Practice Note on Publicity and the Use of Council Facilities

- 3.2 The proposals to amend the above Practice Note detailed in Appendix 2 include changes to reflect current usage of available technology, including a greater reliance on email and a lessened recourse to council stationery and landline telephones. In addition, the suggested amends include explicit reference to the council's IT acceptable use policy, which binds all users of the council's IT, and otherwise seeks to clarify the Note so to make it as relevant as possible to the role which members play and the potential issues which may arise.

The Code of Conduct for Member/ Officer Relations

- 3.3 The proposed changes to the Code of Conduct for Member/ Officer Relations at Appendix 3 aim mainly to update it with specific reference to the GDPR and the Data Protection Act 2018 and to ensure that the framework takes into account current data privacy demands and expectations.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council is obliged under the Localism Act to make arrangements for maintaining high standards of conduct among members and to make arrangements for the investigation of complaints. The proposals outlined in this report and in the appended documents have been mooted with this aim in mind. No alternative options are mooted.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 No requirement to consult with the local community has been identified.

6. CONCLUSION

- 6.1 Members are asked to note the contents of this Report and to recommend the suggested amendments in Appendices 1, 2 and 3 to full Council for approval.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

7.1 There are no financial implications arising from this report.

Finance Officer Consulted: Nigel Manvell

Date: 20/02/19

Legal Implications:

7.2 These are covered in the body of the report

Lawyer Consulted: Victoria Simpson

Date: 12/2/19

Equalities Implications:

7.3 There are no equalities implications arising from this report

Sustainability Implications:

7.4 There are no sustainability implications arising from this report

Any Other Significant Implications:

7.5 None

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1: Code of Conduct for Members – showing proposed amendments as tracked changes

Appendix 2: Practice Note on Publicity and the Use of Council Resources – showing proposed amendments as tracked changes

Appendix 3: The Code of Conduct for Member/ Officer Relations – showing proposed amendments as tracked changes

Documents in Members' Rooms:

None.

Background Documents:

None.