

CONSTITUTION WORKING PARTY

Meeting: 20 February 2020

At: 6.00 pm

PRESENT

Councillor Tom McGee (Chair) in the chair; Councillor ; Councillors Kate Butler, Mike Hurleston, Mark Roberts and Lisa Smart.

1. MINUTES

The minutes (copies of which had been circulated) of the meeting held on 6 November 2019 were approved as a correct record.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. PROPOSED AMENDMENTS TO THE CONSTITUTION

The Monitoring Officer submitted a report (copies of which had been circulated) setting out the proposed options for the amendment of the following sections of the Constitution: -

- (i) Code of Conduct for Councillors and Co-Opted Members;
- (ii) Officers Code of Conduct; and
- (iii) Confidential Reporting Policy.

Councillors discussed the proposed amendments, in particular the suggested revisions to the Constitution.

RESOLVED – That the following changes to the Constitution be supported: -

- (i) CP1 - Code of Conduct for Councillors and Co-Opted Members
- Insertion of the ACAS definition of bullying and harassment at paragraph 3.1(b) of the Code after “You must not (b) bully or be abusive to any person”:

“ACAS (the Advisory, Conciliation and Arbitration Service) state that bullying may be characterised as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”.
- Insertion of a new paragraph 4 in CP1 entitled “Review of Code” and a new paragraph 4.1 and 4.2 as follows:

“4.1 The Code will be reviewed annually by the Monitoring Officer who will then report their findings to the Standards Committee;

4.2 The Monitoring Officer will periodically seek the views of neighbouring authorities on their Codes of Conduct and report their findings to the Standards Committee”.

- Insertion of the words below in bold in the existing paragraph 2.8 in CP1:

“2.8 Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of **any protected characteristic included in the Equalities Act 2010 (or other legislation in force from time to time)**. They should respect the impartiality and integrity **of the office** of the authority’s **Mayor, Deputy Mayor**, statutory officers, and its other employees”.

- Further to an internal audit report of the Council to make the following amendments:

“to clarify that any new interests of any type are to be disclosed to the Monitoring Officer within 28 days of the member or co-opted member becoming aware of such interest (and not just within 28 days of becoming a member or co-opted member); and

to amend the threshold value of the requirement to disclose any gifts and hospitality by increasing it from £25 to £50 and including a further amendment that a disclosure should be made if the value of any gifts or hospitality received over the course of any Municipal Year from, or on behalf of, one person/company/entity exceeds a total value of £50.”

(ii) CP2 – Officers Code of Conduct

- Further to an internal audit report of the Council to make the following amendments/recommendations:

“to amend paragraph 8 “Payment, gifts and hospitality”, to include reference to the requirement for all officers to disclose any gifts and hospitality received of the value of £50 or more to their line manager within 28 days of the offer or receipt of such and include a further amendment that a disclosure should be made if the value of any gifts or hospitality received over the course of any Municipal Year from, or on behalf of, one person/company/entity exceeds a total value of £50; and

to recommend a further review of this Code and Protocol be undertaken by the Monitoring Officer, CWP and stakeholders to include, but not limited to, the introduction of an Officers’ Register of Interests and how that is to be used and kept updated on the Council’s iTrent software programme.”

(iii) CP4 – Confidential Reporting Policy (also known as whistleblowing)

- Further to an internal audit report of the Council to make the following amendments/recommendations:

(i) to insert an additional bullet point at paragraph 3.4:

- modern slavery

Constitution Working Party - 20 February 2020

(ii) to recommend a review of the Confidential Reporting Policy by the Monitoring Officer, CWP and stakeholders, including but not limited to, modern slavery;

(ii) to remove the name and contact details of the previous Monitoring Officer at paragraph 6.5 and insert the general monitoring officer's email address of monitoring.officer@stockport.gov.uk.

The meeting closed at 6.25 pm