

Report to:	Audit and Governance Committee
Date:	24 July 2019
Title:	Proposed amendments to Eastbourne Borough Council's Code of Conduct for Members
Report of:	Monitoring Officer
Ward(s):	All
Purpose of report:	To propose amendments to the Council's Code of Conduct for Members, based on best practice issued by the Committee on Standards in Public Life (CSPL)
Officer recommendation:	That the Committee recommends to full Council the adoption of (1) the response (at Appendix 1) to CSPL's best practice recommendations; and (2) the amended Code of Conduct for Members set out in Appendix 2.
Reasons for recommendations:	To ensure the Council's Code of Conduct for Members reflects national best practice
Contact Officer(s):	Name: Oliver Dixon Post title: Deputy Monitoring Officer E-mail: oliver.dixon@lewes-eastbourne.gov.uk Telephone number: 01323 415881

1 Introduction

- 1.1 Eastbourne Borough Council's Code of Conduct for Members is the principal tool that enables the Council to meet its legal duty to promote and maintain high standards of conduct by its members.
- 1.2 Under the Localism Act 2011, local authorities are free to create their own codes of conduct so long as the content is consistent with the Seven Principles of Public Life and provides for the registration and declaration of certain types of interests. To achieve consistency, however, the Council's Code is closely aligned to the code adopted by the majority of other local authorities.
- 1.3 Despite the Localism Act freedoms, it is good practice for local authorities to follow any guidance and recommendations from The Committee on Standards in Public Life (CSPL). This is an advisory non-departmental public body sponsored by the Cabinet Office, with its chair and members are appointed by the Prime Minister. Its terms of reference are "to examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the

highest standards of propriety in public life.”

- 1.4 In 2018, CSPL carried out a review of the ethical standards framework for local government, the first of its kind since the current framework came into effect in 2012.
- 1.5 CSPL considered whether there was a need for a centralised body to govern and adjudicate on standards. It concluded that whilst the consistency and independence of the system could be enhanced, there was no need 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.
- 1.6 CSPL made a number of recommendations and identified best practice to improve ethical standards. Certain recommendations require changes to primary legislation, all subject to Parliamentary timetabling, and also to secondary legislation and the Local Government Transparency Code. However, its advice on best practice is capable of implementation without changes to legislation, and CSPL expect local authorities to adopt these at the earliest opportunity.
- 1.7 The remainder of this report focuses on CSPL’s best practice, as implementation is within the Council’s own powers.

2 CSPL Best Practice Recommendations and Council Response

- 2.1 CSPL’s best practice points and the Council’s proposed response to each one are set out at Appendix 1. As noted there, the Council already follows best practice on some items.

3 Amendments to the Code of Conduct

- 3.1 The proposed amendments to the Council’s Code of Conduct for Members, reflecting CSPL’s best practice recommendations, are set out (as marked in red) at Appendix 2.

4 Local consistency

- 4.1 The proposed amendments in Appendix 2 are consistent with the changes that East Sussex County Council have made to their own Code of Conduct for Members.
- 4.2 The Monitoring Officer for Lewes District Council submitted a report, in the same terms as this one, to their Audit & Standards Committee on 16 July. A verbal update on the outcome of that meeting will be given to Eastbourne’s Audit & Governance Committee on 24 July.
- 4.3 Aligning the codes across the county and borough will make it easier for dual-hatted members to apply the same standards of conduct in whatever local authority capacity they are operating.

5 Proposal

- 5.1 It is proposed that the Audit and Standards Governance recommends to full Council the adoption of (1) the response (at Appendix 1) to CSPL's best practice points; and (2) the amended Code of Conduct for Members set out in Appendix 2.
- 5.2 The Localism Act prescribes that amendments to a council's code of conduct for members may only be approved by the authority as a whole, i.e. the full Council.

6 Financial appraisal

- 6.1 Adopting the amendments set out in Appendix 2 will have no financial implications of any significance.

7 Legal implications

- 7.1 The content of this report is consistent with the Council's obligations under the statutory framework for local government ethical standards, namely part 1, chapter 7, of the Localism Act 2011.

Lawyer consulted 05.07.19

Legal ref: 008160-JOINT-OD

8 Risk management implications

- 8.1 Whilst it is not obligatory for a local authority to adopt CSPL's best practice points, failure to do so would leave the authority (a) in a less than optimum position as regards its ethical standards governance, and (b) out of kilter with other local authorities.

9 Appendices

- Appendix 1 – Proposed Council response to CSPL best practice recommendations
- Appendix 2 – Amended Code of Conduct for Members

10 Background papers

The background papers used in compiling this report were as follows:

- [Local Government Ethical Standards – A Review by the Committee on Standards in Public Life](#)