Council	Agenda Item 31
21 October 2010	Brighton & Hove City Council

Subject:		**Review of the Code of Conduct for Member/Officer Relations**		
Date of Meeting:		**21 October 2010 - Council** 14 September 2010 – Standards Committee		
Report of:		**Acting Monitoring Officer**		
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Wards Affected:	All			

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 This report sets conclusions of the Working Group set up to review the Council's Code of Conduct for Member/Officer Relations, and recommends the adoption of a revised Code.

2. RECOMMENDATIONS:

2.1 That the Standards Committee recommends to the Council that the revised Code of Conduct for Member/Officer Relations set out in Appendix 1 to the report be adopted.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Between October 2008 and March 2009 the Audit Commission undertook a review of governance in Brighton & Hove. The review was based on the Good Governance Standards for Public Services developed by the Independent Commission on Good Governance in Public Service. It included a recommendation to "Review the framework for member and officer relations and the related arrangements to ensure that they are understood and followed in practice."

3.2 At its meeting on 22 June 2010 the Committee agreed to set up a working group to review the Code of Conduct for Member/Officer Relations. The Chairman together with Councillors Lepper, Mrs Theobald and Watkins agreed to serve on the Group.

3.3 The Group met twice, in July and August, and identified some areas of concern. It proposed that a revised Code be adopted, as shown in Appendix 1. The recommended changes are shown in italics.

3.4 **Issues Considered:**

Co-opted members

3.4.1 The existing Code does not make it clear whether it applies to co-opted members as well as elected members. The Group saw no reason why the Code should not apply and therefore recommended an addition to the Introduction at paragraph 1a) to make the position clear.

Employee Volunteering Scheme

3.4.2 The Council has recently approved an Employee Volunteering Scheme. It allows employees paid time off to work for a local voluntary or community organisation. There is clearly scope for employees to come into contact with Members while volunteering. The Group considered that Members and Officers need to be reminded that the Code would apply in this situation – hence the suggested addition to paragraph 2a)

Political Assistants

3.4.3 The Council employs 3 political assistants. Their existence is not acknowledged in the existing Code, let alone their unique position regarding political activity. It was therefore deemed appropriate to add a brief paragraph at 4g).

Keeping Members informed

3.4.4 Elected members cited a number of examples where they had not been made aware of significant events happening in their wards. They therefore wanted paragraph 6a) strengthened to remind officers of the need to keep them informed.

Harassment and bullying

3.4.5 The council has recently adopted a Dignity & Respect at Work Policy. Instead of reporting alleged bullying and harassment by Members to line managers, employees may choose to use the less formal Dignity & Respect policy. A reference to this has therefore been included in paragraph 13 c).

Updating

3.4.6 Since 17 January 2010 the Standards Board has no longer been able to impose sanctions for a breach of the Code of Conduct. That power now rests with the First Tier Tribunal. Accordingly references to the Standards Board have been replaced with references to the First Tier Tribunal.

3.5 The Working Group noted that the Government had announced its intention to make changes to the Freedom of Information Act. It considered that no substantive changes should be made to Appendix 1 – Access to Information – the “Need to Know” until the legislation had been published.

4. CONSULTATION:

4.1 The proposed changes to the Code have been the subject of consultation with the independent Chairman of the Standards Committee and three elected Members. The Monitoring Officer attended both meetings of the Working Group.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no direct financial implications arising from the recommendations of this report.

Finance Officer consulted: Anne Silley *Date: 24 August 2010*

Legal Implications:

5.2 The Code of Conduct for Member/Officer Relations is one of a number of documents comprising the council's constitution. With limited exceptions, all changes to the constitution must be approved by full council.

Lawyer consulted: Liz Woodley *Date: 24 August 2010*

Equalities Implications:

5.3 There are no direct equalities implications arising from the report.

Sustainability Implications:

5.4 There are no sustainability implications arising from this report.

Crime & Disorder Implications:

5.5 There are no crime and disorder implications arising from this report.

Risk and Opportunity Management Implications:

5.6 There are no risk or opportunity management implications arising from this report.

Corporate / Citywide Implications:

5.7 There are no corporate/citywide implications arising from this report.

SUPPORTING DOCUMENTATION

Appendices:

1 Revised Code of Conduct for Member/Officer Relations.

Background Documents:

1 None.

Documents In Members' Rooms:

1 None.