

# **Report of the City Solicitor to the meeting of Council to be held on 12 July 2016**

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**Subject:**

**Proposed Amendment to the Constitution.**

**Summary statement:**

**At the meeting of Council on 21 October 2014 Council resolved to provide additional training sessions on child sexual exploitation (CSE) for elected members.**

**This Report recommends an amendment to the Members' Code of Conduct to require such training to be compulsory. The proposed amendment to the Members' Code of Conduct was considered by Governance and Audit Committee on 28 June 2016. This Report seeks a decision from Council on the recommendations of Governance and Audit Committee.**

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## **1. SUMMARY**

- 1.1 At the meeting of Council on 21 October 2014 Council resolved to provide additional training sessions on Child Sexual Exploitation (CSE) for Elected Members.
- 1.2 The contents of this Report were considered by Governance and Audit Committee on 28 June 2016. This Report provides details of a proposed amendment to the Members' Code of Conduct, which forms part of the Council's Constitution and details the recommendations of Governance and Audit Committee.

## **2. BACKGROUND**

- 2.1 On 21 October 2014 Council considered a motion regarding Child Sexual Exploitation. The Council recognised the right of all children to be protected from all forms of exploitation, victimisation and abuse, including sexual abuse and exploitation, and to receive help as laid out in the United Nations Convention on the Rights of the Child. The Council resolved that it is committed to doing all that it can to protect and promote the rights of the children, particularly those in the Council's care. The Council also resolved to seek to ensure that the Council's understanding of the issues and of how to respond to, investigate and prevent child sexual exploitation continue to improve so that effective action to stop CSE is taken.
- 2.2 An online training course has been developed in partnership with Just Whistle ( the training arm of Safe and Sound an organisation which works to keep children and young people safe and sound from sexual exploitation), Parents against Child Exploitation and Bradford Safeguarding Children Board, to provide up-to-date information on: -
  - The National Action Plan for Tackling Child Sexual Exploitation.
  - Human trafficking.
  - The grooming process
  - Missing children and young people.
  - Child exploitation and online protection.
  - Arrangements for referring and responding to concerns in the Bradford district.
- 2.3 The training also provides an overview of relevant legislation.
- 2.4 The approximate length of time for completing the online training is between 1 and 2 hours.
- 2.5 Work is underway with Member Support Services to develop flexible approaches as to how the training is accessed and completed.



### **3 PROPOSED AMENDMENT TO THE MEMBERS' CODE OF CONDUCT**

- 3.1 It is recommended that all Elected Members and voting co-opted Members of the Council be required to complete a mandatory training course on CSE. It is proposed that the Members' Code of Conduct which forms part of the Council's Constitution stipulates that CSE training for Elected Members and voting co-opted Members is compulsory. To do so will act as a timely reminder for existing councillors to undertake such training if they have not already done so and will of course ensure that all newly elected members also undertake the training. Elected Members will be required to repeat the training following re-election, or if the content of the training is significantly amended, for example as a result of changes to statutory guidance. By inserting a requirement in the Code the requirement will also ensure voting co-opted Members of the Council also undertake such training.
- 3.2 It is proposed that the following paragraph be inserted into the Members' Code of Conduct: -

#### **Training**

- 21A. It is a mandatory requirement that you complete a training course on Child Sexual Exploitation. You will be sent details by email of the course you are required to complete and the course must be completed within 6 months of your election or re-election or in the case of co-opted members your co-option or the renewal of your co-option. Current Members, including current co-opted Members are also required to complete a training course on Child Sexual Exploitation and must do so within 3 months of being sent details by email of the course. You will be required to repeat the training if the content is significantly amended, for example as a result of changes to statutory guidance.

It was recommended to Governance and Audit Committee that all Elected Members and voting co-opted Members of the Council complete the training course on Child Sexual Exploitation within 3 months of Members being sent details of the course. Governance and Audit Committee recommend that in relation to new and re-elected Councillors the course be completed within 6 months of their election or re-election. The same requirement would apply to co-opted members on their co-option or renewal of their co-option. The amended wording is set out at para. 3.2 above. The Members' Code of Conduct is attached at Appendix 1 to this Report with the proposed amendment recommended by Governance and Audit Committee detailed in red.

- 3.3 Member Support Services will keep an up to date record of the training completed.

### **4. FINANCIAL & RESOURCE APPRAISAL**

The resources required to amend the Constitution can be met from existing provision.



## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

By undertaking such training, Elected Members and co-opted Members will:

- have an awareness of the background to child sexual exploitation, including definitions, the key legislation and guidance and research findings.
- understand the risk assessment process, including which elements are used to create thorough assessment documents.
- know the categories of risk and what vulnerability factors that professionals consider when undertaking an assessment.
- have a basic knowledge of the responsibilities of the key agencies involved in helping children that are being, or at risk of being, sexually exploited.
- be able to identify the key and up to date contacts/stakeholders within their ward for progressing safeguarding concerns and issues.

## **6. LEGAL APPRAISAL**

- 6.1 Article 17 of the Constitution requires the Monitoring Officer to take steps to make herself aware of the strengths and weaknesses of the Constitution and make recommendations for improvement.
- 6.2 The training will enable Elected Members to have a better understanding of Child Sexual Exploitation to assist them in ensuring the Council meets its legal obligations to protect children in the Bradford District from this type of harm.

## **7. OTHER IMPLICATIONS**

The training will contribute to ensuring the human rights of children are protected.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None.

## **9. RECOMMENDATIONS**

- 9.1 Governance and Audit Committee recommend to Council the adoption of the proposed amendment to the Members' Code of Conduct, which forms part of the Council's Constitution, as set out in paragraph 3.2 above and at Appendix 1 attached to this Report.
- 9.2 That the City Solicitor ensures that any agreed amendments are implemented.
- 9.3 That the City Solicitor be granted delegated authority to make consequential amendments to the Constitution as a result of any recommendations approved by full Council.



**10. APPENDICES**

Appendix 1 – Proposed Amendment to the Members' Code of Conduct.

**11. BACKGROUND DOCUMENTS**

None

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**PART 4 CODES AND PROTOCOLS****PART 4A Members Code of Conduct**

This Code applies to elected Members and voting co-opted Members of City of Bradford Metropolitan District Council in all aspects of their public life. This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity. The Code of Conduct does not apply to what Members do in their purely private and personal lives.

**Part One – Standards of Conduct**

You must have regard to, and act in accordance with, the following standards of conduct:

**1. Selflessness**

You should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party.

**2. Honesty and Integrity**

You should not place yourself in situations where your honesty and integrity may reasonably be questioned, you should not behave improperly and should avoid the appearance of such behaviour.

**3. Objectivity**

You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest.

You should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

**4. Accountability**

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office.

You should not undertake any action which would bring the Council, your position, or the position of Members generally, into disrepute.

**5. Openness**

You must be as open as possible about your actions and those of the authority, and should be prepared to give reasons for those actions.

**6. Leadership**

You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others.

You must have due regard to the impartiality and integrity of the authority's statutory officers and its other employees.

## Part Two – Registration and Disclosure of Interests

### Registration of Interests

7. Within 28 days of your election or co-option, you must notify the Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time
8. Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.
9. You must keep your Register of Interests entry up to date by notifying the Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or you becoming aware of the change.
10. A 'disclosable pecuniary interest' is an interest defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out in the table below.

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member of a relevant authority in carrying out duties as a member, or towards the election expenses of a member of a relevant authority. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 <sup>(1)</sup> .
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

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<sup>(1)</sup> 1992 c. 52.

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member of the relevant authority's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the member of the relevant authority's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

11. A pecuniary interest is a 'disclosable pecuniary interest' in relation to you if it is of a type described above, and either:

- (a) it is an interest of yourself, or
- (b) it is an interest of –

- (i) your spouse or civil partner,
- (ii) a person with whom you are living as husband and wife, or
- (iii) a person with whom you are living as if they were civil partners, and you are aware that that other person has the interest.



12. You are also required to notify the Monitoring Officer of any gifts or hospitality with an estimated value of at least £50 which you receive in your role as a member of Council. You must inform the Monitoring Office of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Interests.

### **Sensitive Interests**

- 13 If the nature of an interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection.

### **Disclosure of Disclosable Pecuniary Interests at Meetings**

- 14 The following provisions apply if you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.
- 15 If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest).
- 16 If the interest is not entered in the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- 17 Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).
- 18 You may not:
  - (a) participate, or participate further, in any discussion of the matter at the meeting,
  - (b) participate in any vote, or further vote, taken on the matter at the meeting (unless the Member has requested and been granted a relevant dispensation by the Standards and Conduct Committee), or
  - (c) remain in the room during the discussion or vote on the matter.
- 19 Where you have a disclosable pecuniary interest in a matter to be considered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

## **Disclosure of other Interests at Meetings**

- 20 Where you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and identify any other interests which you feel should be declared in the public interest, such interests may be declared to the meeting.
- 21 In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

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## **Allegations of a Failure to Comply with Code of Conduct**

- 22 All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by full Council.

## **Incorporation of Protocols**

- 23 The Protocol on Member-Officer Relations and the Protocol on Members' Use of Council Resources (including use of e-mail and the internet) set out in the Council's Constitution form part of this Code and any breach of the requirements of those Protocols by an elected member or voting co-opted member shall be treated as a breach of this Code.