

**BRISTOL CITY COUNCIL**

**Audit Committee**

**8<sup>th</sup> November 2013**

**Report of:** Service Director, Legal and Democratic Services

**Title:** Update on Code of Conduct matters

**Ward:** All

**RECOMMENDATION**

To note the summary of cases considered in the last quarter.

**Summary**

The Localism Act 2011 removed the requirement for the Council to have a Standards Committee. Full Council therefore delegated investigations of alleged breaches of the Code of Conduct to the Monitoring Officer and, where necessary, hearings to be held by Audit Committee. Since the last quarterly update, no hearings have been held under the new procedure but four complaints have been dealt with by the Monitoring Officer.

**The significant issues in the report are:**

As set out in the report.

**Policy**

Not applicable

**Consultation**

None

**Context**

1. After consideration of information provided in response to an alleged breach of the Code of Conduct, the Monitoring Officer may make one of three decisions;

- (i) Decide that no action should be taken- with reasons for this decision OR
- (ii) Take other action OR
- (iii) Refer the matter for investigation

2. If there is no finding of a breach of the Code of Conduct then that is an end to the matter.

If there is a finding of a breach and the Monitoring Officer is unable to negotiate an informal resolution between the parties then the matter is referred to Audit Committee for consideration.

3. Since the last quarterly update, four complaints have been received and resolved by the Monitoring Officer, in consultation with the Independent Person appointed by Audit Committee. See schedule attached at Appendix 1.

### **Other Options Considered**

None- the procedure for dealing with complaints alleging a breach of the Code of Conduct for Members is required under the Localism Act 2011.

### **Public Sector Equality Duties**

Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
  - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
  - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
  - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
  - tackle prejudice; and
  - promote understanding.

## **Legal and Resource Implications**

As described above.

## **APPENDICES**

Appendix 1 - Quarterly report - Complaints against Councillors 2013

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

### **Background Papers:**

None

**QUARTERLY REPORT - COMPLAINTS AGAINST COUNCILLORS 2013**

<b>Case Reference</b>	<b>Date Received</b>	<b>Complaint Summary</b>	<b>Paragraphs allegedly breached</b>	<b>Independent Person consulted?</b>	<b>Conclusion</b>	<b>Date Closed</b>
Aug2013/01	13/08/2013	Accountability	<ul style="list-style-type: none"> <li>• Leadership</li> </ul>	Yes	Mediation completed 28/10/13	29/10/2013
Sept2013/01	04/09/2013	Inappropriate use of councillor referral process	<ul style="list-style-type: none"> <li>• Selflessness</li> </ul>	Yes	Member has right under constitution to refer planning decision to committee rather than allow officer to take delegated decision	06/09/2013
Sept2013/02	03/10/2013	Conflict of interest	<ul style="list-style-type: none"> <li>• Integrity</li> <li>• Objectivity</li> <li>• Leadership</li> </ul>	Yes	Planning matter – Member not part of decision making process so entitled to challenge decision of planning committee	08/10/2013
Sept2013/03	07/10/2013	Conflict of interest	<ul style="list-style-type: none"> <li>• Integrity</li> <li>• Objectivity</li> <li>• Leadership</li> </ul>	Yes	Planning matter – Member not part of decision making process so entitled to challenge decision of planning committee	09/10/2013
Sept2013/04	08/10/2013	Conflict of interest	<ul style="list-style-type: none"> <li>• Integrity</li> <li>• Objectivity</li> <li>• Leadership</li> </ul>	No	Member not involved in issue complained of	29/10/2013