

Standards Committee

October 2022

Code of Conduct

Report by Director of Law and Assurance

Electoral division: Not applicable

Summary

The Committee requested that a draft County Council Code of Conduct be produced, based on the Local Government Association's Model, but keeping any bespoke advice in the current Code. A draft is attached at Appendix 2 for consideration.

Recommendations

- (1) To decide whether to endorse the draft West Sussex County Council Code of Conduct at appendix 2 for approval by the County Council in December 2022.
 - (2) If the above is agreed then, to ask all councillors to sign up to the new Code of Conduct, if approved in December 2022.
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Proposal

1 Background and context

- 1.1 The Localism Act 2011 abolished a national code of conduct for councillors but required all councils to establish a locally agreed code of conduct, which must include the Act's pecuniary interest provisions.
- 1.2 In 2020, the Local Government Association published a Model Code of Conduct which it commended to councils for adoption. This claims to take into account best practice and learning from the standards system from 2011. This Council decided at that time to continue with its Code which was seen as having worked effectively since its adoption and was not sufficiently different in substance to the proposed Model Code.
- 1.3 The Standards Committee noted more recently that most other councils in West Sussex have adopted the Model Code or have adapted it and the Committee asked for a draft to be prepared that is based on the model code but including any bespoke rules and guidance in the current West Sussex version.
- 1.4 The Council's current Code of Conduct is attached at Appendix 1. The main difference is the inclusion in the Model Code of commentary on the Code's provisions.

2 Proposals

- 2.1 The version largely based on the LGA Model Code is attached at Appendix 2. The Model Code wording is shown in standard type. Appendix 3 of the Model Code is omitted as it is aimed at the LGA itself.
- 2.2 Some text in the Model Code is struck through where it is clearly of no relevance to the County Council. There is text at the beginning which serves as a preamble and introduction to the Code. Parts of this text are in square brackets and it is proposed that these parts are not included in the Code for recommendation to the Council as they do not directly contribute to or form any part of the Code itself.
- 2.3 In Appendix 2 of the draft Code, interests are set out in detail. It is here that parts of the current West Sussex Code are recommended for inclusion, including retaining the current wording for personal and prejudicial interests, advice on predetermination and on the effects of prejudicial interests in scrutiny committees. It is recommended that these sections be retained. They are shown in bold type.
- 2.4 Table 3 of Appendix 2 lists common exclusions to interests, which also features in the current West Sussex Code. This is also recommended for inclusion for certainty, although a reference to housing is not included as the County Council is not a housing authority.
- 2.5 If the Committee supports the adoption of the new Code, some existing sections will need to be renumbered, which is shown at the end of the new draft Code.
- 2.6 The Committee is invited to consider whether the draft new Code of Conduct should be supported to replace the current Code which is attached for comparison. If approved the Committee is asked to recommend it to the County Council for adoption in December 2022.
- 2.7 If the new Code of Conduct is approved, it is recommended that all councillors be asked to sign it in December 2022 or as soon after this as practicable.

3 Consultation, engagement and advice

- 3.1 Not applicable.

4 Finance

- 4.1 There are no financial implications arising in relation to this report.

5 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
That the County Council uses a different Code to that of other councils, leading to uncertainty for councillors and the public.	The new Code of Conduct will bring the County Council into line with district and borough councils, reducing the scope for uncertainty.

6 Policy alignment and compliance

- 6.1 The Code of Conduct forms one element of the Council's range of systems to reduce crime, to ensure compliance with the public sector equality duty and with the expectations of the rights of individuals within the Human Rights Act.

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Appendices

1. Current Code of Conduct
2. Proposed West Sussex Code of Conduct

Background papers – None.