

Values and Ethics Sub-Committee  
18<sup>th</sup> September 2018



**Report of:** Director of Legal & Democratic Services (Monitoring Officer)

**Title:** Recommendations to inform the first meeting of the Values & Ethics Sub-Committee

**Ward:** Citywide

**Officer presenting report:** Nancy Rollason, Head of Legal Service

**Recommendation**

**That the committee notes the recommendations in the report:**

- 1. To meet twice a year on a planned basis to consider regular business as set out in the terms of reference, including an annual review of the Member's Code of Conduct, the procedure for dealing with allegations of breach, Member dispensations and officer reports in relation to Member training on ethical standards.**
- 2. To meet on an ad hoc basis to hear allegations of a breach of the code of conduct referred by the Monitoring officer.**
- 3. As part of the diarised meetings to receive and review a report setting out summaries of the complaints received during the preceding 6 months.**

**Summary**

**The Values and Ethics sub-committee was established by the Audit committee on the 26<sup>th</sup> July 2018 following approval by Full Council on the 17<sup>th</sup> July of the sub committee's terms of reference.**

**This report sets out recommendations for managing the business of the committee as provided by the Terms of reference.**



## Policy

The Values & Ethics Sub-Committee will take over some of the functions previously undertaken by the Audit committee and will support the Authority's duty to promote and sustain high standards of conduct within the council. It will oversee the process for dealing with complaints against members under the code of conduct; this may include recommending, to Full Council, changes to the processes where that is felt to be appropriate.

## Consultation

### 1. Internal

Deputy Mayor, Monitoring Officer, Deputy Monitoring Officer, Section 151 Officer, Party Group Leaders

### 2. External

Not applicable.

## Context

On the 26<sup>th</sup> July 2018 the Audit committee established the Values and Ethics Sub-Committee in line with the Terms of Reference agreed by Full Council on the 17<sup>th</sup> July 2018 (at Appendix A).

The meeting agreed that membership of the sub-committee for 2018-19, would comprise 4 councillors. The sub-committee would be chaired by 1 of the 2 independent members of the Audit Committee.

The meeting directed that arrangements be made for an inaugural meeting of the sub-committee. *Subsequent to the meeting, the Independent members agreed that Adebola Adebayo would be proposed as the Chair of the sub committee*

The inaugural meeting of the Sub-Committee is being held on the 18<sup>th</sup> of September and the business at that first meeting will include the pattern of meeting and the type of business the sub-committee will undertake in accordance with its terms of reference.

A key function of the Sub-committee will be to act as the hearing panel to consider the outcome of investigations of allegations of Breach of the Member Code of Conduct, "where these are referred to them by the Monitoring Officer, and the imposition of sanctions as appropriate in accordance with the law, the Council's Constitution and relevant procedures adopted by the Council".

The Committee will need to meet on an ad hoc basis to consider such referrals.

The Sub-committee is also responsible for "the adoption, implementation and maintenance of a procedure for dealing with allegations of breach of the Member Code of Conduct; including monitoring and review and amending it from time to time as the Committee sees fit".

The council currently has an adopted code and a process for dealing with complaints and the sub-committee may wish to consider whether and if so at what point it wishes to review the code and complaints process.

The Sub-committee will also advise the Council on the adoption and operation of the Member Code of Conduct, and make recommendations for change if considered necessary. It is recommended that this is done on an annual basis.

The Sub- committee terms of reference also include oversight of training for all members in the ethical standards and the operation of the Member Code of Conduct and ensuring it is well publicised both within and outside the Council.

Lastly, in order to fulfil its role of oversight of the code and complaints process at BCC It is recommended that the committee review on a bi-annual basis the complaints received and the outcomes. The Monitoring Officer will take responsibility for the production of this report on a bi-annual basis.

It is recommended that the Committee meets twice a year on a planned basis to undertake the work set out above and on an ad hoc basis to consider any cases referred by the Monitoring officer.

### **Other Options Considered**

3. None necessary.

### **Risk Assessment**

4. The need to independently review the risk, governance and control framework environment is pivotal to the effective operations of the Council's functions.

Failure to maintain and, where required, improve this environment will not only impact on the proper practices of the Council, but will also be in breach of the Accounts and Audit Regulations 2015 and may attract an adverse opinion from the External Auditor.

### **Public Sector Equality Duties**

- 8a) 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:
  - i) 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.

8b) No equality impact anticipated from this report.

## **Legal and Resource Implications**

### **Legal implications:**

The establishment of a Values and Ethics Sub-committee assists the Council to comply with duties under The Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the Authority, including the duty to make arrangements to ensure that there is a process in place to investigate and make decisions in respect of allegations against members.

Nancy Rollason  
Head of Legal Service

### **Financial:**

**(a) Revenue**  
Not applicable.

**(b) Capital**  
Not applicable.

**Land/Property**  
Not applicable.

**Human Resources**  
Not applicable.

### **Appendices:**

Appendix A – Updated terms of reference for the Audit Committee, including terms of reference for the Values & Ethics Sub-Committee

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

### **Background Papers:**

