

Agenda Item No: 7 **Report No:** 100/12
Report Title: Code of Conduct for Lewes District Council
Report To: Standards Committee **Date:** 11 June 2012
Cabinet Member: N/A
Ward(s) Affected: All
Report By: Corporate Head – Legal & Democratic Services
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Purpose of Report:

To consider possible drafts for a new Code of Conduct for Councillors.

Officers Recommendation(s):

- 1 To recommend a preferred Code of Conduct to Council.
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Reasons for Recommendations

To propose a Code of Conduct which will satisfy the requirements of the Localism Act 2011.

Information

The Localism Act 2011 requires councils to have a code of conduct. It also places a duty on councils to promote and maintain high standards of public life and have a mechanism in place to enforce the code.

The Council is required to adopt a new Code of Conduct governing elected and co-opted members' conduct when acting in their official capacity. The new Code must be consistent with the following seven principles - selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Regulations yet to be made under the Act will require the registration and disclosure of 'Disclosable Pecuniary Interests' (DPIs), which will be similar to current prejudicial interests. The provisions of the Act also require an authority's Code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests. The Act prohibits members with a DPI from participating in the authority's business (unless they have obtained a dispensation).

Three draft Codes are attached at Appendix 1 for the Committee's consideration:

At Appendix 1A is a draft Code which has been worked up by officers locally with a view to having the same Code adopted by all the East Sussex districts and boroughs, East Sussex County Council and Brighton & Hove City Council.

It is, where possible, based on the current Code, which is familiar to all members at unitary, county, district/boroughs and town/parish level. The advantage of all councils across East Sussex and Brighton & Hove adopting the same Code is that it will maintain a level of consistency of expected conduct across the geographical area, particularly in relation to twin-hatted members.

The main change is to include a section relating to "Disclosable Pecuniary Interests". The regulations defining what constitutes a DPI have not yet been made, and the draft code may need to be amended once these are made. The revised code also proposes to no longer require twin-hatted members to leave the room where a matter is considered which relates to another public body of which they are a member. It is also proposed that members of the Executive have only a personal, rather than a prejudicial interest at a scrutiny committee where business is considered which relates to a decision that they or members of the Executive have taken.

At the date of writing this report the following local authorities have resolved to adopt this locally drafted model Code: East Sussex County Council, Wealden District Council, Eastbourne Borough Council, Rother District Council. Neither Hastings Borough Council or Brighton & Hove City Council have yet made a decision.

At Appendix 1B is a suggested "Template code and guidance note on conduct" which was circulated to local authorities by the Local Government Association (LGA) on 10 April 2012. The LGA's covering letter is also attached. The template contains two parts of a principles based, outcomes focused code of conduct. Page 1 provides the principles and page 2 provides the outcomes the principles seek to achieve. It is recognised that some councillors would prefer a code of conduct model with more precise do's and don't's, but the Local Government Association suggests that this model provides more flexibility for responding to rapid changing times.

The template requires us to insert our own provisions for registration and disclosure of interests. If we used this model we could insert provisions modelled on the locally produced code at Appendix 1A, subject of course to any amendments required as a result of the issue of Regulations as to DPis.

Finally, at Appendix 1C there is an "illustrated text" for a code of conduct which was published by Communities and Local Government (CLG) on 11 April 2012 and is described as an example of what a local authority's code of conduct for the new standards arrangements might look like. CLG, in their covering letter, have stated:

"We have produced this example of a local code to provide certainty to local authorities who wish to adopt a lighter touch code compared to the centralist, top-down model code, and to help local authorities (especially parish councils) who might otherwise consider they need to commit valuable resource to creating a code to ensure compliance with the Localism Act."

CLG's letter is attached in full.

The Standards Committee is asked to consider which form of Code it should recommend to full Council for adoption by Lewes District Council.

Consultation

Initial feedback on the three model codes have been received from District Councillors. The feedback is varied, but mostly indicates that Councillors prefer either the East Sussex or CLG Code. Councillors who prefer the East Sussex Code stated their preference to its level of detail and similarity to the present Code. They also commented that it would be useful to have a similar Code to other authorities in East Sussex, especially for twin-hatted councillors.

Councillors who preferred the CLG Code liked the simplicity and focus of the Code, and supported the inclusion of the Nolan Principles of Public Life. Those councillors felt that the East Sussex Code was too similar to the present Code, and too long for councillors to easily digest.

The LGA Code was the least popular, with Councillors indicating that this Code was not specific enough, imprecise and too simple.

Financial Appraisal

A significant amount of time will initially need to be spent on re-drafting the Code, procedures, and on advising and training members on the changes. In the longer term, it is hoped that the cost of administering the complaint process may reduce due to the ability to streamline the existing process.

Environmental Implications

I have completed the Environmental Implications Questionnaire and there are no significant effects as a result of these recommendations

Risk Management Implications

The following risks will arise if the recommendations are not implemented:

The Council is obliged to adopt a Code of Conduct and arrangements for dealing with breaches as a matter of law. The Code of Conduct and arrangements for investigating complaints play a significant part in upholding and maintaining good standards of conduct. This helps reduce the risk of reputational damage to the Council and the wider local government and public sector.

Equality Implications

Any arrangements proposed will need to consider and meet the Council's statutory duties under the Equalities Act 2010 and the Human Rights Act.

Background Papers

None

Appendices

Appendix 1 – Possible options for A Code of Conduct

1A: East Sussex Code

1B: Local Government Association Code

1C: Communities & Local Government Code