

APPENDIX B

Best Practice Proposal	Reasoning	Comment & Draft Action Plan
<p>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>	<p>Evidence received by the Committee suggests that most allegations of breaches of the Code relate to bullying & harassment & that most Codes do not cover this behaviour adequately. Such behaviour can have a significant impact on the well-being of officers & members & so it is important that it can be dealt with effectively.</p>	<p>The Current Code does have a section on bullying & intimidation but does not define the behaviour or give examples.</p> <p>Action: Update Code – will require Committee & Full Council approval.</p>
<p>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.</p>	<p>Complying with standards investigations is important as noncompliance can affect public confidence in the process, waste public money & indicate disrespect for the ethical standards within the organisation.</p>	<p>There is no such requirement in the current code.</p> <p>Action: Update Code – will require Committee & Full Council approval.</p>
<p>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.</p>	<p>Codes of Conduct vary considerably with many Councils adopting minimal codes which have not been revisited in the light of learning experiences.</p>	<p>The Code was last reviewed in 2016.</p> <p>Action: Review & Refresh Code – will require Committee & Full Council approval. It would be sensible to consult with the County Council and the 10 local Parish Councils for the benefit of twin hatted members & to publicise generally on the Councils website. Members' comments are sought on the extent of any wider</p>

APPENDIX B

		consultation.
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.	Codes of Conduct are central to upholding high standards in public life and should not be inaccessible on a Council website or only published as an annex to an authority's constitution.	The Code is within the Constitution but not in a prominent position on the Councils website. Action: Once approved new Code of Conduct to be clearly displayed on the website & available at Council House.
Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	Although there is currently no legal requirement for Councils to maintain a Gift & Hospitality Register most codes do require this in some way. However accessibility to registers and timeliness of updating entries vary widely.	The current Member Gift & Hospitality Register is in hard copy & kept by the Legal Team. There are five entries in 2019. Action: Set up on line register & remind members quarterly of the need to declare gifts & hospitality.
Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Standard Bodies in the rest of the UK all make use of a "public interest test" when filtering complaints which sets out clear expectation to those making complaints & ensures consistency.	The Council does have a test which sets out guidelines for filtering complaints. Action: Review the current guidelines in accordance with the best practice guidelines & consult with Independent Persons.

APPENDIX B

<p>Local authorities should have access to at least two Independent Persons.</p>	<p>Councils use Independent Persons in different ways & there is a range of good practice, but there are also instances of an antagonistic or dismissive attitude to the role. The Committee felt the role needed to be strengthened & better supported.</p>	<p>The Council does have 2 Independent Persons who have been appointed to the role.</p> <p>Action: Circulate this report & the link to the Committee on Standards in Public Life Report to the two Independent Persons & highlight the sections on the role of Independent Persons. Invite the Independent Persons to relevant meetings of this Committee where ethical standard matters are being considered.</p>
<p>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.</p>	<p>Independent Persons should be seen as an impartial advisor to the Council on Code of Conduct matters & should be consulted on allegations & investigations undertaken under the Code.</p>	<p>The Council does consult the Independent Persons on allegations as necessary.</p> <p>Action: Review guidance on Investigations to ensure best practice guidance is included & ensure Independent Persons are clear on their role.</p>
<p>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,</p>	<p>Openness and transparency are important safeguards to ensure the process can be scrutinised by other Councillors & the public.</p>	<p>There have been no recent decision notices published.</p> <p>Action: Ensure updated guidance also includes best practice guidance on Decision Notices.</p>

APPENDIX B

<p>and any sanction applied.</p>		
<p>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>	<p>The Committee found that the best examples of good practice involved a single easily accessible page on the Council website explaining the process & outcomes & with links to recent decisions on allegations which came before the Standards Committee.</p>	<p>The Council does have guidance on its website on how to make a complaint.</p> <p>Action: Review current guidance & update to comply with Best Practice guidance.</p>
<p>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>	<p>Parish Councils should take corporate responsibility when allegations of a Councillor bullying an employee are received & lodge a complaint by the Council or the Chair, rather than expecting the Clerk to do it themselves.</p>	<p>There have been no recent instances of complaints of bullying or other inappropriate conduct against Parish employees.</p> <p>Action: Circulate this report & the link to the Report to Parish Council Chairs & Clerks & highlight the advice to on corporate responsibility for complaints.</p>
<p>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.</p>	<p>Dealing with standards issues in Parish Councils can be onerous for Monitoring Officers & in some cases MO's have decided to decline to provide advice or accept complaints. The report recommended they should be given the resources to carry out their duties to Parish Councils.</p>	<p>There are 10 Parish Councils within the Borough who have generated very few complaints in recent years. Accordingly for now there is now requirement for additional resources to deal with Parish issues.</p> <p>Action: None required.</p>

APPENDIX B

<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 Monitoring Officer from a different authority to undertake the investigation.</p>	<p>MO's roles are very varied & there can be the potential for conflict of interests when assessing complaints or overseeing investigations & especially so where matters relate to a senior member of the authority (particularly a Portfolio holder). The Committee therefore suggests best practice is to have the process overseen by a MO from another Council or the Deputy Mo with the MO kept at arm's length.</p>	<p>There is currently no nominated Deputy Monitoring Officer although this may change on the appointment of a permanent postholder. Prior to the appointment of an Interim Monitoring Officer the role of MO was undertaken by an employee of the County Council.</p> <p>Action: Seek confirmation County Council Legal Staff could act as MO in the event of a conflict of interest arising.</p>
<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 reports in an accessible place.</p>	<p>The Committee found that a complex environment of partnerships, joint ventures & other new entities creates the potential for new ethical risks & makes it difficult to identify who is accountable for decisions & outcomes. There is the potential for conflicts of interests & less transparency over decision making.</p>	<p>There are no relevant separate bodies which ought to be included within the Annual Governance Statement.</p> <p>Action: None required.</p>

APPENDIX B

<p>Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>Senior Officers should regularly engage with Group Whips & Members to understand training needs of members & to ensure the right expectations are set for how Councillors behave. The MO should seek early informal resolution of emerging issues & work with Leaders & Whips to deal with conduct issues.</p>	<p>The Chief Executive meets regularly with all Group Leaders on a range of issues & is able to use this opportunity to discuss ethical & standards matters.</p> <p>Action: Consider whether a more formal liaison meeting with Group Leaders & the Chief Executive & Monitoring Officer would be helpful.</p>
---	---	---