

Report to: **Standards Committee**

Date: **23 April 2019**

Title of report: **Proposed amendments to the Code of Conduct for Members**

By: **Assistant Chief Executive**

Purpose of report: **To provide an update on Member Conduct issues in light of recommendations from the Committee on Standards in Public Life**

RECOMMENDATIONS

The Standards Committee is recommended to:

- 1) review the proposed amendments to the Code of Conduct and consider whether to suggest any further amendments to the Code; and**
 - 2) recommend the County Council to agree to the amendments to the Code of Conduct as set out in Appendix 2**
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1. Standards in Public Life Local Government Ethical Standards

1.1 In April 2018 the County Council responded to consultation on local government ethical standards. The terms of reference for the review were to:

- a) examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors;
 - investigating alleged breaches fairly and with due process;
 - enforcing codes and imposing sanctions for misconduct;
 - declaring interests and managing conflicts of interest;
 - whistleblowing;
- b) assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
- c) make any recommendations for how they can be improved; and
- d) note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

1.2 The Committee on Standards in Public Life has published its report following the consultation. The Committee considered whether there is a need for a centralised body to govern and adjudicate on standards. It has concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government. The Committee has made a number of recommendations and identified best practice to improve ethical standards in local government. The Committee's recommendations are made to government and a number of changes to primary legislation, which would be subject to Parliamentary timetabling, but also to secondary legislation would be required.

The Committee's report is available via the following link: [Local Government Ethical Standards](#). The Committee's best practice recommendations for local authorities are to be considered a benchmark of good ethical practice. It is expected that these should be implemented by 2020.

1.3 The 15 best practice recommendations are set out in Appendix 1 of the report. This appendix provides a brief summary in relation to the current position in East Sussex for each of the best practice recommendations. Recommendations 1 and 2 of the best practice guide require the Code of Conduct adopted by the Council to be amended. The current Code has been adopted by the county and the district and borough councils in East Sussex in order to maintain a level of consistency across the geographical area, particularly in relation to twin-hatted Members. The proposed changes to the Code have therefore been circulated to borough and district councils who are to make similar changes to their Codes.

1.4 The proposed amendments to the Code of Conduct are set out in Appendix 2 and reflect the need to refer to bullying and harassment in the Code, including definitions of each, and the requirement for councillors to comply with any formal standards investigation. The proposed changes also reflect the requirement that that councillors should not use the standards process for trivial or malicious allegations.

1.5 The Committee on Standards in Public Life has recommended that the Code of Conduct should be reviewed each year (best practice recommendation 3). Based on the relatively low number of complaints alleging breaches of the Code, it would appear that the Code is understood, fit for purpose and adhered to by councillors. As reported above the Committee is asked to consider the proposed changes to the Code to reflect the best practice recommendations from the Committee on Standards in Public Life. In addition to these proposals, the Committee is asked to consider whether any further changes should be proposed.

2. Conclusion

2.1 In order to comply with the best practice recommendations of the Committee on Standards in Public Life, the Standards Committee is recommended to recommend the County Council to approve the amendments to the Code of Conduct as set out in Appendix 2 of the report.

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Local Members: All

Background Documents: None