

Appendix A

List of Best Practice Recommendations

Best practice 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.

Comments

Although our Code currently includes prohibitions on bullying and harassment, it only includes the definitions in the recently approved Member to Member code. It is suggested this be addressed by inclusion also in Part 1. (Part 1 Paragraph 3 refers).

Best practice 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.

Comments

Although co-operation and engagement are currently implied it is suggested that the Code be amended with an explicit clause suggested in Paragraph 6.3 of the Arrangements for dealing with complaints about the Code of Conduct for Members.

As regards trivial complaints, this is primarily currently dealt with in paragraph 3.2 of the Arrangements for dealing with complaints about the Code of Conduct for Members. It is felt the addition of the word “trivial” would be appropriate.

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.

Comments

The Code is regularly discussed and reviewed by the Standards Committee although it is not regularly reviewed by the Public or alongside that of other neighbouring authorities. The Committee is asked to consider if an annual report on complaints received and responded to, summarising the regular written and published reports made to the Committee by the Monitoring Officer, be published separately each year. This would also invite any comments on the Code to be sent in by a date prior to the first meeting of the Standards Committee each municipal year for the Standards Committee to review any comments received.

Best practice 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.

Comments

The Committee is invited to agree that the Code be prominently displayed in both Town Halls and simplified and prominent link be included on the Councils website.

Best 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.

Comments

The Committee is invited to consider this recommendation and determine if our current practice of an annual update is more administratively efficient or whether the recommendation should be adopted to support transparency more readily accessible.

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

Comments

This is covered currently by paragraph 3.2 of the current Arrangements for dealing with complaints about the Code of Conduct for Members. Members are invited to re-consider the 7 bullet points which in effect help define the public interest test. It is recommended that subject to those considerations bullet point 3 be moved to become bullet point 7 and the summary points separated so that the flow of considerations is more consistent.

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

Comments

The Council for the last 4 years has had 2 Independent Persons and recruitment to maintain this position is under way.

Best practice 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.

Comments

This is the Council's current practice reflected in the current Arrangements for dealing with complaints about the Code of Conduct for Members.

Best practice 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.

Comments

This is the Council's current practice however this is not currently reflected in the Arrangements for dealing with complaints about the Code of Conduct for Members. A proposed new paragraph 14 is suggested for the Committee's consideration and approval.

Best practice 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.

Comments

Access to the Members Complaints process has been improved over the summer via link from the general 'Complaints' page on the Council's website. The 'Arrangements for dealing with complaints about the Code of Conduct for Members' provide all the detail about timescales and process and are issued to all complainants in full when they make a complaint. The Committee may consider that this document in addition should be shown separately via link on the website.

Best practice 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.

Comments

This is not specifically referenced in the current Arrangements for dealing with complaints about the Code of Conduct for Members. A suggested paragraph is proposed as 2.3 should the Committee consider this should be adopted.

Best practice 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.

Comments

This has been the position for some although there have not been significant numbers of Parish Council complaints. There would in the current climate be issues of the availability of resources should this position change. The Committee are asked to note the position.

Best practice 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.

Comments

This is the position currently although the reference in paragraph 6.1 it is suggested could be strengthened. The Committee are asked to approve the update.

Best practice 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.

Comments

This is the position currently.

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

Comments

This is not the position currently and matters are only raised by incident. The views of the Committee and their recommendation is sought by the Monitoring Officer.