

Report to: Full Council

Date: 25 September 2019

Title: Amended Code of Conduct for Members

Report of: Monitoring Officer

Ward(s): All

Purpose of report: To recommend adoption of amendments to the Council's Code of Conduct for Members

Officer recommendation(s): (1) That Council adopts the amended Code of Conduct for Members, set out at Appendix 3.

(2) That Council authorises the Monitoring Officer to make the amended Code of Conduct available to all town and parish councils in the Lewes district, with a view to those councils adopting it for consistency.

Reasons for recommendations: To ensure the Council's Code of Conduct for Members reflects national best practice

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1 Introduction

- 1.1 On 16 July 2019, the Audit and Standards Committee considered a report by the Monitoring Officer on proposed amendments to the Code of Conduct for Members.
- 1.2 Eastbourne Borough Council's Audit and Governance Committee considered an equivalent report by their Monitoring Officer on 24 July 2019.
- 1.3 The amendments reflect best practice issued by the Committee on Standards in Public Life (CSPL). This is an advisory body sponsored by the Cabinet Office and examines concerns about standards of conduct by holders of public office, and makes recommendations as to changes in present arrangements which might be required to ensure the highest standards of propriety in public life.

2 Amendments to Code of Conduct

- 2.1 CSPL's best practice recommendations and the Council's response to each one are set out in Appendix 1.

- 2.2 The principal amendments to the Code of Conduct are to add:
- (i) an obligation not to harass any person;
 - (ii) definitions of 'bullying' and 'harassment'; and
 - (iii) examples of behaviour amounting to bullying or harassment.
- 2.3 The minutes and recommendations of the Audit and Standards Committee are set out in Appendix 2.
- 2.4 Collectively, the Audit and Standards Committee and the Audit and Governance Committee recommended a small number of additional amendments, as follows:
- (i) that paragraph 1(6) of the Code read "Councillors must comply with any *reasonable request by the Monitoring Officer, the Deputy Monitoring Officer or an investigating officer appointed by them*, regarding the provision of information in relation to a complaint that alleges a breach of the Code of Conduct, and must comply with any formal standards investigation." [additional amendments shown in italics];
 - (ii) that the following line be added to the examples of bullying and to the examples of harassment given in the appendix to the Code: "any of the behaviours listed above, occurring on a single, repeated or habitual basis."
- 2.5 The Code of Conduct incorporating all the above amendments is set out in Appendix 3, with the amendments shown as tracked changes.
- 2.6 As the amendments are broadly in line with those already adopted by East Sussex County Council, twin-hatted members serving at both district/borough and county level will operate within a consistent set of standards.
- 2.7 Though not legally required to do so, parish and town councils in the Lewes district have customarily adopted the code of conduct of their 'principal authority', Lewes District Council. This achieves consistency across the district and enables members who are town/parish and district councillors to work to a common code.
- 2.8 Accordingly, it is recommended that Council authorises the Monitoring Officer to make the amended District Council code available to local councils across the district, with a view to them adopting it.

3 Financial appraisal

- 3.1 Adopting the amendments set out in Appendix 3 will have no financial implications of any significance.

4 Legal implications

- 4.1 The recommendations are consistent with the Council's obligations under the statutory framework for local government ethical standards: part 1, chapter 7, of

the Localism Act 2011. Under section 28(13) of the Act, the function of revising the Council's Code of Conduct is reserved to the full Council.

5 Risk management implications

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

6 Appendices

- Appendix 1 – CSPL's best practice recommendations and the Council's response to each one
- Appendix 2 – Minutes and recommendations of the Audit and Standards Committee of 16 July 2019
- Appendix 3 – Code of Conduct incorporating proposed amendments

7 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](#)