



B O S T O N

B O R O U G H C O U N C I L

REPORT TO:	STANDARDS SUB-COMMITTEE
DATE:	7 NOVEMBER 2019
SUBJECT:	REVIEW OF THE MEMBER CODE OF CONDUCT
PORTFOLIO HOLDER:	N/A
REPORT AUTHOR:	MONITORING OFFICER
EXEMPT REPORT?	NO

SUMMARY

To consider proposed revisions to the Member Code of Conduct to ensure its robustness and promotes high standards of behaviour expected of Members of the Council.

RECOMMENDATIONS

That the revised Member Code of Conduct, as set out in Appendix 1, be referred to full Council for adoption.

REASONS FOR RECOMMENDATIONS

The Monitoring Officer has an obligation to monitor and keep the operation of the Constitution under review. The Member Code of Conduct and associated documents are included in the Council's Constitution. Contributing to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Governance Committee and Standards Sub Committee is a key function of the Monitoring Officer in providing updated Codes and Protocols from time to time.

The Code and associated documents have been tested externally and have been found to lack clarity on some aspects of meaning relating to acceptable behaviour. This has presented an opportunity to review and update to ensure confidence in the conduct of Members is not reduced but enhanced.

Feedback from the recent Peer Review stated that 'Frontline Councillors should be supported not only in their community leadership positions but also to act as ambassadors for the authority and wider borough. Currently Councillors' role in portraying a positive image of the Council and place does not appear to be fully understood (e.g. social media behaviour). The Member Code of Conduct is an important tool in promoting this understanding. Agreeing and adopting a refreshed Member Code of Conduct should be progressed as a matter of priority.'

ALTERNATIVES CONSIDERED

Not to review the Code of Conduct.

REPORT

- 1.1 The Monitoring Officer has an obligation to monitor and keep the operation of the Constitution under review. The Member Code of Conduct is included in the Council's Constitution.
- 1.2 Under Section 27 of the Localism Act 2011 the Council is required to adopt a Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the authority, or when they claim to act or give the impression of acting as representatives of the authority.
- 1.3 The current Code was last revised in 2013. The Council must ensure that its Code, when viewed as a whole, is consistent with the Seven Principles of Public Life. Following external examination of its effectiveness, it is considered appropriate to now look again at the provisions contained within the code to ensure it is fit for purpose and robust and readily upholds these Seven Principles.
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership
- 1.4 The current Code of Conduct includes these provisions, but requires further explanation as to what conduct is acceptable and that which is not to provide clarity for the public, Members and employees.
- 1.5 Furthermore, the proposed revisions expand on the requirements for Members to treat others with respect, equality and diversity including the Public Sector Equality Duty, data protection and provide clarification of the circumstances when the Code applies to member's behaviour.
- 1.6 This also created an opportunity of reviewing the Gifts and Hospitality thresholds and bring these into line with the same thresholds applicable to employees of the Council. This provides the public with confidence that any person who is involved with a decision made by the Council has not received any gift or hospitality of such a value that a perception may arise of bias.
- 1.7 A review of the current Code of Conduct was considered by the Audit and Governance Committee on 23 April 2018 and referred to full Council for approval. However, concerns were raised by Members regarding the content of the proposed code and it was agreed to set up a Cross Party Working Group to consider the proposed changes in detail, before being considered by full Council.

- 1.8 The Working Group met on 4 occasions between June and November 2018 and ultimately agreed to defer a review of the Code of Conduct until a Standards Committee had been established and task that Committee with the review.
- 1.9 Members will recall that at the last meeting of the Standards Sub Committee held on 1 August 2019 consideration was given to the Review of Local Government Ethical Standards by the Committee on Standards in Public Life, which recommended best practice in respect of Member Codes of Conduct.
- 1.10 The Standards Sub Committee agreed to defer consideration of the revised Code to this meeting and take into account action points 1 and 2 from the Best Practice Recommendations from the Ethical Standards Review, namely:-

Action Point 1 - Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Action Point 2 – Councils should include provisions in their code requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

These elements have been added to the proposed revised code and shown in red text.

- 1.11 The recent Peer Review feedback contained recommendations in respect of organisational leadership and governance, specifically referencing the need to adopt a refreshed Member Code of Conduct as a matter of priority. The Peer Review Feedback report is attached at Appendix 2 and the reference is set out on page 8 of that report.
- 1.12 Therefore, the Standards Sub Committee is now asked to consider the proposed Code of Conduct, attached at Appendix 1 (revisions are highlighted).

FINANCIAL IMPLICATIONS

There are no financial implications arising directly of the report.

LEGAL & EQUALITY IMPLICATIONS

The Council has a duty under s.27 of the Localism Act 2011 to promote and maintain high standards of conduct by its Members and to adopt a Code of conduct that is consistent with the Nolan Principles.

There are no equality implications arising out of the report.

ANY OTHER IMPLICATIONS

None

CONSULTATION

None

APPENDICES

Appendices are listed below and attached to the back of the report: -

APPENDIX 1	Proposed revisions to the Code of Conduct
APPENDIX 2	Peer Review Feedback Report

BACKGROUND PAPERS

No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.

CHRONOLOGICAL HISTORY OF THIS REPORT

Audit and Governance Committee – 23 April 2018

Code of Conduct Working Group -19 June 2018; 26 July 2018; 6 September 2018 and 1 November 2018

Standards Sub Committee – 1 August 2019