

REPORT OF THE STANDARDS COMMITTEE

The Standards Committee met on 23 April 2019.

Present Councillor O’Keeffe (in the Chair),
 Councillors Martin Clarke, Godfrey Daniel, Taylor and Tutt

1. Code of Conduct for Members – proposed amendments

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. Recommendation 1 proposes that bullying and harassment should be referred to in the Code and recommendation 2 states that councils should include provisions in their Code

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requiring councillors to comply with any formal standards investigation and prohibiting trivial and malicious allegations by councillors. 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 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. In order to comply with the best practice recommendations of the Committee on Standards in Public Life, the Standards Committee recommends the County Council to agree the changes to the Code set out in Appendix 2.

1.6 The Committee **recommends** the County Council to –

☆ agree to the amendments to the Code of Conduct of Members as set out in Appendix 2 to this report

2. Annual Report of the Standards Committee

2.1 Between 1 April 2018 and 31 March 2019 three complaints were received against Members of the County Council.

2.2 It is considered that the standards of conduct among Members and co-opted members of the Council remain high and maintaining good standards is taken seriously. The table below shows the number of complaints considered by the Assessment Sub Committee over the past 10 years:

Year	No. of complaints considered
2018/19	3
2017/18	0
2016/17	1
2015/16	1
2014/15	3
2013/14	1
2012/13	1
2011/12	1
2010/11	2
2009/10	4

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Applications for Dispensation

2.3 In limited circumstances, Members can apply in writing for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. During 2018/19 there were no applications for dispensations.

2.4 All dispensations are entered on the register of Members' interests and remain there for the appropriate period.

Register of Members' Interests

2.5 The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned their registers and are reminded every six months of the need to notify the Monitoring Officer of any changes. The registers are available for public inspection and are available on the Council's website.

2.6 A register of Gifts and Hospitality is also maintained by the Monitoring Officer. Members have to register gifts and hospitality received with an estimated value of £50 or more. Councillors are reminded every 6 months of the need to declare gifts and hospitality of such a value.

2.7 There is an ongoing requirement to keep the information of the register of interest form up to date. Councillors must, within 28 days of becoming aware of any new registerable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

Training

2.8 Following the election on 4 May 2017 and the by-election on 10 January 2019, training was given to members on the Code of Conduct including register of interests, personal interests, disclosable pecuniary interests and gifts and hospitality at the Induction Day. All councillors have signed a declaration undertaking to comply with the County Council's Code of Conduct for Members.

Standards in Public Life Local Government Ethical Standards

2.9 In April 2018 the County Council responded to consultation from the Committee on Standards in Public Life on local government ethical standards. A report on the Committee's report including its recommendations and proposed amendments to the Council's Code of Conduct for Members is set out in paragraph 1 of this report.

2.10 The Committee **recommends** the County Council to –

☆ agree the Annual Report

RUTH O'KEEFFE
(in the Chair)

23 April 2019