

L CSPL local government ethical standards 15 best practice recommendations

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.

Progress:

Implemented - This was included in the last review of the Code of Conduct for Members including definitions and examples (new Appendix 4) – approved at Council in July 2020.

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.

Progress:

Implemented – A requirement for councillors to comply with formal standards investigations was included in the last review of the Code as a requirement in the list of general obligations (paragraph 1.10).

The Council's Procedure for Dealing with Complaints (Appendix 1) has always included reference to complaints containing trivial allegations or which appear malicious in the list of examples of complaints which the Monitoring Officer may decide not to progress to investigation.

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.

Progress:

The Council does not currently review the Code annually or seek the views of the public etc. The LGA are expected to publish a new Model Code of Conduct for Members in 2021 for consideration, which will trigger the next review.

Recommendation: a light-touch review is undertaken each year as part of the annual general constitution review.

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.

Progress:

Implemented – the Code has always been published on the website and available in Council premises.

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.

Progress:

Implemented: The register is published on the Council's website using the Modern.gov software and updated when members register any gifts and hospitality over £25.00.

6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress:

Recommendation: a public interest test to be added to the list of examples of complaints which the Monitoring Officer may decide not to progress to investigation as set out in Appendix 1 to the published Procedure for Dealing with Complaints.

7: Local authorities should have access to at least two Independent Persons.

Progress:

Implemented – the Council has access to three Independent Persons.

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.

Progress:

Recommendation: the wording of the Procedure for Dealing with Complaints is reviewed to clarify the role the Independent Person at Stages 1 (Initial Consideration), 2 (Alternative Resolution) and 3 (Investigation).

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.

Progress:

Whilst the publicly available minutes of the Standards Committee set out these details, including any sanctions, the Council does not currently publish this in the form of a 'decision notice'.

Recommendation: Decisions of Standards Committees in future to be published in the form of a decision notice. This is to be added to Stage 4 of the Procedure for Dealing with Complaints.

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.

Progress:

Implemented in part - The Procedure for Dealing with Complaints is published on the Council's website and sets out the process. It does not include estimated timescales for investigations and outcomes.

Recommendation: to be considered and included as part of the review of the Procedure.

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.

Progress:

This recommendation is too prescriptive. Whilst this would be encouraged and supported in practice, it is ultimately dependent on each parish council agreeing to do so.

Recommendation: wording to this effect to be considered as part of the review of the Procedure for Dealing with Complaints.

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 principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress:

Implemented - this is part of the Monitoring Officer's role supported by the Deputy Monitoring Officer.

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.

Progress:

This is not currently documented in the Procedure for Dealing with Complaints but would happen in practice.

Recommendation: this can be included as part of the review of the Procedure.

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.

Progress:

Implemented - Whilst the Council does not have any wholly owned companies, it is a member of a joint venture company, Parkside LLP. It is considered that the minutes of the company board meetings contain commercially sensitive information which should not be subject to routine publication. The Council's Annual Governance Statement now includes reference to this issue.

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress:

Implemented - The Chief Executive has regular meetings with political group leaders. The Monitoring Officer also meets with group leaders/group whips on standards issues.
