

ADULTS AND COMMUNITIES SCRUTINY COMMITTEE	AGENDA ITEM No. 7.
2 MARCH 2021	PUBLIC REPORT

Report of:	Task and Finish Group to Promote Equality and Diversity Amongst Councillors	
Cabinet Member(s) responsible:	Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	Ian Phillips – Head of Communities and Partnerships On	Tel. 07415881802

INTERIM RECOMMENDATIONS FROM TASK AND FINISH GROUP TO PROMOTE EQUALITY AND DIVERSITY AMONGST COUNCILLORS

RECOMMENDATIONS	
FROM: Task and Finish Group to Promote Equality and Diversity Amongst Councillors	Deadline date: n/a
<p>It is recommended that the Adults and Communities Scrutiny Committee consider and comment on the Task and Finish Group interim report and endorse the recommendations from the Task and Finish Group:</p> <ol style="list-style-type: none"> To recommend to Full Council the adoption of a Parental Leave Policy for Councils as set out in this report and attached at Appendix 1 To recommend to Full Council and the Constitution and Ethics Committee (if required) the adoption of the new LGA Model Code of Conduct, including the additions made by the Task and Finish Group as detailed in the report and attached at Appendix 2. 	

1. ORIGIN OF REPORT

- 1.1 At a Full Council meeting held on 29 July 2020 Cllr Aasiyah Joseph put forward a motion which was agreed requesting the formation of a Task and Finish Group to review aspects of equality and diversity amongst councillors. At its meeting of 30 September 2020, the Adults and Communities Scrutiny Committee agreed to form a cross party task and finish group to examine issues around diversity and equality amongst councillors. This report contains the initial findings and recommendations from the Task and Finish group.

2. PURPOSE AND REASON FOR REPORT

- 2.1 This report provides interim recommendations from the Task and Finish group in relation to the adoption of a Parental Leave Policy for councillors and suggested changes to the proposed LGA Model Code of Conduct.
- 2.2 This report is for the Adults & Communities Scrutiny Committee to consider under its Terms of Reference Part 3, Section 4 - Overview Scrutiny Functions, paragraph No. 2.1 Functions 13 determined by Council:

5. Equalities

3. **TIMESCALES**

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

4.1 At the Full Council meeting on 29 July, a motion presented by Cllr Aasiyah Joseph was agreed, requesting the formation of a task and finish group to review aspects of equality and diversity amongst councillors. Full Council noted that:

- Women are the biggest consumers of council services, the majority of its staff are women, yet the majority of councillors and council leaders are male
- Equal opportunity is not a 'one size fits all' approach. It is about recognising that different people have different requirements to enable them to achieve the same goal
- It (the council) has a duty to consider all individuals when carrying out its day to day work, including shaping policy, delivering services and in relation to its employees
- Improved provision for parental leave will contribute towards increasing the diversity of age, experience and background of councillors, in addition to assisting with retention of experienced councillors and make public office more accessible to those who might otherwise feel excluded
- Action must be taken to improve the number of female councillors, by not only making it easier for them to become councillors but by creating a culture where they wish to stay

At its meeting of 30 September 2020, the Committee agreed to the formation of a task and finish group and set the following terms of reference.

4.2 **Scope**

Using a combination of reviewing good practice and learning from elsewhere, discussions with expert witnesses, research, analysis of data, and interviews with councillors, develop proposals that set out:

- I. How the council can promote equality and diversity for all councillors including consideration of phasing out the use of gender defining titles
- II. The adoption of a Parental Leave policy for councillors, to assist and encourage younger people to come forward as councillors
- III. How the council can ensure councillors with children and other caring commitments are supported as appropriate
- IV. How political groups, Group Leaders and the Mayor/Chair can help ensure better behaviour in the Council Chamber to create an atmosphere of mutual respect – for example by:
 - Giving a reminder to all members of their responsibilities at the start of each meeting
 - Quick intervention if members fail to behave correctly
 - Ensuring a fair approach is applied to all councillors in the overseeing of meetings.

4.3 **Membership:**

Cllr Asif Shaheed (Chair) - Liberal Democrat
Cllr Ikra Yasin - Labour
Cllr Ray Bisby - Conservative
Cllr John Fox – Werrington First
Cllr Julie Howell – Green Party

4.4 At the time of writing this report the Task and Finish Group had met four times:

- 6 January 2021 – To scope the review
- 26 January 2021 – To assess and consider relevant information already available and to interview Fiona McMillan the Monitoring Officer regarding the current Code of Conduct, and the new proposed LGA Model Code of Conduct and the process for adopting the new Model Code of Conduct and a Parental Leave Policy for Councils.
- 2 February 2021 – To read through and discuss the proposed new LGA Model Code of Conduct and compare it to the councils current Code of Conduct. To read through the proposed LGA model Parental Leave Policy and consider if this would be suitable for adoption at Peterborough. Additionally, discussions were held to decide if any additional wording or amendments might be required to both policies to reflect the cohort of councillors at Peterborough.
- 11 February 2021 – To consider the contents of an interim draft report back to the parent committee and confirm conclusions and recommendations on initial findings.

4.5 The Task and Finish Group have prioritised items ii and iv of the Terms of Reference and as a result, propose that Full Council adopt the Parental Leave policy for councillors as set out in this report. In addition, the Task and Finish group is aware that the Constitution and Ethics Committee are considering the new LGA Model Code of Conduct for councillors and has therefore made a number of observations to the draft proposal. It is recommended that these are taken into consideration by the Constitution and Ethics Committee and that the Committee recommend that the new Model Code of Conduct is adopted by Full Council.

4.6 **Parental Leave Policy**

Currently, there is no parental leave policy in place for councillors, resulting in councillors not having an entitlement to maternity, paternity, shared parental or adoption leave. Many councils across England have adopted the Local Government Association's (LGA) model policy. The Task and Finish group have reviewed the model policy and subject to some minor amendments, it is the recommendation that Scrutiny Committee ask Full Council to adopt the policy.

Whilst there is currently no legal entitlement for councillors to have paid parental leave of any kind, it is possible for councils to voluntarily adopt a policy. Doing so would lead to an improved provision for new parents and will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

4.7 Key points from the policy are:

- Members giving birth, adopting, Fostering for Adoption or becoming surrogate parents will be entitled to six months leave, with the potential to extend this to 52 weeks
- The policy covers still births, premature babies, late term miscarriages and babies dying after being born
- Members shall also be entitled to 2 weeks paternity leave where they are the biological father, or are the nominated carer
- Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence
- Members should continue to receive their basic or special allowances whilst on maternity/paternity leave
- It is anticipated that Members take a minimum of two weeks parental leave following the birth of a child, in line with statutory requirements for employees.

The LGA Model Parental Leave Policy with amendments is attached at **Appendix 1**. Amendments by the Task and Finish Group are highlighted in red.

4.8 Code of Conduct

The LGA wrote to all Councils on 18th February 2020 to provide an update on progress with revising the Model Code of Conduct. The background to this review was the report by the Committee on Standards in Public Life (CSPL) on Local Government Ethical Standards which was published on 30 January 2019 <https://www.gov.uk/government/publications/local-government-ethical-standards-report>. One of the recommendations of this report was that "The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government". The proposed update to the Model Code of Conduct is the first major review since the new standards regime was introduced in the Localism Act 2011.

4.9 The LGA agreed in September 2019 to commence a review of the Code ahead of Central Government's response to the recommendations of the CSPL report. This work was part of a wider programme of work on Civility in Public Life, in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement. Some of the recommendations in the CPSL report, for example the power to suspend councillors (recommendation 16), require legislation which meant that such provisions could not be included in the Code.

4.10 The original consultation timetable was postponed due to Covid-19. An online consultation on the draft code of conduct ran for 10 weeks between June and August 2020. Consultation responses were considered and a final version of the new model code finally published on 23rd December 2020

4.11 The new model Code (**Appendix 2**) is non-statutory and can be adopted in whole or in part by local authorities. The current Peterborough City Council code was adopted following the Localism Act 2011 when local authorities were given the choice of what code of conduct to adopt. Prior to that there was a national code of conduct along with a national oversight body, Standards for England, and complaints processes and a range of potential sanctions were contained in law. Under the Localism Act 2012 all local authorities had to adopt a code of conduct which needed to contain the Nolan Principles of standards in public life along with the statutory provisions on Disclosable Pecuniary Interests (DPIs) which were set out in the 2012 Act. At this time many local authorities adopted a code that was very similar to the previous national code of conduct and others, such as Peterborough, opted to adopt the minimum required under the Act, although some amendments have been made since then.

The main provisions of the new model Code of Conduct are:

a) General principles specific to local government member conduct, building on the Nolan Principles, which are set out in an Appendix to the model Code.

b) Application to both elected and co-opted members (who are defined in the Localism Act 2011). The model Code applies when a member is acting in their capacity as a councillor and the model Code clarifies that this can include when a member of the public could reasonably have the impression a member was acting as a councillor. It encompasses all forms of communication and interaction, including conduct on social media.

c) Standards setting out expected behaviour, with examples. These cover treating people with respect, not bullying, harassing or unlawfully discriminating, promoting equality, impartiality, confidentiality and access to information, not bringing the council into disrepute, use of a member's position and use of council resources, compliance with the Code, including participating in training, registration of interests and disclosure of gifts and hospitality. The standards are set out in the first person ("I ...") so a member reads the Code as a personal commitment to behave in accordance with the standards. The majority of these provisions on

behaviour are not currently in the Council's code of conduct.

d) The model Code specifies declaration of gifts and hospitality in excess of £50 following consultation with local authorities. The Council's current Code specifies gifts and hospitality in excess of £100.

e) The model Code sets out what members must do to register, declare and behave in meetings where they have a disclosable pecuniary interest under the Localism Act 2011, another registrable interest and a non-registrable interest. "Non-registrable interests" are a new introduction to the Code of Conduct to cover situations where a matter affects a member's financial interest or wellbeing, or that of a friend, relative or close associate. This provision recognises the limits of the statutory provisions to fully encompass interests that could reasonably be seen to affect a member's judgement of the public interest. It re-introduces to the Code interests that were described as "prejudicial interests" prior to 2012. The Council's current Code was amended in July 2018 to include "non-statutory disclosable interests" to incorporate requirements to declare, and in some circumstances take no part in discussion or voting, where a matter affects a member's financial interest, or that of a friend, relative or close associate so this provision is not new to the Council.

4.12 The Task and Finish group have reviewed the new model code of conduct and recommend the following changes. This are also highlighted in red in **Appendix 2**.

- Paragraph 1.2 - the group felt that the final paragraph should be in bold and Members reminded of their rights as set out below: **"In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police"**
- Paragraph 2 – the group would like to see an additional line inserted after the bullet points, to make it clear that councillor conduct should apply in all circumstances including Full Council meetings. The amended paragraph should read

:

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The above should apply particularly at Full Council meetings.

- Paragraph 8.1 to be amended to include the additional wording around annual training in relation to the code of conduct. Amended sentence to read:

8.1 I undertake Code of Conduct training provided by my local authority on an annual basis and apply its principles in all aspects of my work as a councillor.

The Task and Finish group recommends that the Committee agree the proposed changes to the model code of conduct and advise the Constitution and Ethics Committee that they should be considered as part of their review.

The Task and Finish group will continue to meet and review the remaining items within its scope as set out in paragraph 4.2. A full report will be presented to the Committee at a later date.

5. CONSULTATION

5.1 The Task and Finish group has a cross party membership of councillors. The policies will be

subsequently discussed at Full Council and, where relevant, the Constitution and Ethics Committee.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 The policies, if adopted, will help to improve equalities for Members through the introduction of a Parental Leave Policy.

6.2 The revisions of the council's code of conduct will bring the council up to date with the model guidance set out by the LGA.

7. REASON FOR THE RECOMMENDATION

7.1 The Task and Finish group were requested to consider a Parental Leave Policy and ways to improve conduct, particularly in the Council Chamber. This report contains recommendations to help achieve this.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 Not to adopt the two policies. However, this has been rejected due to the direct request from Full Council to consider the issues raised above.

9. IMPLICATIONS

Financial Implications

9.1 No direct financial implications. However, there will be costs associated with the parental leave policy should a Member in receipt of a Special Responsibility Allowance (SRA) take time off for maternity or paternity reasons.

Legal Implications

9.2 There are no perceived legal implications for either policy.

Equalities Implications

9.3 The adoption of a parental leave policy will help to improve equalities amongst Members and lead to a broader diversity of age and experience as it helps to remove barriers that Members, or perspective Members could experience.

10. BACKGROUND DOCUMENTS

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

10.1 [LGA Parental Leave Policy](#)
[LGA Code of Conduct](#)

11. APPENDICES

11.1 *Appendix 1 Parental Leave Policy*
Appendix 2 Code of Conduct