

Report to Standards Committee

27 June 2022

National Standards Update

Report by Director of Law and Assurance

Electoral division: N/A

Summary

The Committee responded to several consultations regarding the national Standards regime in 2019-2020. Several updates are now available for the Committee's consideration.

Recommendations

The Committee is asked to:

- (1) Note the Government's response to the recommendations of the Committee for Standards in Public Life on local government ethical standards.
 - (2) Note the changes in legislation around disqualification for office.
 - (3) Decide whether to comment further on the LGA's model code of conduct.
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Proposal

1. Background and Context

- 1.1 This Committee has previously responded to consultations on national standards matters. This report provides an update on the outcomes of these consultations.
- 1.2 The Committee responded to a consultation in 2018 from the Committee for Standards in Public Life on its review of Local Government Ethical Standards. The Committee for Standards in Public Life issued a best practice report in 2019 and made recommendations to central Government on a number of aspects of Local Government Standards.
- 1.3 At the time, this Committee was supportive of suggestions to undertake actions to strengthen Local Government Standards. It also reviewed the best practice document and concluded that West Sussex County Council generally followed recommended best practice in standards, while taking two steps to improve the arrangements based on the recommendations.
- 1.4 The Government published its response to the Committee for Standards in Public Life in April 2022. Its general response was to conclude that the best practice recommendations were sufficient to promote and maintain good

standards in local government and that legislative change would be unnecessary. The Government's response is attached as Appendix 1. It should be noted that the Government has agreed to consider the rules around the publication of councillors' home addresses in the register of interests, although the County Council now advises members on options including not publishing their home addresses, so this is already reflected in the Council's approach to the register of interests.

- 1.5 The Government commended the Local Government Association's model code of conduct, which was published in 2021. This is attached as Appendix 2. Following the abolition of the compulsory national code of conduct in 2011, the County Council has maintained a code of conduct based on the former national code but has incorporated all newer requirements and had ensured that it has kept pace with recommendations and best practice.
- 1.6 In 2017, the Government issued a consultation on whether the existing 1972 criteria for disqualification for standing for local government office should be extended to include people issued with newer civil injunctions arising from sexual offences. The Committee responded to the consultation in 2017 and was supportive of extending the criteria in this way.
- 1.7 The Government has recently passed the Local Government Disqualification Act 2022, which has implemented this change.

2. Proposal details

- 2.1 The Committee is asked to note the Government actions.
- 2.2 The Committee is also asked to consider whether the LGA's model code of conduct, previously considered by the Committee should be considered once again for possible adoption by the County Council in place of its long-established Code. As there is no indication that the Code is ineffective or problematic in any sense it is a simple matter of whether there are other grounds for exploring the need to consider adopting a different code which has wider use among councils across the country.
- 2.3 It should be noted that six of the seven borough and district councils have now adopted the LGA model code and the seventh has adopted a number of measures based on the new national code. There is an argument that the County Council should also adopt the model code to be consistent with other councils.
- 2.4 To change the Council's current code of conduct would involve changing most of the wording and structure of the existing one. In practice, much of the overall content is very similar, although the model text sets out an explanation of what is meant by certain words, such as 'bullying' and 'harassment'. The County Council has incorporated bespoke advice on predetermination and bias in its Code of Conduct, which could instead form an appendix to the model code text if adopted. This could be prepared for the next meeting of the Standards Committee in October 2022, if the Committee requests this. If a new code is then agreed by the Council in December 2022, the practical impact would be that members would be asked to sign up to adhere to the new form of the code, as a one-off exercise. It is likely that the existing register of interests form would remain fit for purpose and no further training would be required for members.

3. Consultation, engagement and advice

3.1 Not applicable.

4. Finance

4.1 There are no revenue budget, capital budget or other resource implications arising from this report.

5. Risk Implications and Mitigations

Risk	Mitigation
If the County Council retains its existing code of conduct, this could lead to inconsistency with other councils including districts and boroughs in the County if they adopt the LGA code.	Adopting the LGA code would address this risk if other councils are found to be adopting the LGA code. Equally the risk may be regarded as not significant for meeting the purpose of the Code.

6. Policy alignment and compliance

6.1 The County Council's Code of Conduct and Standards arrangements are in line with the best practice recommended by the Committee for Standards in Public Life.

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Appendices

Appendix 1 – Government Response to Committee for Standards in Public Life's recommendations

Appendix 2 – Local Government Association Model Code of Conduct.

Background Papers

None