

Appendix Three, Extract of list of recommendations and best practice recommendations arising out of the local Government Ethical Standards review.

List of Recommendations

Number	Recommendation	Responsible body	Comment
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association	
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government	The Minister for Communities and Local Government wrote to local authorities on 7 March 2019 to inform them that Parliament has now amended the rules that apply to local government, parish council, and local and combined authority mayor elections, removing the requirement that each candidate's home address must be published during the election process and be included on the ballot paper. The requirement for each candidate's qualifying address to be published during that process has also been removed.
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local	Government	

	authorities to presume so when deciding upon code of conduct breaches.		
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government	The Council's Code already provides for this – although express provision in the legislation is welcomed.
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government	
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government	A Gifts and Hospitality Register is already in Operation in this Council. This register is slightly stricter in respect of gifts from a single source than the proposed mandatory register.

7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.	Government	The council’s Code already provides that members should not participate or vote where they have an interest of this nature – although this is limited to financial and regulatory matters.
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government	
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government	
10	A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a	Government	

	proportionate sanction.		
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities	
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government	
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government	
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be	Government	

	binding on the local authority.		
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government	This information is included in reports brought to the Audit and Standards Advisory Committee, but could easily be separately published on the council's website.
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government	
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government	
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government	

19 - 21	Recommendations in respect of Parish councils.	Parish councils	n/a
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government	
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government	The Whistleblowing policy does not currently include a named external auditor with contact details, but this can easily be updated.
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government	
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties	
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical	Local Government Association	

	standards.		
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List of Best Practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	The council's Code includes this prohibition and examples are given in training and MOANs.
Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.	The council's Code does not expressly state Members must to comply with any formal investigations but does have a prohibition on making "frivolous, vexatious or repeated complaints" against Councillors and officers.
Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	The council's Code is regularly reviewed, although the views of the public and community organisations have not been sought.
Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.	The council's Code is readily available on the council's website.
Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an	The gifts and hospitality register is updated as and when a new declaration is received and re-published immediately. We

accessible format, such as CSV.	<p>do not wait to publish once a quarter.</p> <p>The register is available to view online on a web page or printer view – which is accessible, and similar to everyone who uses Mod.gov.</p>
Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.	The council's Code complaints procedure sets out the criteria use to filter complaints.
Best practice 7: Local authorities should have access to at least two Independent Persons.	The council has 3 Independent Persons
Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	The council's Code requires the Independent Person to be consulted, but does not expressly provide the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial, although in practice this is undertaken.
Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	A decision notice is not formally published, but the outcome of a formal investigation does go to the Audit and Standards Committee.
Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	The council's Code complaints procedure (including timescales) and a complaint form are readily available on the council's website.
Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	n/a

<p>Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</p>	<p>n/a</p>
<p>Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</p>	<p>The council's procedure addresses conflict of interests and provides that the Monitoring Officer manages the conflict; accordingly the options available to the Monitoring Officer would include the step suggested, if deemed necessary.</p>
<p>Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.</p>	<p>The council currently includes a section in the annual governance statement on any new bodies which have been established. Annual reports are also published in accessible places. Currently, not all separate bodies publish their board agendas and minutes, but this could be arranged.</p>
<p>Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	