

# Audit Committee

20 January 2020



**Report of:** Monitoring Officer

**Title:** Member Code of Conduct

**Ward:** Citywide

**Officer Presenting Report:** Tim O’Gara, Director of Legal and Democratic Services

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## Recommendation

1. That the Audit Committee endorses the revised Member Code of Conduct
2. That the Audit Committee recommends to Full Council the adoption of the revised Member Code of Conduct to come into force following the May 2020 elections.

## Summary

This report proposes a revised Member Code of Conduct for consideration by the Audit Committee and for adoption by Full Council to come into force following the May 2020 elections.

## The significant issues in the report are:

The significant issues are set out in paragraphs 4 and 5 of the report and the detail of the revised Member Code of Conduct is set out in the Appendix to the report.



## Policy

1. The Council has a duty to keep its constitution under review. This includes all relevant codes and protocols, in particular the Member Code of Conduct.

## Consultation

### 2. Internal

The Mayor and Party Group Leaders were advised that the Member Code of was under review at their meeting on 18 November 2019.

A Workshop was held with Members of the Value and Ethics Sub-Committee on 7 January 2020

### 3. External

Not applicable

## Context

4. The Council has a duty to promote and maintain high standards of conduct by its members and co-opted members. To achieve that duty, the Council must adopt a Code of Conduct dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
5. The Code of Conduct is part of the Council's Constitution, which is kept under review by the Council's Monitoring Officer. The Council adopted its most recent Code of Conduct in May 2018.
6. In May 2020, there will be a Mayoral election and all-out Council elections at Bristol City Council. Carrying out a review of the Code of Conduct at this time, ensures that a revised Code of Conduct can be adopted and can come into force following the May 2020 elections.
7. On taking up office following the May 2020 elections, all new and returning members of Bristol City Council will be required to sign a copy of the revised Code of Conduct.

## Proposal

8. The Audit Committee is asked to consider the revised Member Code of Conduct and, subject to any proposed amendments, endorse the new Code of Conduct and recommend to Full Council that the new Code is adopted to come into force following the May 2020 elections.
9. The principal changes that have been made to the Code of Conduct can be summarised as follows:
  - 9.1. Setting out the purpose of the Code in the Introduction;
  - 9.2. A refresh of the principles and behaviours expected under section 2 of the Code;
  - 9.3. A clear explanation of the different types of interest: Disclosable Pecuniary Interests, prejudicial interests and other interests and the obligations in respect of declaration, registration and participation at meetings in sections 3, 4 and 5 of the Code.
  - 9.4. Clarification of the sanctions that may be imposed for a breach of the Code, set out in section 8 of the Code.

## Other Options Considered

10. No other options have been considered.

## Risk Assessment

11. The Council has a duty to keep its constitution under review. This includes all relevant codes and protocols, of which the Member Code of Conduct is one. Reviewing the Member Code of Conduct at this time ensures that the Code is up to date and can come into force following the May 2020 elections.

## 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:

- 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.

## Legal and Resource Implications

### Legal

Under section 27 of the Localism Act 2011, the Council has a duty to promote and maintain high standards of conduct by its members and co-opted members. To discharge that duty, the Council must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

**(Legal advice provided by Nancy Rollason, Head of Legal Services)**

**Financial**

**(a) Revenue**

Not applicable

**(b) Capital**

Not applicable

**Land**

Not applicable

**Personnel**

Not applicable

**Appendices:**

Appendix 1 – Revised Member Code of Conduct 2020

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

**Background Papers:**

None