

NEW MODEL CODE OF CONDUCT

REPORT OF: Solicitor, Head of Regulatory Services & Monitoring Officer
Contact Officer: Tom Clark, Solicitor & Head of Regulatory Services
Email: Tom.Clark@midsussex.gov.uk - Tel: 01444 477459
Wards Affected: All
Key Decision No
Report to: Standards Committee
Monday 18th January 2021

Purpose of Report

1. To report the agreed Local Government Association Model Code of Conduct for consideration for adoption by the Council from May 2021.
2. Your Committee considered the draft Model Code of Conduct at your meeting on the 3rd August 2020 and submitted representations as part of the consultation.
3. The document now annexed to this Report is somewhat different from that draft and Members are asked to comment on the contents.

Recommendations

4. **The Standards Committee is asked to recommend to Council that the new Local Government Association Model Code of Conduct is adopted by Mid Sussex District Council and that Council encourages Town and Parish Councils within Mid Sussex to also adopt this Code of Conduct in accordance with the recommendations of the Committee on Standards in Public Life.**
-

Introduction

5. Following the Local Government Act 2000, there was a prescribed Members Code of Conduct which was abolished by the Localism Act 2011. Councils were then required to adopt a Code of Conduct in compliance with the Nolan Principles, but were free to describe the content provided it complied with those principles. This resulted in a number of different Codes of Conduct and within Mid Sussex there were different Codes of Conduct at different Parish Councils. Most Councils, however, stuck with the original recommended Code of Conduct with some additions to take into account the prescribed disclosable pecuniary interests.

This new Model Code of Conduct explains in the early paragraphs the position and value of local Councillors and the importance of the Public having confidence in their decisions by virtue of adherence to a Code of Conduct.

6. The Modal Code of Conduct covers the areas previously covered by earlier Codes of Conduct, but amends the wording. I understand West Sussex County Council have updated their Code so that it is similar to this Modal Code of Conduct but members may feel the document as a whole is worth having for perhaps less experienced Councillors.

7. The rules on disclosing interests are simplified in Section 9 and come down to whether you, as a Member, feel that an interest should be disclosed at a meeting. It is generally better to err on the side of disclosing an interest rather than having anyone say afterwards “but you didn’t say anything about your interest”.
8. The rules on disclosable pecuniary interests are set out in Appendix B and remain that if you do have a disclosable pecuniary interest, you cannot take part in the discussion or vote on an item and should remain out of the room while the item is debated unless you have a dispensation. The rules about non-registrable interests are also explained starting at paragraph 7. If you have a direct financial interest, once again, you would need to declare the interest and take no part in the discussions. I think this advice contained in the Code of Conduct will be helpful to Members.
9. Table 1 and Table 2 set out the Statutory Disclosable Pecuniary Interests and other interests which our current Code of Conduct also covers.
10. Appendix C sets out the Best Practice put forward by the Committee on Standards in Public Life. We will need to work our way through these best practice items to ensure that we are up-to-date in all areas.

Financial Implications

11. The Model Code of Conduct seems relatively straight forward and should assist Members in complying with the Code of Conduct. This should reduce the cost of investigating both District Council breaches and possible breaches in Town and Parish Councils.

Risk Management Implications

12. It is emphasised that training for Members will be required. This can be provided on the new Code of Conduct both to District Members and also probably through the Clerks and Chairman/Vice Chairman of Town and Parish Councils as we start to be able to meet again in person post May 2021.

Equality Implications

13. Paragraph 2.3 of the Modal Code does expressly require Members to promote equalities and not to discriminate unlawfully against any person.