

Working in partnership with **Eastbourne Homes**

Meeting: Council

Date: 19 February 2020

Subject: Amended Code of Conduct for Members

Report of: Councillor Dean Sabri on behalf of the Audit and Governance Committee

The Council is asked to consider the minute and resolution of the Audit and Governance Committee meeting held on 24 July 2019 as set out below.

The Council is recommended to:-

Adopt the Amended Code of Conduct for Members.

Minute extract

Audit and Governance – 24 July 2019.

Peter Finnis (Monitoring Officer) welcomed the new Independent Persons (IPs): Neal Robinson and, in his absence, Graham Branton. The IPs would work in close partnership with the MO, providing expert advice and active involvement in any code of conduct cases, or scrutiny of cases.

Oliver Dixon, (Deputy Monitoring Officer), presented the report.

It was noted that the role of the Audit and Governance Committee was to provide strategic oversight on this issue; any changes to the Code of Conduct had to be ratified by Full Council. Any recommendations from the Committee would go before the next Full Council in November.

The last comprehensive review of the Code was made in 2012.

The purpose of the review was to align the Code of Conduct with neighbouring local authorities, notably East Sussex County Council, to help ensure consistency and clarity for Councillors and with the recent review by the Committee on Standards of Public Life (CSPL).

The CSPL review concluded that it was appropriate that the conduct of Councillors continued to be managed at a local level. It had also made a number of recommendations, which fell into two groups:

- Those that would require changes to primary and secondary legislation, and so would need to be tabled through Parliament (at a date to be confirmed).
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- Those that were points of best practice (and not requiring legislative change).

The Committee considered the 'best practice' points relevant for review of the Eastbourne Borough Council Code of Conduct for members (listed in Appendix 1 to the report) and the proposed edits to align with CSPL best practice recommendations.

In regard to paragraph 1.6, the Committee requested that the word 'reasonable' be inserted before the words 'request for information'; and that the words 'from the Monitoring Officer or Investigating Officer' be inserted to clarify from whom those requests would come.

The Committee requested that an investigation was made to see if there was any specific advice already available on the use of social media that would be suitable to add to the general communications guidance.

In relation to definitions, the Chair noted the value of the proposed changes, the usefulness of including definitions, and was pleased to hear that much of the best practice was already in place.

The MO noted that the definitions provided very useful guidance, that every instance would always be treated on a case by case basis, and that there were processes of informal action and mediation that could be called upon to resolve an issue, which could mitigate against the need to use the formal Code of Conduct processes.

It was confirmed that the definition for 'Harassment' uses the statutory definition supplied in the Equality Act 2010, and for 'Bullying', uses the definition provided by ACAS (in the absence of a statutory definition).

The Committee requested that an additional, non-exhaustive example for 'bullying', that included the phrase 'habitual' or 'repeated', be provided. Cllr Burton stated that even a single instance of bullying or harassment may be enough to meet the definitions proposed, depending on the perception of the person targeted. The MO said that bullying or harassment could comprise a single but serious case, or a pattern of behaviour; the definitions and non-exhaustive examples would be used as points of reference and guidance when assessing a complaint.

In addition, the Committee requested that a potential inconsistency of thresholds for beneficial interests, one for £25, another for £50, be checked and appropriate amendments be made if necessary.

RESOLVED: (Unanimous)

1. That the report be noted and recommended to Full Council, subject to:
 - Additional amendments to para 1.6 in the Code of Conduct
 - Addition of the non-exhaustive example set out above
 - The Deputy Monitoring Officer confirming the monetary threshold limits and amending the document accordingly.
 2. That the Deputy Monitoring Officer considers what existing guidance on social media might be included for members.
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