

Clerk to East Tisted Parish Council

BY EMAIL ONLY

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My reference:

Your reference:

Date: 10th March 2021

Dear colleague

Member Code of Conduct

On 30 January 2019, the Committee on Standards in Public Life (committee) published a report on local government ethical standards. The report follows a consultation by the committee in 2018 as part of its review of standards of behaviour by councillors. Please see the below link to the report.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4 WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF)

The report made a number of recommendations to improve ethical standards and general governance in a local authority context. It also identifies 'best practice' for councils as a minimum standard for ethical practice. For the purposes of this letter, I draw your attention to two of these:

- **Best practice 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*
- **Recommendation No 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*

You may be aware that East Hampshire District Council has recently reviewed and revised its code of conduct - see the below link.

<https://cdn.easthants.gov.uk/public/documents/EHDC%20Councillor%20code%20of%20conduct.pdf>

For the sake of completion I also provide a link to the associated complaints process.

<https://cdn.easthants.gov.uk/public/documents/Process%20for%20dealing%20with%20a%20complaint%20-%20EHDC%20Councillors.pdf>

Under the Localism Act 2011, much of the responsibility for standards in town and parish councils belongs to their principal authority; only a principal authority having the power to undertake a formal investigation and decision on an alleged breach of a parish council's code under section 28(6) of the Act.

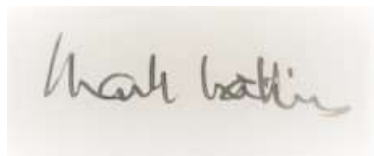
The committee found that dealing with standards issues in parish councils can be onerous for Monitoring Officers in principal authorities. In the course of its evidence taking, the committee heard that the variation in parish codes within a principal authority area represents an additional burden on that authority when advising, investigating and adjudicating on code breaches.

They went on to consider the need to balance the autonomy of parishes with a recognition that ultimately the principal authority must continue to be responsible for investigating breaches. Although there are benefits of parishes being able to devise their own code, given the burden of this statutory obligation (moreover the confusion that often arises in the case of dual-hatted councillors) the committee decided that the costs of giving parish councils the option to adopt their own code of conduct, outweigh the benefits.

Although the Government continues to consider the recommendations made by the committee, for the above reasons I ask that you discuss with and or invite your members to formally adopt East Hampshire District Council's new Member Code of Conduct as your own.

I look forward to working with you all this year and to hearing from you in due course on the request made of you in this letter.

Yours faithfully

A rectangular area containing a handwritten signature in dark ink. The signature appears to read 'Mark Watkins' in a cursive, slightly slanted script.

Mark Watkins

Legal Services Manager & Deputy Monitoring Officer

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