

# Arun District Council

<b>REPORT TO:</b>	<b>Standards Committee – 16 January 2025</b>
<b>SUBJECT:</b>	<b>Review of Members Code of Conduct</b>
<b>LEAD OFFICER:</b>	<b>Daniel Bainbridge, Group Head of Law &amp; Governance</b>
<b>LEAD MEMBER:</b>	<b>Councillor David Huntley</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:</b>	
The Localism Act 2011 requires local authorities to “...promote and maintain high standards of conduct by members and co-opted members of the authority.”	
<b>DIRECTORATE POLICY CONTEXT:</b>	
The Group Head of Law & Governance (Monitoring Officer) is responsible for advising the Council and its members in relation to the Code of Conduct and for recommending updates to the Code to the Standards Committee.	
<b>FINANCIAL SUMMARY:</b>	
No financial implications identified.	

## 1. PURPOSE OF REPORT

- 1.1 The Council adopted a new Members’ Code of Conduct in March 2021. This report seeks the view of the Standards Committee as to whether a review of the code should be undertaken.

## 2. RECOMMENDATIONS

It is recommended that the Committee considers:

- 2.1. Whether the 2021 Code of Conduct is effective and appropriate and needs no review at this time; or
- 2.2. Whether to undertake a review of the Code of Conduct

## 3. EXECUTIVE SUMMARY

- 3.1. This report provides the Standards Committee with a brief overview of any previous review of the Members Code of Conduct and seeks the Committee’s views as to whether another review is required.

## 4. DETAIL

- 4.1. The review of ethical standards by the Committee for Standards in Public Life, undertaken in 2020, recommended that an annual review of the Members' Code of Conduct is undertaken.
- 4.2. Each council may adopt its own code, but it must be based on the Committee on Standards in Public Life's seven principles, otherwise known as the Nolan principles. These are: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
- 4.3. In 2020, the Local Government Association (LGA) developed a Model Code of Conduct, and the Council adopted the model code in March 2021.
- 4.4. In December 2021 this Committee considered the effectiveness and relevance of the 2021 Code and agreed that the code in place was effective and appropriate and did not require a full review, particularly as it had only been adopted in March of the same year.
- 4.5. In June 2022 the Committee reviewed the Code with a particular focus on Members' understanding regarding the disclosure of registrable interests. The Committee discussed the descriptions of the different disclosable interests, and the explanation of the 'bias test'. These comments were then taken into consideration when delivering the Members' Induction Programme following the May 2023 elections, to provide clear guidance to new and returning Members. The Committee agreed not to incorporate these broader explanations into the Code as they should be considered on a case-by-case basis and advice sought from the Monitoring Officer where appropriate.
- 4.6. A regular report from the Monitoring Officer, presented to each meeting of this Committee, includes an item on the monitoring and operation of the code.
- 4.7. All town and parish councils within Arun district have now adopted the 2021 Model Code, apart from Littlehampton Town Council (who we understand are in the process of adopting a new code based on the LGA Model Code) and Middleton-on-Sea Parish Council (still working to the 2012 code).
- 4.8. A review of the code was not undertaken in 2023 as it was felt that this was too soon after the local elections and delivery of member induction.
- 4.9. The code applies to a Councillor when they are acting in their capacity as a Councillor, or when their actions give the impression that they are acting in their capacity as a Councillor. This is impressed upon Councillors as part of the Member Induction Programme following an election, and any subsequent Code of Conduct training.
- 4.10. It is for this Committee to decide whether they feel an internal review of the Code of Conduct is required. Any such review would be carried out by the Committee upon advice from the Monitoring Officer, with the Standards Committee responsible for making recommendations for any changes to Full Council.
- 4.11. The Committee should be aware that the LGA launched a consultation on 18 December 2024 seeking views on introducing measures to strengthen the standards and conduct regime in England and ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension.

Specific proposals being consulted upon for legislative change include:

- the introduction of a mandatory minimum code of conduct for local authorities in England
- a requirement that all principal authorities convene formal standards committees to make decisions on code of conduct breaches, and publish the outcomes of all formal investigations
- the introduction of the power for all local authorities (including combined authorities) to suspend councillors or mayors found in serious breach of their code of conduct and, as appropriate, interim suspension for the most serious and complex cases that may involve police investigations
- a new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period
- a role for a national body to deal with appeals

In addition, the consultation seeks views on how to empower victims affected by councillor misconduct to come forward and what additional support would be appropriate to consider.

4.12 The consultation closes on 26 February 2025 and Members are encouraged to respond via the link - [Strengthening the standards and conduct framework for local authorities in England - GOV.UK](#).

## **5. CONSULTATION**

5.1. Not applicable to this report. .

## **6. OPTIONS / ALTERNATIVES CONSIDERED**

- 6.1. To carry out a review of the 2021 Code of Conduct to ensure that the content is relevant and appropriate.
- 6.2. To defer a review for a further period of time.
- 6.3. To not carry out a review.

## **7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER**

7.1. There are no financial implications associated with this report.

## **8. RISK ASSESSMENT CONSIDERATIONS**

8.1. Any review of the Code will obviously result in demands on officer and Member time, and consideration also needs to be given to adhering to official guidelines in terms of the content.

## **9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER**

- 9.1. A Member Code of Conduct is required by Section 27 of the Localism Act 2011.
- 9.2. Section 28 of the Localism Act 2011 requires the council to have arrangements in place to deal with allegations that a Councillor has failed to comply with the

requirements of the Code. These arrangements are detailed in our Local Assessment Procedure. Any decisions on those allegations are linked to the relevant paragraph(s) of the code.

- 9.3. When a Councillor is elected (or co-opted) onto the Council, they are required to sign a declaration to confirm that they will comply with the Code of Conduct. They are also required to complete a Register of Interests, in accordance with the Localism Act 2011, Section 29.
- 9.4. From the above paragraphs, the Committee will understand the importance of the Code and how it governs the behaviour of councillors. The public expect Councillors to represent them and their communities, to take decisions fairly, openly and transparently. There is a collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
- 9.5. However, the code also acts as a tool to support councillors to undertake their role without fear of intimidation, abuse, bullying, or threat and is designed to protect the democratic role, encourage good conduct and safeguarding the public's trust in local government.

For items 10 – 17 below, there are no direct impacts arising from this report.

**10. HUMAN RESOURCES IMPACT**

**11. HEALTH & SAFETY IMPACT**

**12. PROPERTY & ESTATES IMPACT**

**13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE**

**14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE**

**15. CRIME AND DISORDER REDUCTION IMPACT**

**16. HUMAN RIGHTS IMPACT**

**17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS**

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**BACKGROUND DOCUMENTS:** None