

APPENDIX 2
Summary of Best Practice and Best Practice Requirements

CPSL Report	Current Practice	Next Steps
<i>Recommendations set out at pages 14 - 17 of the Committee on Standards in Public Life report</i>		
R1 The LGA should create an updated model code of conduct following consultation	PCC has a Member Code of Conduct devised from the previous model code.	The LGA has responded to the CPSL report by saying that it is <i>“happy to play a leading role in updating a code of conduct to help guide our members”</i> . Await opportunity to input on the Local Government Association’s consultation on proposed changes to the existing model code and consider what revisions to the PCC Code are required thereafter.
R2 Registration of Home Address CPSL recommends that candidates standing for or accepting public office are not required to publicly disclose their home address.	Where a Councillor considers (and the MO agrees), the the nature of a DPI or other interest is such that disclosure of the details of the interest could lead to the Councillor or a person connected with them being subject to intimidation or violence, it is a “sensitive interest” and the details of the sensitive interest do not need to be included in the register or disclosed to a meeting, although the fact that a sensitive interest exists must be disclosed.	Await legislative amendments to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 confirming that a Councillor does not need to register their home address on an authority’s register of interests.
R3 Presumption of acting in official capacity in relation to public conduct/social media. CPSL recommends that councillors should be presumed to be acting in an official capacity in all their public conduct including statements and social media (which is publicly accessible).	The Monitoring Officer and Independent Person, when undertaking an initial assessment of a complaint, will always consider whether the allegations relate to actions occurring whilst the subject member was acting in their official capacity. At the moment there is no presumption of acting in official capacity - it is a judgement based on the facts of each complaint.	Await legislative amendments to section 27(2) of the Localism Act 2011 permitting local authorities to presume that a Councillor is acting in their official capacity when deciding upon breaches relating to their public conduct to include statements on publicly accessible social media. <i>In the meantime, The Constitution & Ethics Committee is recommended to adopt a Code relating to the use of social media that is cross-referred to in the Code of Conduct,</i>
R4. Application of code when	As above.	Await legislative amendments to Section 27(2) of the

<p>acting/claiming to act in official capacity or representative of PCC.</p>		<p>Localism Act 2011 confirming that the code of conduct applies to a Councillor 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>R5. Disclosable Pecuniary Interests. CPSL recommends that the DPI regulations are amended to include the following as DPis: 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>Currently an interest will only amount to a DPI if it relates to any employment, office, trade, profession or vocation carried on for profit or gain.</p>	<p>Await legislative amendments to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to include:the following as DPis; 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. <i>In the meantime the Monitoring Officer is recommended to issue Guidance for Members and Officers who Serve on Outside Bodies.</i></p>
<p>R6. Gifts & Hospitality CPSL recommends that councils establish a register with councillors recording any gifts and hospitality received with a value of £50 or totalling £100 a year from a single source</p>	<p>PCC already holds a register for this purpose and the council's code of conduct requires councillors to declare any gift or hospitality with an estimated value of more than £100</p>	<p>Await the updated model code of conduct and consider what if any changes are required.</p>
<p>R7. Non-Statutory Interests CPSL recommends that s31 of the Localism Act 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, <i>"if a member of the public, with knowledge of the relevant facts,</i></p>	<p>Peterborough City Council's Code of Conduct already includes a section on 'other interests' which (amongst other things) requires the following where a Councillor has an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest:</p> <p>(i) participate, or participate further, in any discussion of the matter at the meeting; (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at</p>	<p>Await potential amendments to;/repeal of Section 31 of the Localism Act 2011 and consider this against the existing requirements of PCC's Code.</p>

<p><i>would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter.”</i></p>	<p>the meeting apart from making representations, giving evidence or answering questions prior to the commencement of the debate on that matter.</p>	
<p>R8. Appointment of Independent Persons. CPSL recommends that the Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed terms of two years, renewable once.</p>	<p>There is currently no limit on the term of office of the Independent Person.</p>	<p>Await amendments to the Localism Act 2011 to require that Independent Persons are appointed for a fixed term of two years, renewable once.</p>
<p>R9. Recording the view of the Independent Person. CPSL recommends that the Local Government Transparency Code be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted be formally recorded in any decision notice or minutes.</p>	<p>PCC publishes a decision notice in relation to all concluded conduct matters within which the views of the Independent Person are recorded. Equally the Independent Person has a specific role to play within the context of a Conduct Hearing to include the option of submitting a written report recording their views which, when expressed verbally are also included in the official minute.</p>	<p>Await updates to the Local Government Transparency Code and consider this against existing requirements.</p>
<p>R10. Requirements relating to suspension. CPSL recommends that a local authority should only be able to suspend a councillor whether the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction</p>	<p>Currently suspension is not a sanction legally available to the Hearing Panel (Sub-Committee of the Constitution and Ethics Committee).</p>	<p>Await confirmation of reintroduction of suspension as a sanction and revise the Hearing Procedure accordingly.</p>
<p>R11. Indemnity for Independent Persons. CPSL recommends that councils</p>	<p>Currently there are no specific indemnities for the Independent Person.</p>	<p><i>The Monitoring Officer should consider what if any indemnities can be provided to the Independent Person under current legislation.</i></p>

<p>should provide a legal indemnity to Independent Persons if their views or advice are disclosed - this should be achieved through secondary legislation if required.</p>		
<p>R12. Voting Rights. CPSL recommends that 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.</p>	<p>Currently whilst the Independent Person is able to attend and speak at meetings of the Hearing Panel, they do not have voting rights and parish councils are not currently involved in the decision making process.</p>	<p>Await legislating permitting the Independent Person and Parish/Town Council representatives to have the same rights as members of the Hearing Panel to vote and impose sanctions. <i>The Monitoring Officer to consider amending the Constitution to enable a Parish Councillor to attend and speak at meetings of the Hearing Panel where the complaint relates to a member of their Council.</i></p>
<p>R13. Right of Appeal. CPSL recommends that councillors should be given the right to appeal to the Local Government Ombudsman ("LGO") if their local authority imposes a period of suspension for breach the code of conduct.</p>	<p>There is currently no right of appeal in relation to the decision of the Hearings Panel and the LGO will only involve itself in complaints relating to member conduct in exceptional circumstances.</p>	<p>Await confirmation of legislative amendments and confirmation of the requirement to introduce a right of appeal to the LGO for a Councillor who is sanctioned with suspension.</p>
<p>R14. Local Government Ombudsman. CPSL recommends that the LGO 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 LGO decision would be binding on the authority.</p>	<p>As above.</p>	<p>Await confirm of the Local Government Ombudsman's role in responding to appeals (as above).</p>
<p>R15 Publication of Conduct Complaints. CPSL recommends that the Local</p>	<p>Whilst PCC operates confidentiality requirements in relation to alleged breaches of the Code, once a conduct complaint has been completed a summary of the facts</p>	<p>Await amendments to the Local Government Transparency Code and consider this against existing practices.</p>

<p>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.</p>	<p>and decision is published on Constitution & Ethics Committee's webpage.</p>	
<p>R16 Suspension. CPSL recommends that local authorities should be given the power to suspend councillors, without allowances, for up to six months.</p>	<p>Currently suspension is not a sanction legally available to the Hearing Panel (Sub-Committee of the Constitution and Ethics Committee).</p>	<p>Await confirmation of proposals relating to the reintroduction of suspension as a sanction and amend the Hearing Procedure as appropriate.</p>
<p>R17 Other Sanctions CPSL recommends that the government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions and these powers should be put beyond doubt in legislation if necessary.</p>	<p>It is generally accepted that permissible common law sanctions include the withdrawal of council facilities and/or barring entry to Council premises where the circumstances of the breach dictate that this is a necessary and proportionate response however there is no legislative basis for this.</p>	<p>Await confirmation/clarification of the sanctions available to the Hearings Panel and amend the Hearing Procedure as appropriate.</p>
<p>R18 Criminal Offences CPSL recommend that the current criminal offences in the Localism Act 2011 relating to disclosable pecuniary interests should be abolished.</p>	<p>Failing to comply with statutory requirements relating to the disclosure of disclosable pecuniary interests is currently a criminal offence.</p>	<p>Await amendments to the Localism Act 2011 and amend the Code of Conduct as appropriate.</p>
<p>R19 - Parish Clerks CPSL recommends that all parish clerks should hold an appropriate qualification, such as those provided</p>	<p>There is currently a degree of variability in terms of the qualifications held by parish clerks in the PCC area.</p>	<p><i>Monitoring Officer to liaise with Cambridgeshire and Peterborough Association of Local Councils and with Parish Council Clerks to undertake an audit of the qualifications held and to raise awareness of this</i></p>

by the Society of Local Council Clerks.		<i>recommendation as appropriate.</i>
<p>R20 - Parish Council Codes of Conduct CPSL recommends that s27(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 LGA model code.</p>	The majority of parish councils have adopted PCC's Code.	Await amendments to section 27(3) of the Localism Act 2011 stating that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code. <i>In the interim Monitoring Officer to undertake an audit as to which of the Parish Councils are currently utilising PCC's Code and consider ongoing engagement with Parishes to achieve a cohesive approach where possible.</i>
<p>R21 - Sanctioning Parish Councillors CPSL recommends that s28(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.</p>	The Hearing Panel currently determines sanctions for Parish Councillors in the event of a breach of the Code having been established. However PCC can only make recommendations to the relevant parish council on suitable sanctions.	Await amendments to section 28(11) of the Localism Act 2011 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 and consider against existing provisions.
<p>R22 - Disciplinary Protection CPSL recommends that 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.</p>	The Council currently abides by the 2015 Regulations as well as nationally negotiated terms and conditions.	Await amendments to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and ensure that this is appropriately recorded in the Officer Employment Rules.
<p>R23 - Whistleblowing Policy CPSL recommends that the Local Government Transparency Code is updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external</p>	The Council has a Whistleblowing Policy which specifies the steps that staff and/or members of the public can take if they wish to raise a concern and who to contact.	Await amendments to the Local Government Transparency Code requiring that the Council's whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website. <i>In the interim, Monitoring Officer to review the existing arrangements for publishing the Council's</i>

auditor alongside their contact details, which should be available on the authority's website.		<i>Whistle Blowing Policy and the procedure that must be followed to include the inclusion of a named contact.</i>
R24 - Prescribed Persons CPSL recommends that councillors should be listed as "prescribed persons" for the purposes of the Public Interest Disclosure Act 1998.	Currently councillors are not listed as 'prescribed persons' within the Act.	Await amendments to the Public Interest Disclosure Act 1998 to include Councillors as 'prescribed persons' within the list.
R25 - Induction Training CPSL recommends that 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.	PCC currently provides induction and refresher training as appropriate. There is however currently no means of compelling attendance save in respect of certain Committees where training is a prescribed requirement.	Await changes to national model group rules and support from political groups in respect of the recommendation that Councillors should be required to attend formal induction training.
R26 - Peer Reviews CPSL recommends that the LGA corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	PCC currently seeks opportunities to review best practice amongst peers via the establishment of a Monitoring Officer Group for the region, hosted by PCC.	Await changes to the scope of the Local Government Association's corporate peer reviews to include consideration of a local authority's processes for maintaining ethical standards.
<i>Best Practice Proposals at Pages 18 - 19 of the Commission's Report</i>		
BP1 - Prohibition on bullying and harassment to be included in Codes of Conduct including a definition and examples.	The Members' Code is sufficiently widely drafted to include all forms of unacceptable behaviour however there is nothing explicit with regard to bullying and harassment.	<i>Monitoring Officer to review and propose amendments to the Code of Conduct as required.</i>
BP2 Codes of Conduct to specify that Councillors must comply with formal standards investigations and to prohibit trivial/malicious allegations by Councillors.	PCC's Guidance for submitting a complaint permits the Monitoring Officer to reject a complaint if it is considered to be politically motivated, vexatious or tit for tat. There is no specific requirement for Councillors to comply with the Hearings Procedure or Guidance for Submitting a Complaint however it is an expectation that they do so both in general compliance with the Code and so as not	<i>Monitoring Officer to review and propose amendments to the Code of Conduct as required.</i>

	to prejudice their case.	
BP3 Councils should reviewing their Codes of Conduct annually and regularly seeks the views of the public, community organisations and neighbouring authorities.	Currently the Monitoring Officer has a duty under the Council's constitution to regularly review the Council's constitution, which includes the Code of Conduct and the Constitution and Ethics Committee has oversight of the Code, All proposed amendments must be agreed by Full Council.	<i>Monitoring Officer to review and propose amendments to the Code of Conduct as required.</i>
BP4 Accessibility of the code of conduct to both councillors and the public - should be in a prominent position on the council's website and available in the council's premises.	All of the documentation relating to the Code of Conduct and management of alleged breaches can be found on the Council's website together with the terms of reference and membership of the Constitution and Ethics Committee and the outcomes of previous complaints.	<i>Monitoring Officer to ensure that the relevant page of the Council's website remains up-to-date and to liaise with the communications team to ensure that it can be accessed via all potentially relevant search terms.</i>
BP5 Gifts & Hospitality - councils should update their gifts and hospitality register at least once per quarter and publish it in an accessible format.	PCC maintains a gifts and hospitality register however it is not currently published.	<i>Monitoring Officer to review the register of gifts and hospitality to ensure that it is being kept up-to-date and adequately publicised and to consider any communications that may be required to ensure ongoing compliance.</i>
BP6 Public Interest Test - councils should publish a clear and straightforward public interest test against which allegations are filtered.	PCC's Guidance for submitting a complaint sets out the criteria against which complaints will be considered and the basis upon which they will be rejected to take into account factors such as delay and overall seriousness as well as the possibility of an alternative resolution.	<i>Monitoring Officer to review and propose amendments to the procedure for assessing Code of Conduct complaints as required.</i>
BP7 - Independent Persons - councils should have access to at least two Independent Persons.	PCC currently has 1 Independent Person.	<i>Monitoring Officer to review the current arrangements and make recommendations to the Constitution and Ethics Committee as to the possibility of appointing a second IP and/or the potential for sharing IPs between sufficiently proximate authorities.</i>
BP8 - IP's Involvement in Initial Assessment of Complaint. An Independent Person should be consulted as to whether to undertake a formal investigation of an allegation and should be	PCC's Guidance for submitting a complaint provides that the Monitoring Officer may consult the Independent Person when deciding whether or not to refer a complaint for investigation. This currently happens in all but the most minor of cases.	<i>Monitoring Officer to review and propose amendments to the Code of Conduct as required.</i>

<p>given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious and trivial.</p>		
<p>BP9 - Publication of Decision Notices. A council should publish a decision notice on its website where it makes a decision on an allegation of misconduct following a formal investigation. This should include a brief statement of facts, the relevant provisions of the code, the view of the Independent person, the reasoning of the decision-maker and any sanction applied.</p>	<p>PCC already publishes decision notices in relation to all concluded complaints which have been formally investigated at the conclusion of the hearing.</p>	<p><i>Monitoring Officer to review the existing arrangements to ensure that the current decision Notice includes all of the recommended information as appropriate.</i></p>
<p>BP10 - Guidance on Making a Complaint -A council should put accessible and straightforward 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.</p>	<p>PCC already publishes guidance on making a complaint on its website.</p>	<p><i>Monitoring Officer to review the existing Guidance to ensure that it includes all of the recommended information as appropriate.</i></p>
<p>BP11 - Complaints by Parish Clerks. about the conduct of a parish councillor towards a clerk should be made by the chair or the parish council as a whole rather than the clerk in all but exceptional circumstances.</p>	<p>There are currently no provisions for this within PCC's existing processes.</p>	<p><i>Monitoring Officer to continue to liaise with Parish Councils in relation to the development of the Code and associated documentation, in highlighting the Commission's recommendations and in assessing and training requirements.</i></p>
<p>BP12 - Role of the MO in relation</p>	<p>The Monitoring Officer fulfils the same role in respect of</p>	<p><i>Monitoring Officer to continue to liaise with Parish</i></p>

<p>to Parish Councils. The MO should provide 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.</p>	<p>Parish Council complaints as for complaints against City Councillors and provides advice and support on general governance issues.</p>	<p><i>Councils in relation to the development of the Code and associated documentation, in highlighting the Commission's recommendations and in assessing and training requirements.</i></p>
<p>BP13 - Conflicts of Interest. The council should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps include asking a MO from another council to undertake the investigation.</p>	<p>The Monitoring Officer has nominated deputies who are able to assist in circumstances where a conflict arises as well as having established a Monitoring Officer Group for the region through which the opportunities for resilience can continue to be explored, although resource issues usually exist.</p>	<p><i>Monitoring Officer to ensure that appropriate arrangements are in place for dealing with a complaint where a conflict of interest arises.</i></p>
<p>BP14 - Outside Bodies. - Councils should report on outside bodies which 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 councils should abide by the Nolan Principle of openness and publish their board agendas and minutes and annual reports in an accessible place.</p>	<p><i>Consideration to be given as to whether or not this function should be picked up by the Cabinet Shareholders' Committee.</i></p>	<p><i>Monitoring Officer to review alongside internal audit.</i></p>
<p>BP15 - Member Engagement. - Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>It is recognised that member engagement is important to the development of and compliance with appropriate procedures for managing breaches of the Code. The Constitution and Ethics Committee provides an ideal forum for this and the council's Group Leaders meetings with the Chief Executive and Monitoring Officer allow an</p>	<p><i>Monitoring Officer to review existing arrangements with the Constitution and Ethics Committee in order to consider what if any further arrangements for engagement can be put in place.</i></p>

	alternative forum for discussion on conduct issues.	
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