

List of recommendations – Working Groups Comments

No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
4	Section 27(2) of the Localism Act 2011 should be mended 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 representative of the local authority	Yes, I agree with this recommendation and agree even when commenting on social media that a councillor needs to be mindful of the code of conduct and act accordingly	Agree	This is highly desirable. Although we cannot enforce it without a change to the law, I presume, could we advise Councillors, within the CoC, that this should be their standard consideration	Slight amendments. The 'or representative' section seems redundant if it is only applying to members.	All agreed
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteehips; 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.	Agree this should be included.		We cannot require this, but could we provide a space on the form for a Voluntary Disclosure, should a member wish to do so?		All agreed

No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
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 the 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, I agree that gifts and hospitality over the value of £50 or over £100 over the period of a year from a single source should be registered.	Agreed	Could we add these figures to the existing Gifts Policy?	Agreed.	All agreed
7	Section 31 of the Localism Act 2011 should be repealed and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be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 an interest, whether registered or not “if a member of the public, with knowledge of the	In certain circumstances where a councillor who has registered a prior interest has some knowledge which may be add to the discussion said councillor should be permitted to answer general questions but then be required to leave before the discussion and vote	The member may be present during such discussions to answer any questions posed to them, as they may have information that may be of use. Whether they remain, having declared an interest, will be at the discretion	Agreed. We discussed this. The matter of what if a member so excluded persists in shaking head or nodding in a manner clearly intended (again – to a reasonable person) could maybe addressed by the Chairman. Maybe an	Agreed.	Agreed

	<p>relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration of decision-making in relation to that matter”</p>		<p>of the Chairman. They must not be present to witness any subsequent vote on relevant matters.</p>	<p>introduction of the item could include a “warning” against such behaviour and, if persistent, perhaps the Chairman could ask the offending member to leave the room for that item.</p>		
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No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
9	<p>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, minutes or other comparable record.</p> <p>.</p>	Yes, I agree that this would be beneficial and comments should be minuted	Agreed	<p>I can't see a problem with this. Can we implement it without statute? <i>Answer Yes</i></p>	Minor change suggested.	Amendment agreed by Working Group in bold
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 required.	This is vital that the independent person has the protection that indemnity would afford	Agreed	<p>I can't see a problem with this. Can we implement it without statute?</p>	Agreed.	Yes, provided you do 11.

No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
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 the complaints, including if they are rejected as trivial or vexatious, and any sanctions applied.	I believe that this should be done and records updated annually	Agreed	I think this would be a good idea. I would add analysis by type of council (DC or PC) and estimates of costs incurred by EHDC in processing complaints by type. Highlighting the waste of time and money would supplement the transparency agenda.	Agreed, although I think it could be worded more clearly to specify what needs to be published e.g. include which section of the code of conduct the complaint relates to.	
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 have some concerns about this being made mandatory preferring a voluntary adoption process. At meeting agreed.	Agreed, though, can we say MUST.	If T&P C's are required to adopt the principal authority CoC it would simplify rules and make administration of complaints easier. Problems could arise if the PA were to adopt a	Agreed.	Strongly recommended

				<p>CoC that sought the circumscribe otherwise lawful actions of PCs, in say, publicly criticizing the PA. With the growth of hard left councils this is more than just a theoretical risk. The same would go for councils on the extreme right but these are not emerging. On the plus side, PCs could not amend their CoC to, for instance, delete a prohibition on bullying which I believe has happened.</p>		
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No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
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 would like to discuss this further in terms of what the implications may be	Agreed	Having read the evidence (P83 of the report) this would seem to be an appropriate return to the previous system. Could we implement it without statute?	Agreed	Agreed
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 authorities website.	I have some concerns about making this publicly available. It may be more appropriate for this information to only be made available through FOI request	And if the complaint is about the whistleblowing champion or point of contact there must be an alternative who should be at least as senior and in a different and unrelated department.	It's not very clear but after checking the report this refers to a named person in the firm appointed as the External Auditor. However, staff change roles and come and go so a name and details may cease to work meaning the Code has to be amended plus the EA has to inform the Council that a	Agreed	Should not be a named individual as employees change. Only general contact number and email address

				<p>new person is dealing with this. The intention is a good one, but the detailed operation needs careful consideration.</p>		
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No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
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.	An interesting one particularly as when Cllr Hunt requested whether we as a Lib Dem group could apply for political training by ALDC this request was denied by EHDC . Would political groups have the cost reimbursed? Also, what about independents?	May be being a little dim so apologies. Councillors attend EHDC in our case training, why do we have the requirement for politically led training? I have had EHDC training but no Cons group training. EHDC training is fine?	Must attend - ok, they should but what if they refuse or just fail to attend? Without a sanction how would it be assured? Maybe a public register on the Councils website recording who had attended would supplement it and give the public confidence that their elected representatives have undergone the training necessary to equip them to carry out their duties competently. This could be extended to	Agreed	With agreement of Leaders of parties

				publish a matrix showing which Councillors had attended what training.		
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List of Best Practice – Cllr Comments

	Comments	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
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 each definition.	This would be helpful and should be included	Agreed	Good idea. Consider mentioning, as an example of harassment, racist and anti-Semitic abuse.	Suggest including a model definition or cross referencing to a widely accepted definition from an independent body (e.g. ACAS - https://www.acas.org.uk/bullying)	Agreed
Best Practice 2	Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and in prohibiting trivial or malicious allegations by councillors.	Yes, I agree with this and it should be mandatory	Agreed	This is a good idea, providing that appropriate sanctions are available. Reports are coming in of Councillors being hounded out by tight factional groups, even	Agreed.	Agreed

				within their own party. Not that this is conceivably a problem at EHDC.		
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
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.	This would be a sensible requirement	Agreed	Sounds good until you consider what the admin burden, and hence cost, of the wide-ranging annual review suggested would be. It's always easy to add bureaucracy just in case something bad might happen but much more difficult to remove it. Suggest a short annual review and maybe a longer one every 5 years. As the intention is to	Agreed, although is there a reason to specify neighbouring authorities as opposed to other authorities in general? This seems like something that would be fairly universal.	Following an election cycle

				curb bad behaviour, maybe a "by exception" procedure would work better. If one sees examples of what is clearly bad behaviour but which is not really covered by the CoC, then review it to see if an amendment is indicated.		
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 4	An authorities' code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	Yes, I agree	Agreed	Prominent on website sounds good in principle. Problem is that landing page is already very busy and is in any case dynamic, changing to suit what's going on. Website also has to work well on a smartphone which rather restricts what is there.	Agreed.	
BP5	Local authorities should update their gifts and hospitality register at least once per	This would be preferable, at least on a	Agreed	Ok, no reason why not, but we should attach the rules	Agreed.	

	quarter, and publish it in an accessible format, such as CSV.	six-monthly basis		at the top so that, if there are no gifts some of our more cynical residents will not just assume we're not declaring them.		
No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	I feel I would like more detail on this before commenting	Agreed	Good idea, but I'm not sure how easy it would be to draught such a thing. Suggest giving a few of the no-so-obvious examples.	Agreed.	
BP7	Local authorities should have access to at least two Independent Persons	<i>East Hampshire District Council has 3 Independent Persons in place already.</i>	<i>East Hampshire District Council has 3 Independent Persons in place already.</i>	<i>East Hampshire District Council has 3 Independent Persons in place already.</i>	<i>East Hampshire District Council has 3 Independent Persons in place already.</i>	

<p>BP8</p>	<p>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.</p>	<p><i>East Hampshire District Council already consults the IP</i></p>	<p><i>East Hampshire District Council already consults the IP</i></p>	<p><i>East Hampshire District Council already consults the IP</i></p>	<p><i>East Hampshire District Council already consults the IP</i></p>	
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, or hearing 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	The individual should not be publicly named and shamed in my view. A more general remark stating which council and said misconduct but no personal	Agreed	OK, if the investigation found there had been a breach, but would you post details even if no breach was found or if it was deemed vexatious?	Agreed.	

	Independent Person, the reasoning of the decision-maker and any sanction applied.	details on a public website				
	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 10	A local authority should have straightforward and accessible guidance on its website on how to make a compliant under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	Yes, this would be helpful and should be on the public website	Agreed.	Agreed, but same comment as BP4	Agreed.	All ready being done

No	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
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 as a whole, rather than the clerk in all but exceptional circumstances.	This would be a good safeguard but may not always be appropriate	Agreed.	Parish Councils should have a rule about this. If one is in a District CoC then they can adopt it. Obviously, formal complaints by a Cllr against a Clerk cannot be dealt with by the Clerk. They will need access to someone	Agreed.	

				<p>outside, presumably the District Monitoring Officer. I cannot imagine under what circumstances where a Clerk has made a complaint about a Councillor, for instance, it would be appropriate for the Clerk to adjudicate on it.</p>		
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice12	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.	This is to be desired but may not always be possible due to volume of work	Agreed.	T&PCs elect every 4 years. It would seem that training should be available soon after elections with maybe a top up after 2 years as P Cllrs tend to churn.	Agreed.	

	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
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 Monitoring Officer from a different authority to undertake the investigation.	This seems like good guidance and should be adopted	Agreed.	This should not, I presume, affect every standards investigation. How and who would decide if a conflict required an external MO? It would not be nil cost so it should be only for sufficiently serious matters.	Agreed.	

	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 14	Councils should report on sperate bodies they have set up 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.	This should be adopted	Agreed.	I would like clarification on this. Take the case of joint ventures on waste collection, or sports facilities. These don't last for ever. I think we have to be careful about making public information that could, in a few years' time prejudice a negotiation to set up a new JV to replace the old one. Maybe that's just rubbish and it's comparable to a Limited Company's accounts, although small	Agreed.	

				companies are exempt from publishing detailed accounts.		
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	Recommendation	Cllr Boxall	Cllr Davies	Cllr Evans	Cllr Gass	Working Group recommendations
Best Practice 15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	This is ideal but may not be feasible	Agreed.	OK but: How often, who sets the agenda, what is “an issue”, do they meet on a 1:1 and what about independents who have no common electorate to represent and no disciplinary role or constitutional arrangements?	Agreed.	