

## Appendix 2 – CSPL Recommendations

Number	Recommendation	Responsible body
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
<i>Comment</i>	It is for the LGA to create an updated model code of conduct. If such a document is produced then we will bring this to your Committee for consideration.	
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
<i>Comment</i>	This would require a change to secondary legislation. The CSPL draw a parallel with the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. It should be noted that, although that requirement has now been removed for other local authorities, it is still a requirement in the City.	
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
<i>Comment</i>	This would require a change to primary legislation – section 27(2) currently refers to the conduct that is expected of Members and Co-opted Members of the authority when they are acting in that capacity.	
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
<i>Comment</i>	This would require a change to primary legislation – section 27(2) currently refers to the conduct that is expected of Members and Co-opted Members of the authority when they are acting in that capacity.	

Number	Recommendation	Responsible body
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
<i>Comment</i>	Including these matters in the Regulations would require a change to secondary legislation. However, an authority is currently allowed to make such additional provision as it considers appropriate in respect of other interests, and Members will know that the City of London Corporation already requires these non-pecuniary interests to be disclosed.	
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
<i>Comment</i>  <i>Possible action</i>	Making this a national requirement would require a change to secondary legislation. However, the City of London Corporation already requires any gift or hospitality with a value of £100 or more, or totalling £200 or more over a year from a single source, to be registered. Members may wish to review whether the existing limits in the City of London Corporation's Code of Conduct are still the most appropriate for local circumstances, or whether the amounts should be amended in line with the CSPL recommendation.	
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
<i>Comment</i>	Amending the current test would require a change to primary legislation. As well as finding a criminal sanction to be inappropriate and disproportionate (see recommendation 18 below) the CSPL considered the current test of having a 'disclosable pecuniary interest <i>in any matter</i> ' to be ambiguous. Members will know that we have wrestled with this issue ourselves and it is worth noting that the CSPL's suggested test is consistent with this Committee's published guidance on making sense of the current provisions.	

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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
<i>Comment</i>  <i>Possible action</i>	Introducing a statutory maximum term for Independent Persons would require a change to primary legislation. However, the City of London Corporation could choose to impose its own maximum term, and your Committee has previously indicated that it wishes to consider imposing such a limit at this meeting. Members and Co-opted Members of this Committee are currently able to serve for a maximum of eight years, and this is normally achieved through a four year term, renewable once. Members are asked to consider whether equivalent restrictions should be introduced for the City of London Corporation's Independent Persons, who are not currently subject to any maximum term provisions, or whether the CSPL recommendation to the Government should be adopted in full. Any change would need to go to the Court of Common Council for approval, as the appointing body. Your Committee would also need to give some thought to transitional provisions and the staggering of future appointments.	
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
<i>Comment</i>  <i>Possible action</i>	The Local Government Transparency Code is a statutory code of recommended practice and any revision to that document is the responsibility of the Secretary of State. However, the City of London Corporation is of course free to voluntarily record the views of the Independent Person. To date at the City of London Corporation the Independent Person has been in agreement with the decision reached on every occasion and it is already established practice to indicate this in the decision notice/minutes. It is inconceivable that if there was a difference of opinion between the Independent Person and the relevant Sub-Committee this would not be reflected in the record. However, for the avoidance of doubt, your Committee may wish to resolve that the views of the Independent Person should always be formally recorded in relation to a decision on which they are consulted. Your Committee may also wish to consider whether this should be explicitly stated in the Complaints Procedure.	

<b>Number</b>	<b>Recommendation</b>	<b>Responsible body</b>
<b>10</b>	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
<i>Comment</i>	This would require a change to primary legislation and is also subject to recommendation 16 being adopted by the Government.	
<b>11</b>	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
<i>Comment</i> <i>Possible action</i>	It seems right that Independent Persons should be offered the same level of indemnity as Members and Co-opted Members when carrying out a statutory function on behalf of the City of London Corporation. It is therefore recommended that officers bring back a report to this Committee and the Finance Committee on this matter for onward approval by the Court.	
<b>12</b>	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
<i>Comment</i>	The City of London Corporation has chosen to retain a Standards Committee with Co-opted Members. As per your Committee's previous inquiries, giving those Co-opted Members a vote would require a change to primary legislation.	
<b>13</b>	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
<i>Comment</i>	This would require a change to primary legislation and is also subject to recommendation 16 being adopted by the Government.	
<b>14</b>	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
<i>Comment</i>	This would require a change to primary legislation and is also subject to recommendation 16 being adopted by the Government.	

Number	Recommendation	Responsible body
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
<i>Comment</i>  <i>Possible action</i>	The Local Government Transparency Code is a statutory code of recommended practice and any revision to that document is the responsibility of the Secretary of State. However, the City of London Corporation can obviously choose to make additional information available. Your Committee already publishes in its annual report to the Court of Common Council anonymised details of the number of complaints received, the outcome of those complaints and any sanctions applied. Members should consider also including information about what the complaints broadly relate to in your next annual report, which is being considered as a separate item on the agenda for this meeting. However, Members will recall that your annual report was even more detailed in the past and some concern was expressed by the Court of Common Council at that time about the amount of information being published in that forum. Your Sub-Committees are subject to the normal rules regarding public access to information in any event, and detailed provisions regarding public/non-public information and the further dissemination of the decision in any particular case are already included in the Complaints Procedure.	
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
<i>Comment</i>	This would require a change to primary 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
<i>Comment</i>	It is recommended that your Committee await any clarification from the government on this point, through legislation or otherwise, before reviewing the list of available sanctions in the City of London Corporation's Complaints Procedure.	
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
<i>Comment</i>	Repealing the criminal offences would require a change to primary legislation.	

<b>Number</b>	<b>Recommendation</b>	<b>Responsible body</b>
<b>19</b>	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
<i>Comment</i>	This recommendation is not applicable to the City of London Corporation.	
<b>20</b>	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
<i>Comment</i>	This recommendation is not applicable to the City of London Corporation.	
<b>21</b>	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
<i>Comment</i>	This recommendation is not applicable to the City of London Corporation.	
<b>22</b>	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
<i>Comment</i>	Extending the protections for statutory officers would require a change to secondary legislation.	
<b>23</b>	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
<i>Comment</i> <i>Possible action</i>	The Local Government Transparency Code is a statutory code of recommended practice and any revision to that document is the responsibility of the Secretary of State. However, the City of London Corporation is free to voluntarily include contact details for the external auditor in its own whistleblowing policy. The existing policy includes contact details for Internal Audit, Trade Unions and the independent whistleblowing charity Public Concern at Work. If your Committee are in favour of adding a named contact for the external auditor then a recommendation should be made to the Audit & Risk Management Committee and the Establishment Committee.	

<b>Number</b>	<b>Recommendation</b>	<b>Responsible body</b>
<b>24</b>	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
<i>Comment</i>	Allowing a qualifying disclosure to be made to elected Members would require a change to secondary legislation.	
<b>25</b>	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
<i>Comment</i>	A requirement to attend formal induction training could be implemented by political parties and groups without delay. However, given the very high proportion of Members who stand on an independent election platform this would not have a significant impact in relation to training at the City of London Corporation.	
<b>26</b>	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association
<i>Comment</i>	This is a matter for the LGA.	



### Appendix 3 – CSPL Best Practice Recommendations

Number	Recommendation
<b>BP1</b>	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.
<i>Comment</i>  <i>Possible action</i>	Members will know that when the current version of the City of London Corporation’s Member Code of Conduct was adopted on 8 March 2018, the existing reference to “Always treating people with respect, including the organisations and constituents that you engage with and those that you work alongside” was supplemented by the additional explicit wording “...and not bullying, harassing (including sexually harassing), intimidating or attempting to intimidate any person.” However the Code does not currently include a definition of bullying and harassment nor give examples of the sort of behaviour that would be caught.
<b>BP2</b>	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.
<i>Comment</i>  <i>Possible action</i>	The City of London Corporation’s Member Code of Conduct requires Members to behave in accordance with any requirements contained within the Corporation’s policies, protocols or procedures. However, neither the Code nor the Complaints Procedure specifically require Members to co-operate with a formal standards investigation or hearing. To date, all Members complained about have co-operated with the process, as it is generally seen as being in their own interests to do so. However, such a provision could be inserted if Members consider this to be desirable. Whilst this would make non co-operation a breach of the Code in its own right though, it still wouldn’t mean that a Member could actually be compelled to co-operate. The assessment criteria set out in the Complaints Procedure are already intended to filter out complaints that are insufficiently serious to warrant further action, or motivated simply by malice, but again the making of such allegations is not specifically prohibited – although in the case of a malicious allegation made by a Member this would already be caught by the Nolan Principles.
<b>BP3</b>	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.
<i>Comment</i>  <i>Possible action</i>	It has not been previous practice to review the City of London Corporation’s Member Code of Conduct on an annual basis, nor to carry out a public consultation on its contents, but such a review could be incorporated within the cycle of the municipal year if Members consider this to be appropriate. The reference to seeking the views of neighbouring authorities is felt to be primarily aimed at authorities operating within overlapping administrative areas, at

Number	Recommendation
	different tiers of local government, but neighbouring boroughs could of course be included in any consultation process if desired.
<b>BP4</b>	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.
<i>Comment</i>  <i>Possible action</i>	This Committee has previously flagged up the difficulty in finding the City of London Corporation's Member Code of Conduct on the website and improvements have subsequently been made. This document can now be found by an appropriate search and through the website index. However, views are invited on whether any additional measures are still required regarding the accessibility of the Code and related documents. Hard copies of these documents are not routinely held on deposit in City Corporation premises, although could be printed off on request. It is thought that in the modern age the vast majority of people will seek to access these documents online. However, if Members would like to see hard copies of these documents made available as a matter of course in City Corporation premises then this can be done.
<b>BP5</b>	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.
<i>Comment</i>	The City of London Corporation's Member Code of Conduct already requires Members to register applicable gifts and hospitality within 28 days of receipt, and these entries are uploaded as they are received to the Member's register of interests on the website.
<b>BP6</b>	Councils should publish a clear and straightforward public interest test against which allegations are filtered.
<i>Comment</i>  <i>Possible action</i>	The City of London Corporation's Complaints Procedure already sets out a series of tests and assessment criteria to be applied at the initial assessment stage, which address a number of the considerations contemplated by the CSPL under the heading of a public interest test. However the relevant provisions are not identical and so Members may wish to review the current wording.
<b>BP7</b>	Local authorities should have access to at least two Independent Persons.
<i>Comment</i>	In accordance with its Complaints Procedure, the City of London Corporation aims to have three Independent Persons in post at any one time, and that is currently the case.
<b>BP8</b>	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.

Number	Recommendation
<i>Comment</i>	In accordance with its Complaints Procedure, the City of London Corporation has decided to seek the views of an Independent Person at every stage of the consideration of a complaint, including at the initial assessment stage.
<b>BP9</b>	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.
<i>Comment</i>  <i>Possible action</i>	As per the comment on Recommendation 15, your Sub-Committees are subject to the normal rules regarding public access to information, and detailed provisions regarding public/non-public information and the publication of decisions following a hearing are already included in the Complaints Procedure. This document was the result of a lengthy review involving Leading Counsel and a Member Working Party, and the relevant provisions on the publication of decisions were at the time considered to strike a proportionate balance between competing interests. However, this doesn't require the publication of a decision notice on the website in every case, and if Members wish to revisit those provisions then this would be an opportunity to do so.
<b>BP10</b>	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.
<i>Comment</i>	The City of London Corporation's Complaints Procedure is intended to fulfil these requirements and is available on the website.
<b>BP11</b>	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.
<i>Comment</i>	This recommendation is not applicable to the City of London Corporation. However, in a similar vein, the City of London Corporation's Standards Committee has previously 'self-referred' complaints in appropriate circumstances.
<b>BP12</b>	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.
<i>Comment</i>	This recommendation is not applicable to the City of London Corporation.

Number	Recommendation
<b>BP13</b>	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.
<i>Comment</i>  <i>Possible action</i>	The City of London Corporation's Complaints Procedure already addresses conflicts of interest, although it provides that the Monitoring Officer will delegate their functions to another officer of the Corporation in appropriate circumstances. There is also provision for the instruction of an external investigator. However, if your Committee would prefer to see an explicit reference to the Monitoring Officer from another authority potentially undertaking an investigation then this could be incorporated within the Complaints Procedure.
<b>BP14</b>	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.
<i>Comment</i>	The City of London Corporation in its capacity as a local authority has a legal interest in a small number of outside bodies but these are not used for the delivery of frontline services. These bodies are covered by their own statutory requirements in terms of reporting, etc and any change to these arrangements would require a wider review. There is an existing Outside Bodies Protocol which is designed to assist Members when acting in different capacities.
<b>BP15</b>	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.
<i>Comment</i>	Given the very high proportion of Members who stand on an independent election platform this recommendation is not directly applicable to the City of London Corporation.