

Report to: Standards Committee

Date of meeting: 8 April 2021

By: Assistant Chief Executive

Title: Code of Conduct for Councillors

Purpose: To consider whether to amend the Council's Code of Conduct for Councillors

RECOMMENDATIONS

The Standards Committee is recommended to:

- 1) note the updated Model Code of Conduct published by the Local Government Association (attached as Appendix 1); and
 - 2) agree to maintain the Council's current Code of Conduct (attached as Appendix 2) for the reasons set out in the report.
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1 Background Information

1.1 The Local Government Association (LGA) committed to reviewing the Model Member Code of Conduct, as recommended by the Committee on Standards in Public Life's (CSPL) report into Local Government Ethical Standards. The Model Code of Conduct is used by individual local authorities as a template for councils to consider. In June 2020, the LGA published its draft updated Model Code for consultation. The Committee agreed its response to the consultation in August 2020. The final version of the Model Code was published by the LGA in January 2021.

1.2 In accordance with section 27 of the Localism Act 2011, the Council must adopt a Code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. However, it is a matter for the Council to determine the terms and requirements of the Code, subject to that Code complying with the requirements regarding disclosing and registering of interests and being consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Therefore, whilst the Council is required to adopt a Code, it is not required to adopt the model proposed by the LGA but may implement its own Code or amend the proposed Model Code.

2 Supporting information

2.1 The updated Model Code has been produced in response to the first recommendation of the CSPL review into 'Local Government Ethical Standards' (published January 2019). Most of the recommendations in the CSPL report were for central government, whose formal response is awaited. Depending on the government response, the legislation underpinning the standards regime for local government may change and so necessitate further changes to the Model Code. As the LGA Model Code is not mandatory and the flexibilities of the Localism Act 2011 remain it is for the Standards Committee to determine what, if any, changes it wishes to recommend to the County Council at this stage.

2.2 The most significant differences between the updated Model Code and the Council's current Code are summarised in Appendix 3. As can be seen from the comparison between the two codes, the Model Code does not contain significant amendments to the Code that is currently adopted by the County Council.

2.3 Since 2012 the county, borough and district councils in East Sussex have adopted a single code of conduct. This level of consistency has worked well and has been of particular

benefit to, and appreciated by, dual hatted councillors. The Council's current Code of Conduct is attached, for information at Appendix 2.

2.4 Following consultation with the five district and borough councils in East Sussex, the view is that the current Code works well, is understood by councillors and covers the main points in the Model Code. The consensus is that the current Code should be retained.

2.5 One of the primary issues raised in the CSPL report and the response to the LGA's consultation is the limited sanctions currently available to local authorities in response to breaches of their Code of Conduct. Increasing the range of sanctions would require legislative change and is therefore dependent on the Government response to the CSPL report, as are a range of other recommendations made by CSPL. Given the potential for further change as a result of the Government's anticipated response, it would be preferable to await a Model Code that contains changes of greater substance, such as any changes in legislation that may come forward following the Government's consideration of the recommendations arising from the CSPL report.

3 Conclusion and reasons for the recommendations

3.1 For the reasons set out in this report the Standards Committee is recommended to agree to maintain the Code of Conduct currently adopted rather than adopting the updated Model Code. This approach will ensure that we retain an effective Code of Conduct as well as maintaining the consistency across the councils in East Sussex. The position will be reviewed when there are more substantive changes, such as those proposed by the CSPL which require legislation.

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