

<b>Subject:</b>	<b>REVIEW OF THE CODE OF CONDUCT FOR MEMBERS - Extract from the proceedings of the Audit &amp; Standards Committee meeting held on the 15 November 2016</b>		
<b>Date of Meeting:</b>	<b>15 December 2016</b>		
<b>Report of:</b>	<b>Executive Lead Officer for Strategy, Governance &amp; Law</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>John Peel</b>	<b>Tel:</b> 01273 291058
	<b>E-mail:</b>	<a href="mailto:john.peel@brighton-hove.gov.uk">john.peel@brighton-hove.gov.uk</a>	
<b>Wards Affected:</b>	All		

**FOR GENERAL RELEASE*****Action Required of Council***

To receive the report concerning the review of the code of conduct for Members referred from the Audit & Standards Committee and to approve the revised Code.

**Recommendations:**

- 1) That the Council approve the draft revised Code of Conduct for Members referred by Audit and Standards Committee, for implementation with immediate effect and; and
- 2) That Council grant delegated authority to the Monitoring Officer to take appropriate measures to implement the revised Code and to assist existing and new Members with understanding and applying it, including via training.



**BRIGHTON & HOVE CITY COUNCIL****AUDIT & STANDARDS COMMITTEE****4.00pm 15 NOVEMBER 2016****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors A Norman (Chair) Cattell, Cobb, Druitt, Moonan, Morris, Sykes (Group Spokesperson) and Taylor.

**Independent Persons:** Diane Bushell and Dr David Horne.

**PART ONE****50 REVIEW OF THE CODE OF CONDUCT FOR MEMBERS**

- 50.1 The Committee considered a report of the Head of Law and Monitoring Officer that sought approval for a range of proposed amendments to the Code of Conduct for Members. The amendments had been agreed unanimously by a cross party working group of Members, Independent Persons and Officers with the rationale for the changes set out in the body of the report. If approved, the report would be referred to Full Council for adoption.
- 50.2 Councillor Moonan welcomed the detailed and thorough report. Councillor Moonan noted that the report proposed that a substantive breach of the Code may not be referred to a Panel in exceptional circumstances and asked for an example of when that might be enacted. Furthermore, Councillor Moonan asked when the Code would come into effect if agreed by the Committee and Full Council and if the new guidelines would apply to existing complaints. In addition, Councillor Moonan expressed her belief that all Members should be given a detailed update on the changes to the Code, if ratified and proposed that the Political Group meetings might be the best format for doing so.
- 50.3 The Head of Law and Monitoring Officer explained that the Code would come into effect once it had been approved by Full Council. Existing breaches would be determined in accordance with the Code of Conduct in force at the time of the occurrence of the breach. The Head of Law and Monitoring Officer explained that it was proposed that the Monitoring Officer be given the discretion to resolve complaints informally where he considered that exceptional circumstances applied, this even where a substantive breach of the Code was considered to have occurred. He explained that the Code itself created a mechanical process and very occasionally there would be technical breaches of the Code that were not in the public interest to pursue. The option of informal

resolution without a Panel hearing would only be undertaken having consulted with the parties, with an additional safeguard in the form of the Independent Person's agreement.

- 50.4 Councillor Druitt welcomed the clarity that the declaration of interest flowchart provided and asked if a section could be added for the correct course of action for Members where an interest should be declared during a meeting that was not known ahead of the meeting for example, during a debate of an issue.
- 50.5 The Lawyer welcomed the suggestion and confirmed that it could be added to the flowchart.
- 50.6 **RESOLVED TO RECOMMEND:**
- (1) That Audit and Standards Committee consider the draft revised Code of Conduct for Members and the Procedure for Dealing with Allegations of Breaches of the Code of Conduct for Members set out in Appendices 1 and 2 respectively and approve Appendix 2 while referring Appendix 1 – with any further recommended amendments – to Council for approval.
  - (2) That Council approve the draft revised Code of Conduct for Members referred by Audit and Standards Committee, for implementation with immediate effect.
  - (3) That Council grant delegated authority to the Monitoring Officer to take appropriate measures to implement the revised Code and to assist existing and new Members with understanding and applying it, including via training.