

Rother District Council

Report to: Audit and Standards Committee

Date: 22 March 2021

Title: Code of Conduct

Report of: Lisa Cooper, Monitoring Officer

Purpose of Report: To consider the Council's current Code of Conduct and whether or not to adopt a new Code at this time.

Officer

Recommendation(s): **Recommendation to COUNCIL:** That

- 1) in order to maintain consistency across the East Sussex authorities the Council's existing Code of Conduct be retained at the current time and amended to bring it in line with East Sussex County Council's version; and
 - 2) this Council's position and Code of Conduct be reviewed when the Government's response to the Committee on Standards in Public Life's recommendations is known.
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Introduction

1. As Members may recall, at the meeting held in December it was advised that the Local Government Association's (LGA) new model Code of Conduct (CoC) had not been finalised and published, as anticipated. The LGA subsequently published the new model CoC on 23 December and sent a communication to all Monitoring Officers, which was not received by this Council at that time. I was subsequently made aware by colleagues in our neighbouring authorities in January this year.
2. Colleagues and Monitoring Officers across the other East Sussex authorities believe the best way forward at this stage is to retain existing codes to maintain consistency across the Districts and Boroughs, particularly for the dual-hatted Members and hope to secure agreement to keep our current CoC and not adopt a new CoC at this time. This is particularly pertinent in light of the East Sussex County Council (ESCC) elections taking place in May this year and the likelihood of a number of dual-hatted Members being elected. Furthermore, the Government has yet to respond to the Committee on Standards in Public Life's (CSPL) recommendations following their review of ethical standards and possible changes to legislation that this may bring.
3. A copy of the new LGA model CoC is at Appendix A, our existing Code at Appendix B and ESCC's Code at Appendix C.

Considerations

4. Whilst this Council is free to determine its own CoC, ESCC's Monitoring Officer believes that it is desirable to maintain a single code across East Sussex, if this is at all possible, as this is greatly appreciated by dual-hatted Members, of which there are a number. The view of the ESCC MO is that the current code works well and that it covers the majority of the points in the new LGA model

code and the preference is to therefore retain the current code, rather than adopt the new model code across East Sussex, at this time.

5. Lewes and Eastbourne Council's current position is not to seek adoption of the model CoC since, in their MO's opinion it is not significantly different in substance from the existing cross county code.
6. Whilst the model CoC is clearer and more user-friendly this alone is not considered enough to justify a recommendation for change by our neighbouring East Sussex authorities who feel that it is best at this stage to wait for a model CoC that contains changes of real substance. They also consider it prudent to wait until the Government have responded to the CSPL's review into ethical standards and recommendations which may result in further legislative change and meaningful sanctions.
7. Should the Government choose to implement any of the recommendations arising from the CSPL's review, this would require a change to the Model Code; the recommendations cover the following areas:
 - Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
 - The introduction of sanctions
 - An appeals process through the Local Government Ombudsman
 - Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
 - Updates to the Local Government Transparency Code
 - Changes to the role and responsibilities of the Independent Person
 - That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished
8. Should the LGA Code be adopted prior to Government consideration and response to the CSPL, further revisions to any newly adopted Code may then be required.
9. Given the above it is recommended that this Council does not consider adopting the LGA's new model CoC at this time to keep us in line with thinking across the county and keep our CoCs relatively the same.

Existing Code

10. Consequently, following a comparison exercise between our CoC and that of ESCC there are one or two differences, highlighted within the Appendices. It is recommended therefore that our current CoC be amended to match that of ESCC and that this version be approved and adopted until such times a new CoC emerges, which may include meaningful sanctions, and which would be supported across the districts and boroughs within East Sussex. The differences are highlighted as follows:

RDC Code

Propose to delete yellow highlighted text at paragraph 3 (a) (iii)-(vii), (ix) and (x) – these are Disclosable Pecuniary Interests and are not required to be listed here, as they are now included at paragraph (5).

ESCC Code

Descriptions at paragraph 5 to be added to RDC Code.

Text at Part 1) Paragraph 7 to be added to RDC Code, as follows:

“(7) Councillors should not seek to misuse the standards process, for example, by making trivial or malicious allegations against another councillor for the purposes of political gain.”

Conclusion

11. It is recommended that we retain our existing CoC, bring it into line with the ESCC version and review this Council’s position and Code of Conduct when the Government’s response to the CSPL’s recommendations is known.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No
Report Contact Officer:	Lisa Cooper, Democratic Services Manager and Monitoring Officer		
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Appendices:	Appendix A – LGA Model Code Appendix B – RDC Code Appendix C – ESCC Code		
Relevant Previous Minutes:	AS20/33		
Background Papers:	None.		
Reference Documents:	LGA Consultation https://www.local.gov.uk/code-conduct-consultation-2020		