

SUBJECT:	MEMBER CODE OF CONDUCT AND CONSTITUTIONAL AMENDMENTS
DIRECTORATE:	CHIEF EXECUTIVE AND TOWN CLERK
REPORT AUTHOR:	CAROLYN WHEATER, CITY SOLICITOR

1. Purpose of Report

- 1.1 To consider a revised version of the Member Code of Conduct, which incorporates aspects such as harassment, bullying, social media use and acting in an official capacity as recommended by the Ethics and Engagement Committee.

To consider other revisions to the Council's Constitution.

2. Background

- 2.1 The Ethics and Engagement Committee at its meeting on 14 March 2019 considered a report by the Committee on Standards in Public Life following a review of standards arrangements in local government. The report comprised 26 recommendations to Government which the Committee on Standards in Public Life felt would enable councillors to be held to account effectively and would enhance the fairness and transparency of the standards process. The report also contained examples of good practice following a number of cases studies from across the country.
- 2.2 It was resolved at the meeting on 14 March 2019 that a review of the Member Code of Conduct be undertaken and that its scope be widened to include aspects such as harassment, examples of bullying, links to official capacity and social media use. An extract of the minutes from this meeting are attached at Appendix B to this report.

There will be a commitment to training on the revised code of conduct during the year and be integrated as part of the members development programme.

- 2.3 The Council's City Solicitor and Monitoring Officer undertook a review of the Member Code of Conduct, in line with the resolution of the Ethics and Engagement Committee. A revised version of the Member Code of Conduct was considered by the Ethics and Engagement Committee at its meeting on 30 September 2019 and recommended this to Council for approval. An extract of the minutes from that meeting is attached at Appendix A and a revised version of the Member Code of Conduct is attached at Appendix B.

3. Other Constitutional Amendments

Disciplinary Procedure and Guidance – Joint Negotiating Committee Conditions of Service

- 3.1 In May last year, all Local Authorities received a letter from the Joint Negotiating Committee for Chief Executives of Local Authorities, reminding Councils to ensure that all elements of the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015 had been addressed and formed part of Standing Orders within the Council's Constitution.
- 3.2 Whilst the Council duly complied with the above Regulations (which also apply to the Section 151 Officer and the Monitoring Officer) and confirmed the Council had in place a Member Investigatory Committee, an Appeals Committee and appointment of independent members, at that time the Council did not delegate the power to an elected member to suspend the Chief Executive immediately in the event of an emergency. In reviewing the requirements alongside the content of the letter from the Joint Negotiating Committee for Chief Executives of Local Authorities, it is apparent that such a delegation needs addressing. A number of other authorities across the country have also inadvertently omitted this aspect from their processes and procedures.
- 3.3 It is therefore considered appropriate that the Leader of the Council is given the designated power to suspend the Chief Executive immediately in the event of an emergency.
- 3.4 All other aspects of the process under the 2015 Regulations, as outlined above, will remain unchanged.
- 3.5 With regards to the Member Investigating and Disciplinary Committee, whilst Council formally approved such a Committee in 2007 there is, however, no actual reference to this in the Constitution. The Constitution will therefore be amended to formally recognise the existence of a Member Investigatory and Disciplinary Committee.
- 3.6 As the Council has never had cause to use this Committee, there is no proposal to allocate members to it at this stage. Membership will be requested as and when the Committee is ever called. It is important to note, with regards membership of that Committee that disciplinary and capability issues are non-executive functions.

4. Organisational Impacts

4.1 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

These issues have been taking into consideration in the writing of this report.

5. Recommendation

- 5.1 That the revised Member Code of Conduct be recommended to Council for approval.
- 5.2 That the Leader of the Council be given the power to suspend the Chief Executive, immediately in the event of an emergency.
- 5.3 That Council approves the amendments to the Constitution to formally record the existence of the Member Investigating and Disciplinary Committee.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? Two

List of Background Papers: None

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