

Appendix 1

List of recommendations

#	Recommendation	Responsible body / Legislation required	OCC responsibility for implementation if/when appropriate	Status
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	Monitoring Officer OSMOG (Oxfordshire Monitoring Officers' Group) Council	
77 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	Monitoring Officer Elections ROI form & guidance	Implemented in relation to election candidates – see paragraph and 4 and Appendix 2
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 Legislative	Monitoring Officer Code of Conduct & complaints	

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	<p>4</p>	<p>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.</p>	<p>Government Legislative</p>	<p>Monitoring Officer Code of Conduct & complaints</p>	
	<p>5</p>	<p>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.</p>	<p>Government Legislative</p>	<p>Monitoring Officer</p>	
<p>78</p>	<p>6</p>	<p>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.</p>	<p>Government</p>	<p>Monitoring Officer OCC chose to introduce this at the start of 2019 OSMOG re Code of Conduct</p>	<p>Current practice for OCC To be included in future revised Code of Conduct</p>

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	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 Legislative	Monitoring Officer OSMOG re Code of Conduct	
79	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 Legislative	Monitoring Officer	OCC Independent Persons’ term expires 2030
	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	Monitoring Officer	
	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	Monitoring Officer Update to complaints handling documentation	

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11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. If needed, the government should require this through secondary legislation.	Government /all local authorities Legislative	Monitoring Officer
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	Council
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	Monitoring Officer OSMOG re Code of Conduct Update to complaints handling documentation
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	Monitoring Officer OSMOG re Code of Conduct Update to complaints handling documentation

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	<p>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.</p>	Government	Monitoring Officer Standards Committee
	<p>16 Local authorities should be given the power to suspend councillors, without allowances, for up to six months.</p>	Government	Monitoring Officer
81	<p>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.</p>	Government	Monitoring Officer
	<p>18 The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.</p>	Government Legislative	Monitoring Officer
	<p>19 Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.</p>	Parish councils	Parish Councils Oxfordshire Association of Local Councils (OALC)

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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 Legislative	Parish Councils OSMOG
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 Legislative	Monitoring Officer OSMOG re Code of Conduct Update to complaints handling
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 Legislative	Monitoring Officer
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	Monitoring Officer Section 151 Officer
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government	Monitoring Officer

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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	Political groups
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards	Local Government Association	Monitoring Officer

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