

TABLE 1

Number	Recommendation	Outcome of discussion	Action/advice of the Monitoring Officer
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.	<p>The Monitoring Officer was already reviewing the current indemnity for Members and officers. This could potentially include the Independent Person.</p> <p>Recommendation for action – MO to discuss with counterparts in other authorities and include in indemnity review.</p>	<p>Followed up with the Council’s accountant responsible for insurance to see whether Independent Person already covered by existing insurance policy. Response from insurers indicates not.</p> <p>A request submitted for a quotation on how much it would cost to extend the cover to the IP.</p> <p>Insurers now indicate they will not cover this. MO will discuss with IP.</p>
19	Parish Council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	<p>Agreed that this could not be mandatory, but that the clerks should be notified of the recommendation.</p> <p>Recommendation for action - MO to write to Parish Clerks requesting that they note the recommendation.</p>	An email was sent to all clerks on 6 August 2019.
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	<p>Formal Induction programme had taken place. Some Members did not attend all the training.</p> <p>Recommendation for action – MO and SG to identify those who may need further training, although responsibility also rests with the Members themselves.</p>	Further training for some key sessions is being organised with the relevant councillors e.g. Scrutiny, Standards. Some of the more generic sessions have to a large extent been superseded by experience and ad-hoc advice.

TABLE 2

Number	Best Practice	Outcome of discussion	Action/advice of the Monitoring Officer
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.	<p>There is a general obligation within the code with regard to bullying, but there is no mention of harassment nor a definition of either.</p> <p>Recommendation for action – MO to add in harassment and include definitions (ordinary meanings from dictionary).</p>	<p>This has been drafted. The revised Code of Conduct is shown at Appendix 2 with the changes tracked in.</p> <p>If agreed on 9 October, this would need to be a recommendation from the Standards Committee to Full Council</p>
2	Councils should include provision in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors	<p>Not thought necessary. If a member chooses not to participate in any formal standards investigation, they run the risk of not getting their views across. That is a matter for them. To create an additional scope for breach would seem excessive and not really be of benefit. Trivial and malicious allegations can already be rejected under the local assessment criteria already in place.</p> <p>No action required.</p>	

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 code of conduct was available on the website and was amended when required. No action required.	
4.	An authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	The code of conduct was readily available on the website and upon request. No action required	
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	Acknowledged that Members could either add gifts and hospitality to their ROI form or complete a separate form. Register kept by Member Services. Automated quarterly reminder to Members discussed. Consideration of how to publish in one format only. Recommendation for action - MO and SG to liaise and provide advice to Members.	There was section 7 in the ROI form and a separate form in Appendix H, leading to potential confusion. Updating ROI forms is often overlooked and there is no reason for gifts to remain on a Members' register indefinitely. The old section 7 has been removed from the ROI form in the Constitution using MO's powers of minor amendment, as has the reference to it in the Code of Conduct (pg. 146) - and also in the guidance on registrable interests (pg. 248). Members to be directed to use the separate form in Appendix H. Put guidance on WIS.

			<p>The MO will also need to contact the Clerks to parish councils as many have register of interest forms that are the same or similar to those used by Mid Devon DC. These currently include requiring the form to be sent to the MO, which is not necessary. This will be taken forward as a separate piece of work.</p>
6.	<p>Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>Acknowledged that we already have the Jurisdiction Test and the Local Assessment Criteria which fulfil the purpose of the public interest test.</p> <p>No action required.</p>	
7.	<p>Local authorities should have access to at least 2 Independent Persons.</p>	<p>Following a previous resignation, the Council has only one IP, although MO has agreed with other authorities to share theirs if absolutely necessary. The MO had already signalled intent to recruit a further IP in the autumn 2019.</p> <p>Recommendation for action – MO to proceed with her proposed recruitment of a further IP in the autumn.</p>	<p>MO has recently looked to recruit an additional member for the Independent Remuneration Panel, which is currently inquorate, so cannot meet. A report will go to Full Council on 6 November.</p> <p>The appointment of a new IP will be followed up in October 2019. Although this will be advertised, the MO has written to a couple of neighbouring authorities to see whether their current IPs are interested in taking on another council. They could then be notified of the advert and apply if they wish to.</p>

8.	An IP 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 already takes place and is set out in the Council's procedures. No action required.	
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 IP, the reasoning of the decision-maker and any sanction applied.	The Council would publish such a decision as part of its standard reporting of formal meetings – decisions on a breach following formal investigation already go to the Standards Sub-Committee for a hearing. No action required.	

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.	<p>Agreed that communication was key. Process states normally 30 days for Jurisdiction test and normally 30 days for Local Assessment criteria. Other timescales also given if it moves to formal investigation. All are indicative.</p> <p>Recommendation for action - Standard email acknowledgement of a complaint will outline timescales with further correspondence required should there be a delay (MO).</p>	MO has created standard emails to acknowledge a complaint, notify a councillor (although this requires addition of content) and also a standard template for consulting the Independent Person (headings only). These are now being used.
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	<p>Agreed that this was a matter for the town and parish councils and MDDC cannot insist on this. MO would not reject a complaint from a Clerk (rather than the Chairman) despite this recommendation</p> <p>Recommendation for action – MO to draw this to the attention of the parish councils.</p>	An email was sent to all clerks on 6 August 2019.
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 role of the MO was in the Constitution. She felt well supported by Leadership Team, but was aware of current financial challenges in terms of resources, so was looking to manage the workload as far as possible without adding to those challenges.	

	<p>the principal authority. They should be provided with adequate training, corporate support and resources to undertake the work.</p>	<p>No further action required.</p>	
13	<p>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 MO from a different authority to undertake the investigation.</p>	<p>No formal procedure in place.</p> <p>If there were to be a conflict of interest, then another authority or external investigator would be contacted as a matter of course.</p> <p>No action required</p>	
14	<p>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</p>	<p>Acknowledged that 3 Rivers was considered within the Annual Governance Statement and by the Audit Committee.</p> <p>Consideration was given to how open the company should be. The Committee's report acknowledged the challenge of commercial and confidential information, so this needs to be handled with care before any decision is made.</p>	<p>In early August, the MO looked at the websites of local authority housing development companies around the country – although many such companies are barely off the ground and do not have websites. Of those that do, none examined were publishing these documents online. From a wider search, the MO selected the following for closer scrutiny:</p> <p>Big Sky Developments Limited Fortior Homes Bridge Homes Yorkshire Sempra Homes Limited Chapter Homes Durham Limited</p>

	<p>reports in an accessible place.</p>	<p>Recommendation for action – MO to consider further the suggestion of publication of board minutes etc. and report back.</p>	<p>The MO posted a question about this on a forum for local government lawyers, which is also viewed by some private sector consultants.</p> <p>The MO is concerned about commercial confidentiality and sensitivity. Allied to that is the risk that, were the Council (as shareholder) to seek to impose such a requirement, the board meetings may become fairly bland and light on detail.</p> <p>Unless a particular decision or resolution were required (for Companies House, HMRC or other purposes) by a properly convened board meeting, more business may be transacted informally to preserve commercial confidentiality. This would be a risk due to a reduced audit trail – for the company and for the Council as shareholder.</p> <p>The MO has looked at some board agendas and minutes to see the level of detail currently contained within them. The MO finds that these documents, particularly the minutes, contain personal data and commercially sensitive information for both 3 Rivers and third party owners, developers and contractors. This should not be in the public domain.</p>
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15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Agreed that the Group Leaders' (collective) meetings with the Chief Executive should be re-established as a useful forum for raising any issues. Recommendation for action – Group Leaders to take this forward, although Members of the working group thought it was a good idea.	MO understands that the CExec is looking to do this shortly.
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