

Subject:	Review of the Code of Conduct		
Date of Meeting:	14th January 2020		
Report of:	Head of Law and Monitoring Officer		
Contact Officer:	Name:	Victoria Simpson	Tel: 01273 294687
	Email:	Victoria.Simpson@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report seeks to update Members on the work done by the cross party Member Working Group which this Committee set up on a 'task and finish' basis to review the Council's arrangements in light of the best practice recommendations of the Committee on Standards in Public Life's [Review of Local Government Ethical Standards](#). This Committee's approval is sought in relation to proposals to amend certain aspects of this authority's arrangements, including the Code of Conduct for Members which forms part of the Council's Constitution and which requires full Council approval.

2. RECOMMENDATIONS:**Audit and Standards Committee:**

- 2.1 That this Committee recommend to Full Council that it approve the changes proposed in para 3.4 and reflected in Appendix 2
- 2.2 That the proposed changes to the Procedure for Dealing with Allegations of Breaches of the Code of Conduct recommended at para 3.5 below and reflected in Appendix 3 be agreed.

Full Council:

- 2.1 That Full Council approve the changes recommended in para 3.4 and reflected in Appendix 2.

3. CONTEXT/BACKGROUND INFORMATION**THE REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE ('the CSPL') INTO LOCAL GOVERNMENT STANDARDS**

- 3.1 The Committee on Standards in Public Life ('the CSPL') took evidence in 2018 and published its detailed Report in January 2019. The headline recommendations included amongst other things making available the sanction

of elected members being suspended for up to 6 months for a failure to declare a disclosable pecuniary interest. The CSPL also recommended that the law be changed so as to remove the requirement that councillor's home addresses be published on their register of interests and further proposed that a rebuttable presumption be created that a councillor's behaviour in public should normally be deemed to be in an official capacity, this although an individual's behaviour in private would remain outside the Code.

- 3.2 The recommendations highlighted in 3.1 above would require Parliament to enact legislation before the changes could be implemented. In light of this, the Members Working Group focused instead on the 15 best practice points which the CSPL also included in its Report with a recommendation that local authorities consider adopting them. These measures do not require legislative change to be implemented and the CSPL's recommendation is that authorities consider making those changes in the short term.

GAP ANALYSIS & PROPOSALS

- 3.3 Appended here as Appendix 1 is a gap analysis. It provides an indication of the process whereby the Working Group reviewed the best practice recommendations in the CSPL report against this authority's current arrangements, and includes the position which that Group took.

- 3.4 It will be noted that many of the best practice points recommended in the CSPL report have already been implemented at least in part by this authority. Where that is not the case, the members of the cross party Working Group were able to achieve consensus and to recommend some changes to the Code of Conduct for members. A tracked changes version of the current Code is appended as Appendix 2. The proposed amendments would incorporate the following changes:

- Explicit reference would be made in the Code to harassment over and above harassment which is based on a protected characteristic (which is already caught by the current Code).
- The inclusion of illustrative (but not limiting) examples of the sorts of behaviour which might be deemed to amount to bullying and/or harassment.
- That additional transparency be achieved in relation to any gifts and/or hospitality received by members. The change would provide that where any gifts and/or hospitality are received in any given year from a single source which are individually under the £50 threshold but together total more than £100, then those must be notified to the Monitoring Officer.
- Explicit reference to an expectation that a review of the Code be initiated when necessary, but in any event not less than every 3 years.

- 3.5 In addition, one change was proposed to the Procedure for Dealing with Allegations of Breaches of the Code of Conduct by Members. This would ensure that it provides reassurance by making explicit reference to the arrangements which are put in place where potential or actual conflicts of interest arise during the determination of a complaint against a member. The amended version of that document is appended as Appendix 3, again as a tracked changes document.

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

5. COMMUNITY ENGAGEMENT & CONSULTATION

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

6. CONCLUSION

- 6.1 Members are asked to note the contents of this Report, which aims to assist the Committee in discharging its responsibilities for overseeing that high standards of conduct are maintained in a way which is compliant with local requirements.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising from this report.

Finance Officer Consulted: James Hengeveld

Date: 09/12/2019

Legal Implications:

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

Lawyer Consulted: Victoria Simpson

Date: 03/12/2019

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:

1. Gap analysis
2. Code of Conduct for Members (tracked changes)
3. Procedure for Dealing with Allegations of Breaches of the Code of Conduct for Members (tracked changes)

Background Documents:

1. Local Government Ethical Standards: A Review by the Committee on Standards in Public Life:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF