

## Committee's Recommendations

No	Recommendation	Council'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.	Selby's Code does not contain this wording and so it is recommended that it is amended to make it clear that the relevant standards of behaviour are required where 'Councillors are acting, claim, or give the impression that they are acting as a member or co-opted member'.
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.	Paragraph 15 of Selby's Code refers to all of these categories of 'other interests' except specifically unpaid directorships and trusteeships and so it is recommended that those categories are inserted.
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to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 that 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".	These are sometimes called 'bias' interests which the Committee is recommending should be treated in the same way as disclosable pecuniary interests (DPIs). The Selby Code does not at the moment include this requirement to treat bias interests in the same way as DPIs and it is recommended that it is amended going forward.
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 (eg bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	An annual report is taken to Council already.

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.	The contact details for the external auditor are already available on Selby's website as part of the Whistleblowing Policy.
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.	Standards training is provided as part of the elected member induction process. Ongoing training is provided by the Monitoring Officer. However, it is recommended that there is a formal process for reporting non-attendance to political group leaders and that the national political group rules should add such a requirement for mandatory induction and continuing development training.

## Best Practice

The best practice list identified by the Committee in its report is set out below, with proposals and comments against each one.

No	Best Practice	Response
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.	There is a prohibition on bullying and harassment but it is recommended that a definition and some examples taken from the Committee Report might usefully be inserted based on the definition in the Equality Act 2010.
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.	There is currently no such wording in the Code but it is unproblematic to insert some suitable wording and it is understood by Councillors that compliance is required.
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.	Suggest that this review is undertaken each year when the annual report is taken to Council.

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.	This is already done and reflects existing practice.
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.	This is proposed as an action to take forward in future. The gifts register is available for each Councillor on the website.
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	The Monitoring Officer in consultation with one or more of the Independent Persons usually filters complaints and judges whether they are frivolous or vexatious and whether they should go forward for a formal investigation. This process is clearly explained on the Selby website under the heading 'Arrangements for dealing with standards allegations' but it would be possible to draft a more detailed public interest test and publish this if the Audit Committee requires it and insert it at the assessment stage.
7	Local authorities should have access to at least two Independent Persons.	Selby has three Independent People.
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.	This reflects current practice at Selby – see the 'Arrangements for dealing with standards allegations' page on the Selby website.
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.	This information is already published by Selby save that the views of the Independent Persons are not currently included and the Code could be amended to permit this.

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.	This guidance is already available and accessible on Selby's website.
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.	This is a matter for Parish Council's but it is proposed that the Monitoring Officer should write to all Parish Councils and draw their attention to this matter.
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breached 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.	This is already done at Selby but of course if there are a high volume of complex complaints the level of resource may need to be reviewed.
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 Monitoring Officer uses her discretion in the appointment of an investigating officer and where it is not appropriate for it to be a Selby member of staff then external investigators are appointed including those from other local authorities.
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.	This report should be part of the Selby Annual Governance Statement and no difficulties are anticipated in complying with the recommendation.

15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	This is done via the Chief Executive who is appraised by the Monitoring Officer of all significant standards issues.
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