

Appendix 1

Recommendations by the Committee on Standards in Public Life regarding Ethical Standards in Local Government and Best Practice points

	Recommendation	Responsible Body	Westminster City Council's position
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	LGA	WCC's code was adopted from the illustrative text for local codes published by DCLG in April 2012. It has been reviewed and updated since first being adopted.
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	CSPL referred to WCC's Guidance note to members on Register of Interests in relation to the Council's policy on home addresses – "In accordance with the arrangements for the placing of Register of Interests on the City Council's website agreed by the Standards Committee details of members home addresses will be omitted from the version placed on the website."
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	S27(2) In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

			WCC has recently published a guide for members in relation to use of social media. Sets out expectations of Members when using social media accounts in their personal capacity.
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	<p>Requires legislative change</p> <p>S27(2) In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.</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 to influence opinion or public policy.	Government	<p>Requires legislative change</p> <p>DPIs currently defined as:</p> <p>Employment, office, trade, profession or vocation Any employment, office, trade, profession or vocation carried on for profit or gain.</p> <p>Sponsorship Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of</p>

any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(3).

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—

(a)under which goods or services are to be provided or works are to be executed; and

(b)which has not been fully discharged.

Land

Any beneficial interest in land which is within the area of the relevant authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

			<p>Any tenancy where (to M's knowledge)—</p> <p>(a)the landlord is the relevant authority; and (b)the tenant is a body in which the relevant person has a beneficial interest.</p> <p>Securities Any beneficial interest in securities of a body where—</p> <p>(a)that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b)either— (i)the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii)if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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	Government	WCC's code of conduct requires Members within 28 days of receipt to register any gift, benefit or hospitality with a value in excess of £25 which they have accepted as a Member from

	from a single source. This requirement should be included in an updated model code of conduct.		any person or body other than the City Council.
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	WCCs code of conduct provides guidance to members on deciding on whether to participate in a discussion or vote in a matter to be considered at a meeting. This issue is covered in the Monitoring Officer's ethics in local government training for members
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	Can look to do this when recruit in the future.
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	WCC records the views of the IP in decision letters and investigation reports as a matter of best practice
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	Independent Persons are invited to Standards hearings and their views, which can include views on sanctions are included in investigation reports. 11.2 of arrangements "The IP may be invited to attend meetings of the committee and their views are sought

			and taken into consideration before the Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code and as to any action to be taken following a finding of failure to comply with the Code"
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	Requires legislative change
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.	Government	Requires legislative change
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	Currently a Member has an opportunity to appeal against the decision by advising the MO in writing within 14 days of the Committee hearing
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	Requires legislative change
15	The Local Government Transparency Code should be updated to require councils to publish annually:	Government	The Monitoring Officer presents an annual report to the Standards

	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.		Committee in March in relation to the number of complaints investigated in the preceding 12 months and any lessons to be learnt etc
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government	Requires legislative change
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	Requires legislative change
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government	Requires legislative change
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish Councils	Not applicable for this report
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	Government	Queens Park Community Council has adopted the Council's code of conduct
21	Section 28(11) of the Localism Act 2011 should be	Government	

	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		
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	Requires legislative change
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.	Government	This can be considered
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998	Government	Requires legislative change
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	WCC has mandatory training in relation to ethical standards
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 can be considered

BEST PRACTICE RECOMMENDATIONS

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>Paragraph 2.9 Code of Conduct-“.....not to act in a matter that could be deemed to be bullying, harassment or intimidation”</p> <p>A definition of bullying and harassment has been added to the definitions section of the Code of Conduct (see appendix 2 of report)</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.	The Council’s arrangements for dealing with complaints alleging a breach of the Members code of conduct states that complaints will only be considered to merit formal investigation if they comply with all the criteria set out in paragraph 4.3 which includes - the complaint is not tit for tat and the complaint appears not to be politically motivated.
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	The code is reviewed annually and following any complaints investigation if there were any lessons to be learnt.
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.	The code of conduct is published on the Council’s website.

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 is on line and is updated regularly
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered	
7	Local authorities should have access to at least two Independent Persons.	The Council currently has two independent persons and is interviewing for a third.
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.	The Council's arrangements for dealing with complaints set out that the Monitoring Officer will consult the Independent Person before coming to a final decision as to whether or not a complaint which meets the relevant criteria should be investigated.
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	The report of the Investigating Officer is published on the Council's website. The minutes and decisions of Standards hearings will be published on the Council's website.
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 outcome	The code of conduct and "Arrangements" are published on the Council's website

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 as a whole, rather than the clerk in all but exceptional circumstances	This has been recommended to Queens Park Community Council
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.	The Monitoring Officer and her deputies provide advice, support and management of investigations and adjudications on alleged breaches to Queens Park Community College.
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.	The Monitoring Officer can appoint another officer to undertake the investigation and can also seek the views of the Monitoring Officer for Kensington And Chelsea as the legal service is a Bi-Borough arrangement.
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.	To be considered in the future.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues	The Leader has arranged regular meetings with the Group Whips and the Monitoring Officer to discuss standards issues.

