

Number	Recommendation	Responsible Body	Comments	Our Views
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 a recommendation for the LGA to comment upon. The LGA have responded, on the 30th of January, stating that in their view ' <i>A locally-led approach to standards – underpinned by a national framework – remains the right approach and the LGA is happy to play a leading role in updating a code of conduct to help guide our members.</i> '	Is this a move towards a standardised Code of Conduct? There is clearly no recommendation in the report to go back to the pre-Localism Act system and abolish the ability of authorities to determine their own codes, but is it the case that this could be the possible end result of the LGA producing a model code? Will there be pressure to adopt it? The stated purpose of the recommendation is to create some consistency and reflect common expectations across Local Authorities (and Town and Parish Councils). The Codes do vary considerably at the moment. A number of Model Codes were circulated when the Localism Act introduced the new approach to Standards in 2011/12. One Model Code which is then adapted therefore makes some sense and may avoid confusion. The report does appear to support Councils having final ownership - so using a "Model" Code as a starting point and then adding to it as appropriate. The report goes on to suggest that Codes are regularly reviewed and updated which would seem to support the view that it would be a starting point for Councils to adopt and amend as appropriate. This recommendation would be relatively easy to implement. We should watch what the LGA do.
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	Will require primary or secondary legislation	Members may already ask to have their home addresses withheld, but they have to request this and satisfy the Monitoring Officer that there are grounds for doing so - "sensitive Personal interests" . This proposal should lessen the potential risk to concerned members. We already relaxed the approach to this in Kirklees but the new approach is welcome. It is noted that recent changes to Electoral rules mean that candidates for local election (as is already is the case for parliamentary candidates) do not have to include their home address on nomination papers. We will continue to use the more relaxed approach that we introduced about 15 months ago.
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	Will require primary or secondary legislation	This is probably a welcome step that recognises the blurring that can occur in respect of a member's social media presence. Certainty on this can assist members in understanding how social media posts will be regarded. The proposal appears to come out of a look at what Wales and Northern Ireland do. The wording will require some clarity however to make it work in practice and could lead to some issues around interpretation (as it currently does in any event!) . The report itself refers to there being a "rebuttable presumption that a councillor's behaviour in public is in an official capacity. An individual's behaviour in private, in a personal capacity, should remain outside the scope of the Code". The distinction between public and private may be blurred however. What about a councillor who commits a criminal offence but whilst acting in private. what about a councillor in private uses threats like "...dont you know who i am". Lets see what the legislation says but its something that we wrestle with from time time and will continue to until we can acheive better clarity.
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	Will require primary or secondary legislation	As above, some certainty must be welcomed.
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	Will require primary or secondary legislation	Clarity on disclosable interests is likely to be welcomed by members.
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.	Government	Will require primary or secondary legislation	This is something that isn't currently prohibited and some authorities do keep public registers. Kirklees Code of Conduct requires members to declare gifts and hospitality of £25 or more in any event. We could take a decision to change this to the recommended higher figure and be more explicit about making the register public. We dont need legislation to do this voluntarily.

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	Will require primary or secondary legislation	Clarity on disclosing interests is likely to be welcomed by members. Not sure however that this achieves it as it still requires a judgement call and different members of the public may have different views on what "so significant that it is likely to prejudice your consideration or decision-making in relation to that matter " means.
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	Will require primary or secondary legislation	Concerns were raised that a two year period was far too short, and four years was better. Concerns had also been raised about the difficulty in recruiting suitable IPs. Helpful to have some clarity and 2/4 years provides some consistency. Would probably favour slightly longer or at least have that flexibility - so three years and three years. We currently have one IP after we had only one applicant last time. We said we would review that and see if we should appoint another. We did that last year at Standards and decided for the time being to continue with one. Perhaps we could consider another recruitment exercise so that there is overlap between current IP and any new IP? We don't need to wait for legislation to do this.
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	Will require primary or secondary legislation	Decision notices that are currently produced do refer to the participation of the IP in the decision making process. The decisions are not published however - they are shared with a limited group of individuals who could choose to share the decisions. (see later recommendations)
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	Will require primary or secondary legislation	It is not unreasonable, where the harshest of sanctions is applied, that the decision should be unanimous. (See recommendation 16 below which proposes a new sanction be introduced)
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	Will require primary or secondary legislation	This is not an unreasonable suggestion. It is also noted that the creation of a network for Independent Persons is suggested in the surrounding text to the recommendation. That would be a sensible idea. Also whilst there are networks for Monitoring Officers for best practice these could be strengthened and better formalised.
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	Will require primary or secondary legislation	This recommendation is made to change some of the gaps in the current legislation under the Localism Act. It is discretionary under the localism Act whether Councils have a Standards Committee. Standards Committees may be decision makers or they can play a role in monitoring behaviours / reporting back to Council. In Kirklees we have the second - advisory model. In current legislation Independent Persons can be non-voting members of the Standards Committee. Some respondents to the consultation also felt that it might be beneficial to have members from Town and Parish Councils on them too who were able to vote. This is the background to this recommendation. It isn't intended to be compulsory but corrects the previous approach and would allow those who wanted to adopt such an approach. Its a welcome update.
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	Will require primary or secondary legislation	It is noted that the Ombudsman is proposed to only have a role where the most serious form of sanction has been applied. This is a sensible approach
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	Will require primary or secondary legislation	It is noted that there would be a power to impose an alternate sanction, as well as a power to determine if the allegation of breach was founded. This a sensible approach and would be welcome - although the extent to which the LGO could impose (and which) alternative sanctions will be interesting. Suspension should be a last option. It may be required after a series of other sanctions have been imposed but not carried out.

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 (eg bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government	Will require primary or secondary legislation	This proposal is to compel authorities to publish. There is currently no prohibition on this and some authorities make their findings public. Kirklees could choose to follow this recommendation if they chose. We currently do six monthly reports with this information in them (which is therefore public) but we could be more proactive in publishing the statistics on line.
16.	Local authorities should be given the power to suspend Councillors, without allowances, for up to six months.	Government	Will require primary or secondary legislation The LGA are not wholly supportive of this, stating that, in their view, 'a number of adequate sanctions already exist to deal with the most serious issues and care needs to be taken to avoid adding to the current regime and causing unintended consequences. For example, suspending councillors for up to six months could see them lose their seat. This would pose a risk to the democratic process leaving residents without locally-elected representative.'	This is a welcome suggestion and appears to be in response to the strong views that were expressed during the consultation that there were not adequate sanctions available to local authorities. The report itself says that the 'current lack of robust sanctions damages public confidence in the standards system'. This appears to be in response to the views expressed. See comments earlier as well.
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	May require primary or secondary legislation	Clarity is likely to be welcomed.
18.	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government	Will require primary or secondary legislation	This is welcome as its hasn't been wholly effective. Presumably, this proposal is made on the basis that Councils will have adequate sanctions in exchange for the abolition but it is unclear at present.
19.	Parish Council Clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish Councils	Unclear if this is really "good practice" recommendation rather than something requiring legislation	This should be beneficial to Town and Parish Councils for the reasons set out in the report. It may give more tools/ confidence to deal with tricky matters but won't stop poor behaviour by Parish/ Town councillors
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	Will require primary or secondary legislation	There is likely to be a positive benefit to this, especially where members sit on both Kirklees and a Town or Parish Council. It will also be beneficial to the Monitoring Officer when dealing with any conduct complaints.
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	Will require primary or secondary legislation	There is currently a lack of clarity about the extent to which Town and Parish Councils must impose a sanction recommended by the principal authority. This proposal is intended to clarify that.
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	Will require primary or secondary legislation	This is a welcome step to protect the independence of statutory officers.

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	Will require primary or secondary legislation	This is already part of Kirklees' whistleblowing policy.
24.	Councillors should be listed as "prescribed persons" for the purposes of the Public Interest Disclosure Act 1998.	Government	Will require primary or secondary legislation to make it compulsory.	Kirklees' whistleblowing policy does treat members as prescribed persons, listing them as alternative contacts for employees wishing to make disclosures.
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	Unclear what's needed to make this a requirement across groups / parties	We already have induction training for new Councillors and so far have had full attendance or we have managed to meet with Councillors unable to make induction in the first week. This appears to be over and above that with an obligation on group and national parties. This is a welcome recommendation but unclear how this will work in practice. The training and induction of members is important and it is welcomed that there is a proposal to make this a requirement. Not clear what will happen with independents.
26.	Local Government Association corporate peer reviews should also include consideration of a Local Authority's processes for maintaining Ethical Standards.	Local Government Association	Legislation not required	The LGA haven't commented directly on this proposal. Do local authorities want their codes and processes subject to such review? What powers would be given to the LGA if they decided they weren't suitable? In theory a good idea.

Number	Best practice	Responsible Body	Comments	Our Views
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.	Local authority	No legislation would be required - an authority can choose the contents of its own code of conduct.	Kirklees already says (3A.2) "You must not bully or intimidate any person or attempt to bully or intimidate them" . The report provides some good examples of the type of thing that should be included in Codes however as examples of what that might mean in practice. It is proposed that we consider this in more detail and look at amending the Code in Kirklees to give more specific references to what might amount to bullying. There is also reference to social media in the report and the need to provide appropriate guidance - it doesn't form part of the best practice/ recommendations but it is suggested. This should be picked up by the standards committee and more help and guidance given to members as it overlaps with issues around behaviours and has led to a significant number of complaints.
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.	Local authority	No legislation would be required - an authority can choose the contents of its own code of conduct.	the Kirklees code already contains this but the sanctions for not complying are weak.
3.	Principle Authorities should review their Code of Conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring Authorities.	Local authority	No legislation would be required - an authority can choose how often it reviews its own code of conduct.	seeking the views of the public etc would be a sensible idea but an annual review may be too often ? Perhaps bi annually would be more sensible - otherwise no sooner is something reviewed than we would be reviewing again.
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.	Local authority		Kirklees' Code of Conduct is published on its website. Perhaps there could be a link from the home page. We can look at other ways to make it prominent.
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.	Local authority		See earlier comments in the recommendations. Suggest that this is something we can do quickly.
6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Local authority		Yes agreed we should consider what that might look like as part of a discussion with members of the Standards committee and recommend that to Council. The report makes reference to one which is used in Northern Ireland which we could explore as a starting point.

7.	Local Authorities should have access to at least two Independent Persons.	Local authority	There are no restrictions on the numbers of Independent persons that an authority can appoint.	This may be an ideal, but may not reflect the difficulty in recruiting suitable IPs. As referred to earlier - suggest that we consider another recruitment to overlap with the current IP.
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.	Local authority		Kirklees already involve their IP at the first 'sift' stage in the complaints process as well as later on in the process.
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 fact, 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.	Local authority		Some thought needs to be given as to whether Kirklees wants to publish its decision notices. Currently, these are only made available to the member's group leader and GBM and the member complained of, plus the complainant. Currently, the other GBMs don't see the decision notice. This may be something which is worth considering as an additional way of getting compliance with recommendations. One for further discussion.
10.	A local authority should have straightforward 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.	Local authority		Kirklees does have this, but perhaps there could be a direct link to this from the homepage.
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.	Town or parish council	This is a matter for the individual Town or Parish Councils to adopt.	This looks like a sensible suggestion - it may be worth a conversation with Parish and Town Councils about this
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.	Local authority		Currently, the Monitoring Officer does deal with complaints made about Town or Parish council members. This does impact on resources - significantly at times.
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.	Local authority		This is a sensible suggestion. To raise at the WYLAW group.
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.	Local authority		Yes a sensible idea. Discuss with head of Audit and Risk and include in the AGS
15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Local authority		The Monitoring Officer regularly meets with the GBMs and the Chief Exec meets regularly with the Group Leaders.