

Values and Ethics Sub Committee

21st January 2019



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

Title: Recommendations to inform the Work plan for the Values & Ethics Sub-Committee for the 2019/20 municipal year

Ward: Citywide

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

Recommendation:-

That the Committee agrees the programme of work for 2019-20 as set out in the report.

Summary

The Values and Ethics sub-committee held its first meeting on the 18th September 2018. The meeting resolved to meet on a planned basis twice a year and to meet on an ad hoc basis as needed. This report sets out recommendations for a work plan for the Committee in the Municipal year 2019-2020, in line with the Committee's Terms of reference.



Policy

The Values & Ethics Sub-Committee has taken 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.

Consultation

1. Internal

Monitoring Officer, Deputy Monitoring Officer.

External

Not applicable.

Context

On the 26th 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 17th July 2018 (at Appendix A).

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

The Sub-Committee met on the 18th of September and decided when it will meet and the business it will undertake in line with its terms of reference. This report recommends a proposed work plan for the committee for the Municipal year 2019-20, and additional responsibilities for the Committee to consider that are in line with its terms of reference.

A key function of the Sub-committee will be to deal with 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 Monitoring Officer may consider that is appropriate to refer matters to the committee for general guidance on ethical issues.

The Committee will need to meet on an ad hoc basis to consider both referrals as well as any recommendations for Alderman Status if required.

The Sub-committee terms of reference include oversight of training for all members in the operation of the Member Code of Conduct and ensuring it is well publicised both within and outside the Council. Clarification is needed as to the responsibility for oversight as there is also a separate Member group that has been set up to deal with this. It is recommended that the Committee discusses and clarifies this at the meeting.

It is recommended that the Committee, in line with the terms of reference, oversees the implementation and operation of the Member DBS Policy and receives a report from the Monitoring officer on this in June or July 2019.

The Committee on Standards in Public Life is publishing its report into local government standards on the 30th January. It is recommended that the Sub-Committee considers the report at the next scheduled meeting in June or July 2019.

The Sub-committee is 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”.

It is recommended that the Sub-committee receive a report from Monitoring officer setting out the current procedure and any recommendations for review in January 2020.

The Sub-committee will 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 as this has only recently been implemented that this is reviewed by the committee in June or July of 2020.

The LGA Peer review action plan requires the Monitoring Officer to review the Member Officer protocol and the procedure regarding exempt materials and to provide guidance to members and officers in respect of these matters.

It is proposed that a report will be presented to an extraordinary meeting of the sub-committee to consider these matters in March or April of this year.

Other Options Considered

2. None necessary.

Risk Assessment

3. 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:

“Audit Committees – Practical Guidance for Local Authorities and Police” – CIPFA 2013