



<b>Subject:</b>	Motion: Councillors' Code of Conduct
<b>Date:</b>	25th January, 2019
<b>Reporting Officer:</b>	John Walsh, City Solicitor and Director of Legal & Civic Services
<b>Contact Officer:</b>	Stephen McCrory, Democratic Services Manager

<b>Restricted Reports</b>	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

<b>Call-in</b>	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider a motion and subsequent amendment in relation to the Councillors' Code of Conduct, which was referred to the Committee by the Council at its meeting on 7th January.
1.2	Members should note a report relating to a recent adjudication by The Commissioner for Local Government Standards is also on the agenda for consideration.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to; <ul style="list-style-type: none"><li>Consider the motion and to take such action thereon as may be determined.</li></ul>
<b>3.0</b>	<b>Main report</b>
	<u>Key Issues</u>
3.1	At the meeting of the Council held on 7th January, the following motion was proposed by Councillor Boyle and seconded by Councillor Mullan:

*“This Council recognises the need for clarity around the Councillors’ Code of Conduct and, in particular, the need for clear guidance to be issued by the Ombudsman’s Office in respect of declarations of interest.”*

3.2 Councillor Boyle sought and was granted approval by the Council to amend his motion to reflect that the Northern Ireland Local Government Commissioner for Standards be invited to meet with the Strategic Policy and Resources Committee to discuss the issues raised within his motion.

3.3 Subsequently, the following amendment to the motion was moved by Councillor Lyons and seconded by Councillor Attwood:

*That the motion under the heading “Councillors’ Code of Conduct”, as amended, be amended to provide for the addition of the following wording “and, in order to increase clarity and transparency and in consideration of many of the public realm projects which the Council undertakes, resolves that each Member will immediately publish on point 6 of their mandatory register of interests the full postal address of each property in which they have a beneficial interest, along with any land in which they have a licence (alone or jointly with others) to occupy for twenty-eight days or longer, which is located within the Belfast City Council boundary, with the exception of their permanent home address, for which a postcode will suffice, and that they shall provide/renew this information before the end of each financial year.*

3.4 Councillor Boyle confirmed that he did not wish to incorporate the amendment into his motion.

3.5 The Chief Executive informed the Council that Councillor Lyons’ amendment would, if adopted, be subject to officers confirming that it did not extend beyond the Council’s legal remit, as defined within the Local Government Act (Northern Ireland) 2014.

3.6 The Lord Mayor informed Councillor Boyle that he could, subject to Council approval, request that the motion be referred to the Strategic Policy and Resources Committee to allow for legal advice to be sought on the amendment which had been proposed by Councillor Lyons.

Accordingly, it was

Moved by Councillor Boyle,  
Seconded by Councillor Craig,

That the Council agrees that the motion standing in his name, as amended, be referred to the Strategic Policy and Resources Committee to allow for legal advice to be sought on the additional amendment which had been proposed by Councillor Lyons.

On a recorded vote, forty-two Members voted for the proposal and three against and it was declared carried.

3.7 The proposed amendment of the motion is not competent. The Code, which has a statutory root, does not prescribe the necessity of providing a postcode when registering an interest. Accordingly a declaration could be made in respect of ownership or beneficial interest without the postcode being provided. Members are reminded that Article 8 of ECHR creates a qualified right in respect of privacy. The requirement to provide information and the extent of the information to be provided must be established through the Code of Conduct which has a statutory footing.

Financial & Resource Implications

3.8  
None.

Equality or Good Relations Implications/Rural Needs Assessment

3.9  
None associated with this report.

**4.0 Appendices – Documents Attached**

None.