

Subject:	Review of the Code of Conduct for Members		
Date of Meeting:	8th January 2019		
Report of:	Monitoring Officer		
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 This report is made pursuant to a recommendation of the Policy Resources and Growth Committee made on 6 December 2018, following consideration of the actions taken by the Council in response to a Notice of Motion presented in April 2018.
- 1.2 While the Report to Policy, Resources and Growth Committee made a number of recommendations, this Committee's attention is drawn specifically to the recommendation that the Council's Code of Conduct for Members be amended.

2. RECOMMENDATIONS

That this Committee ask an informally constituted cross-party group of members to generate proposed revisions to the Code of Conduct for Members for a future meeting of this Committee to consider. If those meet with this Committee's approval, then they may be recommended for full Council approval.

3. BACKGROUND INFORMATION

- 3.1 The Report 'Does Local Government Work for Women?' was published in July 2017 by the Fawcett Society in conjunction with the Local Government Information Unit. The culmination of a year-long study into the challenges facing women in local government, it made a number of recommendations.
- 3.2 The Notice of Motion presented to full Council on 19 April 2018 requested amongst other things that 'the Audit & Standards Committee consider adding sexual harassment and sex discrimination policies to the Code of Conduct.'
- 3.3 Following the passing of the above motion, steps were taken to incorporate a number of the recommendations made by the Fawcett Society's Report which were relevant to local authorities. The above-mentioned Report to the Policy Resources & Growth Committee detailed the council's response which involved amongst other things petitioning the Government and referring other topics for further discussion.

- 3.4 The recommendation in the Notice of Motion highlighted at para 3.2 above was the subject of the following comment in the Report to Policy Resources and Growth Committee:

‘The Fawcett report recommended that Councils be clear in Codes of Conduct that Councillor behaviour is governed by the prohibition of sex discrimination in the Equality Act 2010 and that there should be a requirement for Councillors to promote equality in their actions and behaviour. A report will be submitted for the Audit & Standards Committee in January with recommendations.’

4. **SEX DISCRIMINATION AND THE COUNCIL’S CODE OF CONDUCT FOR MEMBERS**

- 4.1 The Equality Act 2010 provides amongst other things that a person must not be discriminated against because:
- they are (or are not) a particular sex
 - someone thinks they are the opposite sex (discrimination by perception)
 - they are connected to someone of a particular sex (this is known as discrimination by association)

In the Equality Act, sex may mean either male or female. It may describe a group of people like men or boys, or women or girls.

- 4.2 There are four main types of sex discrimination: direct discrimination, indirect discrimination, harassment and victimisation. Conduct amounting to sex discrimination may occur in a range of situations, and has potential to give rise to criminal prosecution.
- 4.3 The Code of Conduct as currently drafted requires members to maintain high standards of conduct, and to comply with the seven principles of public life. The Code places a specific requirement on members of the Council to act respectfully and specifically prohibits them from acting either in a way which could reasonably be regarded as bringing their office or authority into disrepute, or (amongst other things) in a way which is bullying or intimidatory.
- 4.4 Although the requirement that members do not cause the Council to breach its equalities duties is made explicit in the Code, the requirement that members do not act in such a way as to breach the provisions of the Equalities Act 2010 themselves is not made explicit. Although it is likely that a member who committed sex discrimination would be found to have breached the Code, there is no specific reference to sex discrimination in the Code currently.
- 4.5 It is suggested that an informally constituted cross party working group of members of this Committee may be asked to suggest draft revisions to the Code and relevant related documents. It is proposed that a Report will be brought back to this Committee asking it to recommend any such changes for approval, this in accordance with the requirements of the Council’s Constitution.

5. **ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 5.1 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 current arrangements and the proposals in this Report reflect this. No alternative proposals are suggested.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 No need to consult with the local community has been identified.

7. CONCLUSION

- 7.1 Members are asked to review the proposals in this Report, which aims to assist the Committee in discharging its responsibilities for overseeing that high standards of conduct are maintained by Members.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 There are no additional financial implications arising from the recommendation in this report. All activity referred to has been and can be, met from existing budgets and resources.

Finance Officer Consulted: Nigel Manvell

Date: 06/12/18

Legal Implications:

- 8.2 These are covered in the body of the Report.

Lawyer Consulted: Victoria Simpson

Date: 19/12/18

Equalities Implications:

- 10.3 There are no equalities implications arising from this Report

Sustainability Implications:

- 10.4 There are no sustainability implications arising from this Report

Any Other Significant Implications:

- 10.5 None

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms:

None

Background Documents:

Fawcett Society, Does Local Government Work for Women? Final report of the Local Government Commission, July 2017