

Report to:	Full Council
Date:	19 February 2020
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:	That Council adopts the amended Code of Conduct for Members, set out at Appendix 3.
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 On 24 July 2019, the Council's Audit and Governance Committee considered a report by the Monitoring Officer on proposed amendments to the Code of Conduct for Members.

1.2 Lewes District Council's Audit and Standards Committee had considered an equivalent report on 16 July 2019, in respect of the Code of Conduct for that Council.

1.2 The proposed 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 Proposed 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 Governance Committee are set out in Appendix 2.
- 2.4 Collectively, EBC's Audit and Governance Committee and LDC's Audit and Standards 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 Lewes District Council formally adopted the amended Code of Conduct at its full Council meeting on 25 September 2019.
- 2.8 By adopting the amended Code of Conduct, Eastbourne Borough Council will be aligning its code with that for Lewes District Council and East Sussex County Council.

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 officer recommendation on the front page is 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.

Lawyer consulted 10.10.19

Legal ref: 008160-JOINT-OD

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 Council (a) in a less than optimal position as regards its ethical standards governance, and (b) out of kilter with Lewes District Council, East Sussex County Council and most other local 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 Governance Committee of 24 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](#)