

Annexe 2

Recommendations to Government / Local Government Association

No.	Recommendation	Responsible Body	Officer 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.	<i>Local Government Association</i>	<i>Officers understand that the MHCLG and LGA have begun the process of drafting a new model code of conduct.</i>
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.	<i>Government.</i>	<i>The Minister wrote to local authorities on 7 March 2019 to inform them that the rules applying to local government, parish council, and local and combined authority mayor elections have been amended to remove the requirement that each candidate's home address must be published during the election process and be published on the ballot paper.</i> <i>The Minister also encouraged Monitoring Officers to look sympathetically on requests from councillors to withhold sensitive interests from the public Register of Interests.</i>

No.	Recommendation	Responsible Body	Officer Comment
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.	<i>Government.</i>	<i>Waverley's Code states that it applies when councillors are acting in their role as a Member of the Council, including when using email or social media.</i>
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.	<i>Government.</i>	
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.	<i>Government.</i>	
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.	<i>Government.</i>	<i>A Gifts and Hospitality Register is already in operation, with thresholds of £50 for gifts and £100 for hospitality.</i>

No.	Recommendation	Responsible Body	Officer Comment
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".	<i>Government.</i>	<i>The Council's Code already provides that Members should not participate or vote in matters where they have an interest of this nature.</i>
8.	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	<i>Government.</i>	<i>The specialist nature of this role means that such a requirement could be difficult to meet in practice.</i>
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.	<i>Government.</i>	
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.	<i>Government.</i>	

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.	<i>Government / all local authorities.</i>	
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.	<i>Government.</i>	
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.	<i>Government.</i>	
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.	<i>Government.</i>	
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.	<i>Government.</i>	<i>This information is reported to the Standards Committee, but could easily be published separately on the Council's website.</i>
16.	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	<i>Government.</i>	

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.	<i>Government.</i>	
18.	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	<i>Government.</i>	
19.	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	<i>Parish councils.</i>	
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.	<i>Government.</i>	<i>Most of Waverley's Town and Parish Councils have aligned their own Code of Conduct with Waverley's. Making this a requirement would be welcomed.</i>
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.	<i>Government.</i>	
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.	<i>Government.</i>	
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.	<i>Government.</i>	<i>The Council's Whistleblowing Policy already provides a name contact at Grant Thornton along with their contact details. These can be made available on the Council's website.</i>
24.	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	<i>Government.</i>	

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.	<i>Political Groups and national political parties.</i>	
26.	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	<i>Local Government Association.</i>	