

## APPENDIX A

Recommendations	Reasoning	Responsible Body
<p>There should be a new national model code of conduct drafted by the LGA which, although not mandatory, would be available for Councils to adopt.</p>	<p>Local codes vary considerably in their requirements. A model code would create consistency across authorities whilst still enabling a degree of local ownership.</p>	<p>Local Government Association</p>
<p>Candidates standing for election, or elected as a councillor, should not be required to publicly disclose their home address.</p>	<p>Intimidation of Councillors is an issue, particularly on social media, and with instances of confrontation within their local area and/or home address.</p>	<p>Government</p>
<p>Councillors should be presumed to be acting in their official capacity in their public conduct &amp; the Code should state it applies when a member claims to act, or gives the impression they are acting, as a member.</p>	<p>The current code only applies when a councillor is acting in their capacity as a councillor. The Committee felt this was too narrow – particularly in relation to social media use.</p>	<p>Government</p>
<p>The list of Disclosable Public Interests (DPI) should be extended.</p>	<p>This is designed to make more transparent those interests &amp; relationships which are most likely to lead to a conflict of interest.</p>	<p>Government</p>
<p>Councils should be required to have a register of gifts and hospitality to record gifts over a value of £50 or totalling £100 pa</p>	<p>There is currently no legal requirement to maintain a register of gifts &amp; hospitality.</p>	<p>Government</p>

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from a single source.		
Councils must include a new definition in their codes of when a Councillor must not participate in any discussion or vote.	The current definition & guidance around declaring & managing interests is unclear & too narrow. The Committee proposes a new test to clarify when a Councillor should declare an interest & withdraw.	Government
The Localism Act 2011 should be amended to require Independent Persons to be appointed for a fixed term of 2 years – renewable once.	This is to allow an Independent Person's term of office not to be compromised by a long term of office with a single authority but equally to have some security of tenure to prevent unpopular advice resulting in their removal.	Government
Independent Person's views must be recorded in the minutes/ decision notice and they must also agree to the proposed suspension of a Councillor. Local Authorities must provide an indemnity to IP's if their views/advice is disclosed.	This will ensure there is transparency around the role of the IP & demonstrate that they are being consulted on cases. The need for an indemnity arises should a Councillor take legal action against them once any advice they have given is made public.	Government/ all local authorities
Councils will have the discretion to establish a decision making Standards Committee with voting Independent Members & Parish	Some respondents felt allowing the IP to vote strengthened the committee & the inclusion of Parish Representatives would build more	Government

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Representatives to decide on allegations & impose sanctions.	effective relationships with Parish Councils.	
Councillors will be given the right to appeal to the Local Government Ombudsman if they are suspended for breach of the code. The Ombudsman will have the power to investigate & determine the appropriate sanction & his/ her decision will be binding in the Council.	The right to appeal is an important part of natural justice & a safeguard to ensure the standards process is both fair & impartial. The Ombudsman Service is seen as the appropriate body to undertake this role rather than establishing a new external body.	Government
Councils must publish annually the number of complaints received under the code, the type of complaint, the outcome & any sanctions imposed.	This would be added to the current requirements of the Local Government Transparency Code to demonstrate how open local councils are in their dealings.	Government
Councils should be given the power to suspend Councillors without allowance for up to 6 months & the Government should clarify exactly what powers Councils have to bar Councillors from premises and/or withdraw facilities as sanctions.	The Committee concluded Councils needed stronger sanctions. They did not see a compelling case for disqualification but did conclude it was appropriate to introduce the power to suspend for 6 months, although they envisaged it would be likely to be used rarely.	Government
The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Offences	It is currently a criminal offence for a Councillor to fail to comply with their duties to register or declare a DPI or	Government

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<p>should be abolished</p>	<p>to take part in discussions or vote where they have a DPI. The maximum penalty is a level 5 fine &amp; disqualification for up to 5 years. The Committee felt this was a disproportionate sanction as well as costly to the public purse and has recommended its abolition.</p>	
<p>Parish Council Clerks should hold an appropriate qualification.</p>	<p>Clerks are often the only employee of a Parish Council &amp; can experience difficulties if inexperienced or untrained.</p>	<p>Government</p>
<p>Parish Councils must adopt the Code of Conduct of their principal authority (with necessary amendments) or the new model code and the sanction imposed on a Parish Councillor following a breach is to be determined by the principal authority.</p>	<p>Local Codes of Conduct with differing requirements can cause confusion for dual hatted Councillors &amp; can be an additional burden for the MO when advising &amp; investigating matters. At present a Parish Council can disregard a sanction recommended by the principal authority.</p>	<p>Government</p>
<p>Disciplinary protections for statutory officers should be enhanced &amp; extended to apply to all disciplinary action, not just dismissal.</p>	<p>The Committee heard evidence of MOs put under pressure or forced to resign because of unwelcome advice or decisions &amp; felt the need to recommend that disciplinary protection should be enhanced.</p>	<p>Government</p>
<p>Councils must ensure that their</p>	<p>External Auditors are now "prescribed</p>	<p>Government</p>

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<p>whistleblowing policies specify a named contact for the external auditor with full contact details. The information should be published on the Council website.</p>	<p>persons” for the purpose of the Public Interest Disclosure Act 1998 &amp; so their contact details should be available.</p>	
<p>Councillors should be added to the list of “prescribed persons” under the 1998 Act.</p>	<p>In some instances officers may feel more comfortable disclosing to an elected member rather than a line manager.</p>	<p>Government</p>
<p>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.</p>	<p>Evidence suggests that induction for Councillors at the earliest stage is crucial to ensuring high standards of conduct.</p>	<p>Political Groups National Political Parties</p>
<p>Local Government Association peer reviews should also include consideration of a local authority’s processes for maintaining ethical standards.</p>	<p>Councils should be open to processes such as peer reviews to test the effectiveness of their organisational &amp; governance structures.</p>	<p>Local Government Association</p>