

7. REVIEW OF THE MID SUSSEX CODE OF CONDUCT

REPORT OF: SOLICITOR TO THE COUNCIL
Contact Officer: Tom Clark tom.clarke@midsussex.gov.uk 01444 477459
Wards Affected: All
Key Decision: N/A
Report to: Standards Committee
Date of meeting: 17th June 2014

Purpose of Report

1. To compare the format of the Mid Sussex Code of Conduct with that of Swindon Borough Council and discuss how the Mid Sussex Code of Conduct might be changed to make it clearer for elected Members and the public.

Summary

2. Section 28 of the Localism Act 2011 required every Council by July 2012 to adopt a Members Code of Conduct that incorporates mention of the principles of public life and disclosable pecuniary interests as a minimum.
3. Both Mid Sussex District Council and Swindon Borough Council chose to keep a wider Code of Conduct reflecting the pre 2012 Code of Conduct but have used different formats.
4. Members are asked to consider the respective codes at Appendix A and Appendix B and consider what changes might be made to clarify the document for May 2015.

Recommendations

5. **The Committee is recommended to consider the format of the Swindon Borough Code of Conduct and, in the light of this, decide what changes might be made to the Mid Sussex Code of Conduct for May 2015.**
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Background

6. At short notice, in June 2012, all Councils were required to prepare a new Members Code of Conduct to reflect the requirements of section 28 Localism Act 2011.
7. There was a choice between a Code of Conduct that reflected the comprehensive code that had been in place since 2007 or a minimum code covering only the principles of public life and the statutory disclosable pecuniary interests.
8. Mid Sussex District Council did not have any particular concerns about the existing Code of Conduct and adopted a comprehensive Code of Conduct. A majority of Town/Parish Councils in the District followed this lead. As Monitoring Officer, I am not aware of any demand to move to the minimalist Code of Conduct which has, for instance, been adopted at Worthing Borough Council.
9. Members will note that the Swindon Code at Appendix B starts off with the principles of public life and incorporates the list of disclosable pecuniary interest into the Code itself making clear the criminal sanctions that apply to non-registration and non-disclosure.

10. However, it does not include the equivalent of paragraph 12 (3) from the Mid Sussex Code at Appendix A which enables Members to speak on matters where they are likely to have knowledge useful to the meeting.

Policy Context

11. It is important that we maintain public confidence in the way decisions are taken and that all decisions are taken free from any personal financial interests.

Other Options Considered

12. Not to review the existing Code of Conduct.

Financial Implications

13. There are no financial implications arising directly from this report.

Risk Management Implications

14. It is important that the Code of Conduct is as clear as possible to avoid successful legal challenge should it be applied to the detriment of an elected Member.

Equality and Customer Service Implications

15. The Code of Conduct applies equally to all elected Members.

Other Material Implications

16. There will be new Members elected in May 2015 and comprehensive training will need to be provided. Any revisions required to the existing Code of Conduct need to be made before that training is organised.

Background Papers

The Localism Act 2011.