

CSPL – Best Practice Recommendations Action Plan

Review July 2022

Best Practice Recommendation	Update/progress
<p><u>Recommendation 1</u> 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>The Code of Conduct approved by Council on 23 March 2022 is based on the LGA Model Code of Conduct. The code includes a prohibition on bullying and harassment together with examples.</p>
<p><u>Recommendation 2</u> Councils should include provisions in their code requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>The Code of Conduct approved by Council on 23 March 2022 is based on the LGA Model Code of Conduct. This includes an obligation to comply with a standards investigation and not intimidate anyone involved in the investigation.</p> <p>The model code does not include a prohibition on submitting malicious or trivial allegations.</p>
<p><u>Recommendation 3</u> 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>The Code of Conduct was reviewed in 2021-22 and the LGA model code adopted with minor amendments.</p> <p>The LGA has committed to undertake an annual review of the Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in</p>

	<p>legislation. The Council can conduct a review of its Code following the annual LGA review.</p>
<p><u>Recommendation 4</u></p> <p>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.</p>	<p>The Council's Code of Conduct is contained within the Constitution. The Constitution is available on the website and a hard copy is available upon request.</p> <p>A link to the Constitution containing the Code is provided on the 'Complaints about councillors' page of the website.</p>
<p><u>Recommendation 5</u></p> <p>Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p>	<p>The Gifts and Hospitality Register is currently updated on an ad-hoc basis and published as part of individual councillor register of interests.</p> <p>Process will be put in place to ensure councillors are reminded on a quarterly basis to keep their Register of Interests including gifts and hospitality via the Councillor Briefing emails.</p>
<p><u>Recommendation 6</u></p> <p>Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>The amended Procedure for considering complaints that Members have breached the code of conduct approved by Governance, Ethics and Standards Committee on 18 January 2022 contains a public interest test for the initial assessment of complaints by the Monitoring Officer.</p>
<p><u>Recommendation 7</u></p> <p>Local authorities should have access to at least two Independent Persons.</p>	<p>The Governance, Ethics and Standards Committee reviewed the number of Independent Persons during 2021-22 and agreed that there should be two.</p>

<p><u>Recommendation 8</u></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>The amended Procedure for considering complaints that Members have breached the code of conduct approved by Governance, Ethics and Standards Committee on 18 January 2022 includes a requirement for the Monitoring Officer to consult the Independent Person when making an initial assessment of the complaint.</p>
<p><u>Recommendation 9</u></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 and any sanction applied.</p>	<p>The amended Procedure for considering complaints that Members have breached the code of conduct approved by Governance, Ethics and Standards Committee on 18 January 2022 includes provision for the decision notice to be published on the Council's website following a formal investigation, whether the decision is reached by way of local resolution or following a hearing.</p>
<p><u>Recommendation 10</u></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 'Complaints about councillors' page on the Council's website includes clear information on how to make a complaint (including a complaints form), a link to the code of conduct, a copy of the procedure for considering complaints that Members have breached the code of conduct and estimated timescales.</p>
<p><u>Recommendation 11</u></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>Not applicable.</p> <p>The County Council does not have remit over code of conduct complaints made in relation to parish councillors; this is the responsibility of district and borough councils.</p>

<p><u>Recommendation 12</u></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>Not applicable.</p> <p>The County Council does not have remit over code of conduct complaints made in relation to parish councillors.</p>
<p><u>Recommendation 13</u></p> <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>The amended Procedure for considering complaints that Members have breached the code of conduct approved by Governance, Ethics and Standards Committee on 18 January 2022 sets out the options available in the case of a conflict of interest, specifically that the Deputy Monitoring Officer or Monitoring Officer from another local authority in Derbyshire may deal with the complaint.</p>
<p><u>Recommendation 14</u></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 Council has established three joint ventures.</p> <p>Reference to the separate bodies will be included in the Annual Governance Statement 2021-22 and subsequent years.</p>
<p><u>Recommendation 15</u></p> <p>Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>Currently senior officers meet regularly with group leaders however there is no scheduled meeting specifically to discuss standards issues.</p>

