

Joint Standards Committee

31 January 2018

Report of the Monitoring Officer

Review of the Code of Conduct

Summary

1. This report advises Members of the work of a working group established by the Committee to review the City Council's code of conduct for Councillors. The Committee are asked to endorse the proposed revisions.

Background

2. Following the implementation of the Localism Act 2011 Councils became responsible for preparing and adopting their own codes of conduct. The City Council adopted a code based on the former national code, adapted to reflect the new arrangements in respect of disclosable pecuniary interests and with some locally agreed provisions to address issues the Committee had experienced with the previous code.
3. The new Code was reviewed and minor changes made in 2015 but in August 2017 the Committee decided to undertake a more significant review. A working group was established which has met on three occasions. The group has decided to recommend the changes to the code shown in at Annex one. The group also recommends that the Committee endorse accompanying guidance to the code which is set out at Annex two.
4. The key changes which are proposed are:
 - To incorporate the principles upon which the code is based within the Code. Currently the code makes reference to these principles (based on those approved by the Nolan Committee) but the recommended change adds more descriptive text as to what those principles mean (paragraph 1(1)).

- While the Code can only be enforced in respect of Members' behaviour when acting as such, the revised draft includes a statement that the Council expects the principles to be followed by Members in their private lives (paragraph 1(2)).
- The current code describes some circumstances where a Member will be regarded as acting as such. Additional examples of such circumstances have been added (paragraph 2(3)).
- A new expectation of Members has been added – that they will comply with the Council's protocol on member/officer relations (paragraph 4(2))
- The specific reference to bullying and intimidation has been removed. The working group feels that such behaviour would breach both the requirement to treat others with respect and the new requirement to comply with the protocol on member/officer relations.
- The current requirement to give reasons for decisions now only refers to circumstances where that is a legal requirement. This requirements was formerly incorporated within a provision requiring regard to be had to statutory officer advice. The two provisions now appear separately (paragraph 4(11)).
- The draft makes it clear that the requirement to register disclosable pecuniary interests after being elected is a legal one and confirms that the Council requires these to be updated within 28 days of a change occurring (Paragraph 5)
- The draft makes it clear that a registered disclosable pecuniary interest will also be a personal interest under the code. This is considered necessary as some recent case law suggest that a restricted interpretation should be adopted when considering whether a Councillor has a disclosable pecuniary interest in Council business. (Paragraph 7(2))
- The definition of prejudicial interests has been changed to make it clear that the interests of a close associate may be prejudicial. (Paragraph 7(4))

- The schedules to the revised code makes it clear which interests are required to be registered by law and which under the Code
 - Specific reference is made to the Civic party making it clear that the Council does not require the Lord Mayor or other Councillors who are members of the civic party to register gifts or hospitality received in their civic role.
5. Only full Council can approve the adoption of a new code of conduct. The accompanying guidance is a matter for the Committee and can be amended as frequently as the Committee considers necessary.

Recommendations

6. Members are recommended to:
- 1) Recommend that the City Council adopt as the revised code of conduct set out at annex one
 - 2) Agree the guidance set out at annex two and ask the Monitoring Officer to ensure that every Member and co-opted member is provided with a copy

Reason: To ensure that the Council has an appropriate code of conduct in place and that Members are supported to comply with its requirement.

Contact Details

Author:

Andrew Docherty
Monitoring Officer
Customer and Business
Support Services
Tel No. 01904 551004

**Report
Approved**



Date 22/11/17

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annexes:

Annex One – Revised draft code of conduct

Annex Two – Revised draft code of conduct with guidance