

A.2 APPENDIX A

No.	Recommendation	Responsible Body	TDC Comment and Local Practice
1.	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	<p>It is understood that this work has been commenced.</p> <p>TDC uses a model Code of Conduct which was agreed through the work of Essex Councils through Public Law Partnership in 2011. A number for Councils have reviewed the Code since, including TDC and made slight alterations to clarify definitions and matters arising through dealing with complaints. Last review undertaken concluded in 2018.</p>
2	<p>The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address.</p> <p>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.</p>	Government	<p>Candidates who stood for election to Tendring District Council at the Elections held in May 2019 had the right not to disclose their home address on the Ballot Paper and a good number availed themselves of that right.</p> <p>No amendment to the regulations has been made. Councillors can apply for their details to be withheld but only if the interest is regarded as sensitive (due to the threat of violence) in accordance with Section 32 of the Localism Act 2011.</p>
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	Government	TDC has taken a hard position in relation to public conduct and where linked to the Council, has decided it has been undertaken whilst in official capacity. This has included

	authorities to presume so when deciding upon code of conduct breaches.		statements made on social media. Further clarification within the Localism Act 2011 would be welcomed to strengthen TDC's existing position.
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	TDC's Code of Conduct states this.
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	TDC is unable to take any action in relation to this recommendation for DPis, because it requires an amendment to legislation. However, TDC does include these types of interests within its Code of Conduct, which are defined as Personal Interests and would be declared at a meeting, where an item of business related to these. There is also a requirement to register some of these in advance.
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.		The requirement to register gifts or hospitality offered or received, is contained within TDC's Code of Conduct.
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	Government	Section 31 of the Localism Act 2011 relates to DPis and any change in practice requires an amendment to the legislation.

	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”.		However, TDC has incorporated the ‘public interest test and judgement’ into its Code of Conduct in relation to Personal Interests.
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	TDC’s Standards Committee has previously expressed it does not agree with this recommendation and will not be applying it, unless the legislation is changed.
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	TDC’s Decision Notices and Reports record the comments of Independent Persons. Those comments are also included in the preamble of the Minutes.
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	The sanction to suspend a councillor would require new powers to be included within legislation, and any criteria would be sensible to prevent being abused.
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	The Standards Committee has requested that a business case is prepared for this recommendation, which relates to 10. above.
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	Government	TDC invites its Independent Persons to attend all Standards Committees and take part in the debate. If a hearing is taking place

	parishes, to decide on allegations and impose sanctions.		<p>regarding a potential breach of the Code of Conduct, TDC has established a practice of inviting the IPs into the closed session.</p> <p>TDC has co-opted three Parish Councillors for its Town and Parish Standards Sub Committee who are nominated by the Tendring District Association of Local Councils.</p>
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	Agreed, any suspension should have the right of appeal by an independent body.
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	Agreed – see comment above.
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.	Government	<p>TDC's Monitoring Officer reports this on a quarterly basis to the Standards Committee, with a summary at the end of the year.</p> <p>The information is not included within the minutes but can be adopted.</p>
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government	Would require new legislation.

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	TDC has included within its Complaints Procedure, a list of available sanctions, which includes removal of facilities. This could only be used, if the sanction was appropriate and proportionate to the code of conduct breach. Members must not be prevented from attending meetings to carry out their functions as an elected councillor.
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government	No comment
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish Councils	Understand why it would be helpful
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	TDC encourages Town and Parishes to adopt its Code of Conduct. Website Audit - 27 T&PC: <ul style="list-style-type: none"> • following last review in 2018 - 16 adopted latest version. • 7 no details on the website • 4 older versions (2013, 2014 & 2015)
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	This requires an amendment to legislation, but would be appreciated because currently, the principal authority can only recommend the sanction.
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be	Government	

	amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.		
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