

## Local Government Ethical Standards

A review by the Committee on Standards in Public Life

## List of Recommendations with Comments of the Council's Monitoring Officer

Number	Recommendation	Responsible Body	Comments of the Council's Monitoring Officer
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	This is for the Local Government Association to consider. The Council will respond to any consultations issued by the LGA and inform committee accordingly
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	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.

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.	Government	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
6	Local authorities should be required	Government	This is for Government to

	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.		consider. Currently, Councillors are required to provide details of any gifts or hospitality at over £100. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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	This is for Government to consider. The Councillors' Code of Conduct provides guidance on non-participation where a Councillor has a pecuniary interest, at paragraphs 9.1 – 9.3. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant

			constitutional documents.
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	This is for Government to consider. This should be adopted as common practice. The view of the Independent Persons is currently recorded in the summaries of individual complaints that are contained within the Summary of Progress with Member Complaints reports.
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.	Government	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
12	Local authorities should be given the discretionary power to establish a decision-making standards	Government	Not applicable.

	committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.		
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	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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.	Government	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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	Government	It is recommended that this level of detail be included in the Annual Report of the Standards Committee.

	interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.		
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish Councils	Not applicable.

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.	Government	Not applicable.
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.	Government	Not applicable.
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	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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	Government	This is for Government to consider. However, this is the Council's current practice and this information is currently available on iDerby.

	on the authority's website.		
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government	This is for Government to consider. If amendments are enacted, appropriate amendments will be made by Monitoring Officer to relevant constitutional documents.
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	Democratic Services currently delivers formal induction training, to which all new Councillors are required to attend. Democratic Services also delivers a separate training day, which is open to all Councillors.
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association	This is for the Local Government Association to consider.