

Rother District Council

Report to	-	Council
Date	-	8 July 2019
Report of the	-	Audit and Standards Committee
Subject	-	The Committee on Standards in Public Life's Review of Local Government Ethical Standards / Code of Conduct

The Council is asked to consider the recommendation arising from the Audit and Standards Committee meeting held on 24 June, as set out below.

AUDIT AND STANDARDS COMMITTEE – 24 June 2019

AS19/06. THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

Members considered the report of the Executive Director detailing the outcome of the Committee on Standards in Public Life's (CSPL) Review of Local Government Ethical Standards. The CSPL's report was published in January 2019 and Audit and Standards Committee Members at that time were sent the link to the report. A brief report for all Members was also made within the March edition of the Members' Bulletin and all Parish Clerks were also sent the link as there were a number of recommendations directed at Parish and Town Councils.

The CSPL had made a total of 26 recommendations to Government, together with 15 best practice guidelines which were directed at local authorities. The recommendations were made to the Government and to specific groups of public officeholders; some of the recommendations required a change to primary legislation, which was subject to Parliamentary timetabling and some to secondary legislation and the Local Government Transparency Code, which could be implemented more swiftly. The recommendations were reproduced at Appendix 1 to the report in their entirety, along with officer commentary.

Best practice recommendations were attached at Appendix 2 to the report, which the CSPL considered to be a benchmark of good ethical practice and that all local authorities could and should implement. It was proposed that officers undertook an assessment of the Council's current practice against the best practice guidelines and report back to the Committee at the December 2019 meeting.

Ahead of the Council's consideration of the best practice guidelines (and any revised model Code of Conduct that may emerge in the future), East Sussex County Council (ESCC) had undertaken a review and had recommended two amendments to the current Code of Conduct as a result of best practice recommendations 1 and 2. The amendments were in respect of ensuring Councillor co-operation with any formal standards investigations and providing a definition of bullying. All the District and Borough Councils across East Sussex had

been requested by ESCC to make these amendments as each authority had adopted the same Code of Conduct to ensure continuity across the county, particularly for dual-hatted Members.

Following some discussion about the CSPL's recommendations to Government, the following points were noted:

- whilst the power to suspend councillors, without allowances, for up to six months was welcome, it was hoped that some clarification would be provided with any change in legislation, as to the level of offence leading to such a sanction; and
- recommendation 25 did not encompass those Councillors that did not belong to a political party.

RECOMMENDED: That the following proposed additions to the Council's Code of Conduct be approved and adopted:

Under the General Provisions, Introduction and Interpretation:

(6) Councillors are required to comply with any request regarding the provision of information in relation to a complaint alleging a breach of the Code of Conduct and must comply with any formal standards investigation.

AND the following under the General obligations:

(2) (b) bully or harass any person; Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

(c) intimidate or improperly influence or attempt to intimidate or improperly influence any person who is or is likely to be....

AND the Audit and Standards Committee also:

RESOLVED: That:

- 1) the outcome and recommendations of the Review be noted and welcomed by the Committee;
- 2) the proposed resulting changes to legislation be considered if and when enacted by Government; and
- 3) an assessment of the Council's current practice against the best practice guidelines outlined in the report be made and presented to the Committee at the December 2019 meeting.

(Audit and Standards Agenda Item 8)

Councillor K.P Dixon
Chairman of the Audit and Standards Committee

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