Appendix C to Code of Conduct (KPC-POL-02)

The Committee on Standards in Public Life.

1. The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

2. The recommendations cover:

2.1 Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies

2.2 The introduction of sanctions

2.3 An appeals process through the Local Government Ombudsman

2.4 Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

2.5 Updates to the Local Government Transparency Code

2.6 Changes to the role and responsibilities of the Independent Person

2.7 That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

3. The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

3.1 **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.

3.2 **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.

3.3 **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.

3.4 **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.

3.5 **Best Practice 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.

3.6 **Best Practice 6**: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

3.7 **Best Practice 7**: Local authorities should have access to at least two Independent Persons.

3.8 **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.

3.9 **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.

3.10 **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.

3.11 **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, rather than the clerk in all but exceptional circumstances.

3.12 **Best Practice 12**: Chair/Clerks' 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.

3.13 **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 Chair/Clerk from a different authority to undertake the investigation.

3.14 **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.

3.15 **Best Practice 15**: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.