

Draft : EEBC response to CSPL Best Practice Recommendations

CSPL Best Practice Recommendations	EEBC Response
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.	<p>See Section 6, Para 2.4 (h) of new Code adopted in July 2019.</p> <p>Definition and examples have not been included but note the contents of para 2.4 to explain why. It is felt that the use of definitions was not appropriate.</p>
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.	<p>Section 6 of Code sets out the complaints process in full. Para 6.3 includes a requirement that members will cooperate at all stages with an investigation into any allegation of adherence or complaint.</p> <p>Para 6.4 sets out all requirements that complaints must be on a prescribed form. It also confirms anonymous complaints, unless there is a clear public interest issue, will not be investigated.</p> <p>Para 6.5 gives the Monitoring Officer a wide remit in terms of criteria for assessment to see if complaints should be investigated.</p>

<p>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.</p>	<p>A new Code was introduced and the outcome of the LGA Model work was awaited before the next review. The Council has extended the principles of public life it holds itself to in line with the requirements placed on it to promote and maintain high standards of conduct by Members.</p> <p>The Code must sit within a wider context of responsibilities some Members hold within their authorities. For this reason it is not felt a public consultation exercise would provide any particular benefit to the Localism Act duties.</p>
<p>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.</p>	<p>The Code is within the Council's Constitution and the Council has a dedicated web page for Member Complaints. The page includes guidance on making a complaint, a the prescribed form and the Code</p> <p>Copies are available on request.</p>
<p>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.</p>	<p>Paper based records kept at present, which is open to public inspection and these are updated as declarations are made.</p>

<p>Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>The Complaints process is set out in the Code itself, there is a dedicated form and supporting guidance which are on the Council's website to assist anyone in making a complaint and on what can and cannot be investigated.</p>
<p>Best practice 7: Local authorities should have access to at least two Independent Persons.</p>	<p>The Council has a Panel of more than 2 IPs to select from.</p>
<p>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.</p>	<p>The IP is consulted on the process as needed, see para 6.5 of the Code.</p> <p>The IP's views must be sought at any determination of a complaint at sub committee hearing, see para 6.21 and 6.27</p>
<p>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.</p>	<p>Para 6.25 set out the process of notification which includes publishing and public inspection.</p>

<p>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.</p>	<p>The Complaints process is set out in the Code itself, there is a dedicated form and supporting guidance which are on the Council's website to assist anyone in making a complaint and on what can and cannot be investigated.</p>
<p>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.</p>	<p>The Council area does not have Parish Councils.</p>
<p>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.</p>	<p>The Council area does not have Parish Councils.</p>
<p>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.</p>	<p>The Monitoring Officer does not undertake investigation work, only a preliminary assessment if felt appropriate in the event the matter is straight forward or not sensitive. If not, an Investigator is asked to conduct an investigation.</p> <p>All Investigations are either carried out by a lawyer from the Legal Team or from private practice.</p>

<p>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.</p>	<p>The Council is the sole shareholder in a Company. All Audit and financial requirements and good practice requirements are adhered to.</p>
<p>Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>Meetings happen with the Chief Executive and when necessary with Monitoring Officer.</p>