

ANNOTATED TABLE OF COMMITTEE ON STANDARDS IN PUBLIC LIFE RECOMMENDATIONS AND BEST PRACTICE RECOMMENDATIONS

Recommendation	Within current arrangements	Primary legislation required	Constitution Review Working Party Comments/Actions
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.	N/A	No	Await new model code of conduct expected June 2020.
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.	N/A	Yes	Wait for new legislation.

<p>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 authorities to presume so when deciding upon code of conduct breaches.</p>	<p>N/A</p>	<p>Yes</p>	<p>Wait for new legislation.</p>
<p>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.</p>	<p>N/A</p>	<p>Yes</p>	<p>Wait for new legislation.</p>
<p>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</p>	<p>N/A</p>	<p>Yes</p>	<p>Wait for new legislation.</p>

to influence opinion or public policy.			
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.	Yes. Members are required to notify any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more.	Yes	No change required.
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	Yes, included.	Yes	No change required.

decision-making in relation to that matter”.			
8. The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Current practice is to appoint for 4 years.	Yes	Preference is to remain at 4 years.
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.	No	Yes	Wait for new legislation.
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 proportionate sanction.	Suspension not in TW’s list of sanctions. Recommending removal of portfolio and from committee and outside appointments is.	Yes	Wait for new legislation.
11. Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through	No	No	Wait for new legislation.

secondary legislation if needed.			
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.	Partly in that there is provision to appoint a hearing panel.	Yes	Wait for new legislation.
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.	N/A	Yes	Wait for new legislation.
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 binding on the local authority.	N/A	Yes	Wait for new legislation.

<p>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.</p>	<p>Currently published in A&G Committee minutes.</p>	<p>Yes</p>	<p>No change required.</p>
<p>16. Local authorities should be given the power to suspend councillors, without allowances, for up to six months.</p>	<p>N/A</p>	<p>Yes</p>	<p>Wait for new legislation.</p>
<p>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.</p>	<p>Currently in list of possible sanctions.</p>	<p>Yes</p>	<p>Wait for new legislation.</p>
<p>18. The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.</p>	<p>N/A</p>	<p>Yes</p>	<p>Wait for new legislation.</p>

19. Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	N/A	No	Affects parishes only and new legislation is awaited.
20. Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	N/A	Yes	Wait for new legislation.
21. Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	N/A	Yes	Wait for new legislation.
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.	N/A	Yes	Wait for new legislation.
23. The Local Government Transparency Code should be updated to provide that	N/A	Yes	Wait for new legislation.

<p>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.</p>			
<p>24. Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.</p>	N/A	Yes	Wait for new legislation.
<p>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.</p>	In part as new members are required to attend induction training.	No	Await new model code of conduct expected June 2020.
<p>26. Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.</p>	N/A	No	Wait for new legislation.

COMMITTEE ON STANDARDS IN PUBLIC LIFE – BEST PRACTICE SUGGESTIONS

REPORT DATED JANUARY 2019

Best practice	Within current arrangements	Primary legislation required	Constitution Review Working Party Comments/Actions
<p>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.</p>	<p>In part. Definitions to be included are under consideration.</p>	<p>No</p>	<p>Implement recommendation. Definitions and examples to be drafted.</p>
<p>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.</p>	<p>No</p>	<p>No</p>	<p>Await new model code of conduct expected June 2020.</p>
<p>3. Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community</p>	<p>No</p>	<p>No</p>	<p>Await new model code of conduct expected June 2020.</p>

organisations and neighbouring authorities.			
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.	Yes	No	No change required.
5. Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	Register updated when notifications received. Not currently published.	No	Await new model code of conduct expected June 2020.
6. Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Under consideration.	No	Implement recommendation. Public interest test being considered.
7. Local authorities should have access to at least two Independent Persons.	Under consideration.	No	Implement recommendation. Feasibility of appointing Maidstone's current Independent Person as a second Independent Person for Tunbridge Wells is being explored.
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	Yes	No	Await new model code of conduct expected June 2020.

and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.			
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.	Yes	No	No change required.
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.	Yes	No	Await new model code of conduct expected June 2020 but work ongoing to review, guidance, process and timescales.
11. Formal standards complaints about the conduct of a parish	N/A	No	Affects parishes only and awaits new model code of conduct expected June 2020.

<p>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.</p>			
<p>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>Yes</p>	<p>No</p>	<p>No change required..</p>
<p>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>Yes</p>	<p>No</p>	<p>No change needed.</p>

<p>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>No</p>	<p>No</p>	<p>Await new model code of conduct expected June 2020.</p>
<p>15. Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>Meetings put in place.</p>	<p>No</p>	<p>Recommendation implemented.</p>