

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 5
28 JANUARY 2019	PUBLIC REPORT

Report of:	Councillor David Seaton, Cabinet Member for Resources	
Cabinet Member(s) responsible:	Councillor David Seaton, Cabinet Member for Resources	
Contact Officer(s):	Fiona McMillan, Director of Law and Governance and Monitoring Officer Pippa Turvey, Democratic and Constitutional Services Manager	Tel. 452460

MOTION ON CODE OF CONDUCT - COMMITTEE ON STANDARDS IN PUBLIC LIFE

RECOMMENDATIONS	
FROM: Councillor David Seaton (agreed at Full Council)	Deadline date: N/A
<p>The Constitution and Ethics Committee are invited to consider the next steps regarding the motion from Councillor Seaton agreed at Full Council on 12 December 2018 to look at reviewing the Council's Code of Conduct prior to the Committee on Standards in Public Life report being published.</p>	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a motion agreed at Full Council on 12 December 2018 to review the Council's Code of Conduct in light of the anticipated report from the Committee on Standards in Public Life.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to seek the views of the Constitution and Ethics Committee and discuss the next steps in updating the Council's Code of Conduct following the motion submitted at Full Council and to ensure this takes into account the Committee on Standards in Public Life report, once this has been made available.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2

Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- *Promoting and maintaining high standards of conduct by Members and coopted members;*
- *Assisting the Members and co-opted members to observe the Code of Conduct;*
- *Advising the Council on the adoption or revision of the Code of Conduct;*
- *Monitoring the operation of the Code of Conduct; Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.*

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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4. **BACKGROUND AND KEY ISSUES**

- 4.1 The motion submitted by Councillor Seaton asked the Constitution and Ethics Committee to review the Code of Conduct in light of the anticipated Committee on Standards in Public Life report.
- 4.2 The Committee on Standards in Public Life wrote to the Prime Minister in January 2018 to inform the Government that the Committee was to undertake a review of local government standards.
- 4.3 As part of this review, the Committee held a public stakeholder consultation. The consultation closed on Friday 18 May 2018. A final report has yet to be published but it is anticipated that this will follow shortly.
- 4.4 The body of the motion as agreed by Council on 12 December 2018 is as follows:

“Peterborough City Council;

- Notes that the Standards Board was a cumbersome and expensive approach to monitoring the ethics of elected councillors
- Believes that the move to local management of ethics was appropriate
- Notes the commitment of the Council Leader to improving standards and welcomes the establishment of the Constitution and Ethics Committee
- Notes the Committee on Standards in Public Life (CSPL) ongoing review of local government ethical standards

However Peterborough City Council is concerned that;

- Current sanctions such as giving an apology or attending training can only be instigated with the agreement of a member and can lead to an extended process with no acceptable final outcome.
- Current available sanctions for breaches, apart from those in relation to disclosable pecuniary interests, are not set down by statute but arise through the common law and are weak and ineffectual.

Peterborough City Council therefore resolves to;

- Ask the Constitution and Ethics Committee to review the current Code of Conduct in light of the CSPL review and present a revised Code of Conduct to Full Council for agreement.
- If Full Council accepts the recommendations of the Constitution and Ethics Committee, all members will be expected to abide by and accept the new Code of Conduct under the terms of their Declaration of Acceptance of Office which is signed when they are elected.

Constitution and Ethics Committee will continue to oversee any complaints made and ensure sanctions are abided to.”

5. **CONSULTATION**

- 5.1 The Constitution and Ethics Committee are the nominated consultees on any changes to the Council’s Code of Conduct and updates to the Constitution.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 Depending on the views of the Constitution and Ethics Committee it is anticipated that the Council's Code of Conduct will be updated to include information from the Committee on Standards in Public Life. This will need to be agreed at Full Council following further investigation and recommendations from the Constitution and Ethics Committee.

It is furthermore anticipated that the all Councillors will need to sign up to the new Code of Conduct once this has been agreed.

7. REASON FOR THE RECOMMENDATION

- 7.1 This recommendation is for the Constitution and Ethics Committee to discuss the next steps in altering the Code of Conduct. Further work will still need to be undertaken once the Committee on Standards in Public Life has been published.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 The Committee could agree to do nothing and recommend keeping the current Code of Conduct. However the recommendation at Full Council on 12 December was passed to look into the Code of Conduct in light of the anticipated Committee on Standards in Public Life report.

9. IMPLICATIONS

Financial Implications

- 9.1 There are none.

Legal Implications

- 9.2 There are none from this report. However any future changes to the Code of Conduct will need to be legal and within the powers of local authorities.

Equalities Implications

- 9.3 There are none.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Peterborough City Council - Code of Conduct

11. APPENDICES

- 11.1 None.

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