

No	Recommendation	Council's existing 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.	Matter for the LGA.
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.	<p>The Government has amended the rules so that candidates standing for election are no longer required to have their home address published on the ballot paper and statement of persons nominated. (<i>The Local Elections (Principal Areas) (England and Wales) (Amendment) (England) Rules 2018</i>).</p> <p>Note – Following an election, the law requires the Council to maintain a register containing the names and addresses of every member that has been elected and this register must be made open for public inspection. Members are asked if they specifically want to have their addresses published on the Council's website to enable constituents to contact them. Members are in any event required to disclose their home address on their register of interest form subject to the sensitive interest provisions contained in paragraph 4.18 of the Council's Code. Members' registers are required to be published on the Council's website.</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 authorities to presume so when deciding upon code of conduct breaches.	<p>Not currently provided for within the Council's Code as, in line with changes introduced by the Localism Act 2011, the scope of the Council's Code was restricted to apply 'when a member is acting in their capacity as a member of the Authority'. Widening the Code as the Committee recommends could be considered as a local choice option though this would go beyond what is provided for under current legislation. Alternatively, Members could await the Government's response and any change in legislation before taking action on this particular issue. Members' views are sought on this point.</p>

		It should be noted that the Council has prepared an advisory note which has been circulated to all Members on the use of social media and this will be reviewed and updated in light of the Committee's recommendations.
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.	As above, the scope of the Council's Code was restricted following the introduction of the Localism Act 2000 to apply 'when a member is acting in their capacity as a member of the Authority'. Widening the Code in accordance with this recommendation of the Committee would revert the Council's Code back to the position that existed prior to the introduction of that Act. Members could consider this as a local choice option or alternatively, await the Governments response and any change in legislation before taking action. Members' views are sought on this point.
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.	As a matter of local choice, the Council's Code already requires these types of interests to be registered as "personal interests", excluding unpaid directorships. Extending the Council's definition of 'personal interests' could be considered as part of the annual review of the Council's constitution. Members' views on this are sought.
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.	As a matter of local choice, Leicestershire's Code already requires members to register any gifts or hospitality received over a value of £50. The Council's Code does not currently include a cumulative limit, but this could be considered as part of the annual review. Members' views on this are sought.
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	As a matter of local choice, the Council agreed to include provisions within its Code to this effect and these are referred to as "personal interests that might lead to bias". Members are required to leave the room during consideration of a matter in which they have such an interest and cannot take part in, or vote on, such a matter. A

	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”.	member can give evidence and make representations in cases where a member of the public could attend for the same purpose, but the member must immediately leave the meeting thereafter.
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Imposing such a restriction on the appointment of Independent Persons could be considered as a matter of local choice. However, the view of the Monitoring Officer is that as the Council currently has a pool of 5 Independent Persons who are used intermittently over a period of four years, such persons are not so regularly involved in the Council’s complaints process so as to jeopardise their independence. Restricting the ability of Independent Persons to reapply for the position beyond what is currently required under legislation could have an adverse effect on the Council’s ability to recruit in the future. In any event, Members who appoint the Independent Persons can take into account the extent of any existing Independent Persons involvement in the Council’s complaints handling process.
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.	The views of the Independent Person (IP) in respect of a complaint are recorded in accordance with the Council’s procedure for handling complaints which provide that the Monitoring Officer (MO) can consult the IP at any stage in the process, including prior to any decision to formally investigate a complaint. Where a complaint is referred to the Member Conduct Panel the views of the Independent Person (IP) will be recorded in the minutes of that meeting and made public alongside all other documents relating to the complaint, particularly when this is investigated and the subject of a public hearing, unless the Monitoring Officer (MO) determines they should be regarded as ‘exempt’.

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.	Requires a change in legislation by the Government to enable the Council to impose a suspension.
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.	The Independent Person's appointed by the Council are regarded as 'office holders' and already therefore benefit from the cover provided under the Council's 'Officials' Indemnity Policy'.
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.	Following the introduction of the Localism Act 2000, the functions of the then standards committee are now fulfilled by the Council's Corporate Governance Committee and Member Conduct Panel. Independent Persons play an active role in the Council's handling of complaints in accordance with the Council's procedure. It is considered that the Council's current approach and the involvement of Independent Persons within this are working effectively and so no change is proposed, though this will be reviewed if a change in legislation occurs.
13	Councillors should be given the right to appeal to the Local Government Ombudsman (LGO) if their local authority imposes a period of suspension for breaching the code of conduct.	Requires a change in legislation by the Government both to allow authorities to impose a suspension and to introduce an appeals process involving the LGO.
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.	Requires a change in legislation by the Government to introduce an appeals process involving the LGO.
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	The Monitoring Officer reports annually to the Corporate Governance Committee on all complaints received, advising members of the number of complaints and whether they have been resolved informally or not progressed. This report is published on the Council's website. In accordance with the

	complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	recommendation of the Committee, more detail will be provided in future reports, as appropriate, on the nature of the complaints received and the reasons why any are not progressed.
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Requires a change in legislation by the Government enabling councils to impose a suspension.
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.	Requires clarification by the Government.
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Requires a change in legislation by the Government.
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Not applicable for the County Council – relates to parish council clerks.
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.	Not applicable for the County Council – relates to district and parish councils.
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.	Not applicable for the County Council – relates to parish councillors.
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.	Requires a change in legislation by the Government.
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named	Subject to members' views, discussions can take place with the external auditor to ascertain if they are agreeable to this recommendation on a voluntary basis in

	contact for the external auditor alongside their contact details, which should be available on the authority's website.	advance of any change in legislation.
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Requires a change in legislation by the Government.
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.	Each political group will have its own arrangements/requirements regarding ethical standards training. Note - The Council provides training on ethical standards and the Council's Members' Code of Conduct as part of its member induction process. Ongoing training is also provided as part of the member learning & development programme.
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Matter for the LGA.
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.	Currently contained in paragraphs 3.1 and 3.2 of the Council's Code. Amendments to the guide to the Code will be considered to incorporate a wider definition of bullying in accordance with the Committee's recommendations.
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	Not currently incorporated into the Council's Code. This is, however, an important aspect of ethical conduct because of the strong public interest in an effective standards system, the maintenance by members of an ethical culture and showing appropriate respect for the process, and the avoidance of the waste of public funds through non-compliance and misuse. Members views are sought on the potential amendment to the Code as recommended.

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 Council's code was last reviewed by the Corporate Governance Committee in September 2017. Members' views are sought on the recommendation for annual review and consultation.
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 Council's Code is embedded in the Constitution and, as recommended, is already made available on the Council's website in a prominent position both as part of the Constitution and on the complaints and comments webpage. It is also made available in hard copy to any visitor on request.
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.	Members currently update their register of interest with details of any gifts and hospitality received as and when necessary on an ongoing basis and any changes/additions to a members register so notified are immediately published on the Council's website. Members are also invited to review and update their register annually and this includes details of gifts and hospitality received. Members' views are sought on the recommendation for a quarterly review.
6	Councils should publish a clear and straight forward public interest test against which allegations are filtered	Complaints are filtered at present against the Council's adopted assessment criteria which satisfy the public interest test. Members' views are sought on whether the criteria currently used (attached) are sufficiently clear.
7	Local authorities should have access to at least two Independent Persons.	The Council appointed five Independent Persons in 2016 for a period of 4 years.
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 procedure is compliant with this recommendation and provides broad discretion to the Monitoring Officer and the Member Conduct Panel to consult with an Independent Person at any stage 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 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 Council publishes such decisions on its website following a formal investigation as part of the minutes of the Member Conduct Panel meeting. This includes the information referred to in this recommendation. Members are asked to give a view on whether any other form of reporting should be considered - for example, a specific complaints web page.
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 outcomes.	As recommended, the Council's website has clear and accessible guidance on how to make a complaint and on the process that will be followed once this has been received. A specific form has also been created which allows residents to make/submit complaints on line, or they can email or write to the Monitoring Officer direct (see - https://www.leicestershire.gov.uk/about-the-council/how-the-council-works/councillors-and-conduct/councillor-code-of-conduct) . This guidance does not, however, contain any detail on the timescales for investigation and outcome, as each complaint varies and is managed accordingly. Members' views are sought on whether the guidance should be amended to include broad indicative timescales.
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.	Not relevant to the County 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.	Not relevant to the County Council.

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 Council's current guidance provides for the Monitoring Officer to arrange for any investigation to be undertaken by the Deputy Monitoring Officer, another officer of the Council or commissioned externally (which could include therefore use of a Monitoring Officer from a different authority).
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.	The arrangements established in respect of ESPO, which is a separate body which the Council has set up/owns in part, already satisfy the recommendations made. Documents for meetings are made available on the Council's website and officers and members appointed to this body are obliged to comply with the Council's Members' and Employee Codes of Conduct. The arrangements will be reviewed to ensure the best practice recommendations apply to all parts of the ESPO business including its trading company.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Meetings with group leaders currently take place on a regular basis. Though such meetings are not standards focused, such issues can and are discussed as and when necessary. Such meetings do not involve the group whips. Members views are sought on whether or not more formal arrangements should be put in place as recommended.

CRITERIA FOR ASSESSING COMPLAINTS

The criteria set out below will be used by the Monitoring Officer and the Member Conduct Panel to assess complaints and decide whether they should be investigated.

1. Where the information provided is not sufficient to make a decision as to whether the complaint should be referred for investigation or other action, no further action will be taken on the complaint. If further information is received, the matter will be reconsidered.
2. Where the member complained about is no longer a member of the authority but is a member of another authority, the complaint will be referred to the Monitoring Officer of that authority to consider.
3. Where the matter complained about has already been subject to a previous investigation or other action, it is unlikely that further action will be warranted unless substantial new evidence is produced by the complainant and there is something more to be gained by pursuing the matter further.
4. Where a considerable period of time has passed since the alleged conduct and there would be little benefit in taking action now, it is likely that further action will not be warranted.
5. Where the complaint is considered too trivial or not sufficiently serious it is unlikely that further action will be warranted. Where a complaint is judged to be relatively minor a balance needs to be drawn between the need to address the complaint against the resources which might be involved in undertaking an investigation and a hearing.
6. Where a complaint appears to be malicious, politically motivated or tit for tat, it is unlikely that further action will be warranted, unless the behaviour alleged is exceptionally serious or significant.
7. Where a complaint relates to the content of a political leaflet, it is unlikely that further action will be warranted unless the contents enter the realm of extreme and deliberately offensive remarks about other people.
8. Where a complaint relates to name calling between members or the use of rude or inappropriate language, it is unlikely that further action will be warranted, unless there is a special factor to the allegation such as a threat of violence.
9. Complaints that come from council decisions, the implementation of council policy (even where this is apparently flawed), the competence of members or the accuracy of their statements will not usually warrant investigation.
10. An anonymous complaint should only be referred for investigation or some other action if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.