

Appendix C

This appendix provides a copy of the Council's response to the Committee for Standards in Public Life best practice recommendations. It has been completed on the template provided by the CSPL as submitted by the Council

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:

Our code prohibits bullying and harassment. This is further defined in accompanying guidance which has recently been produced and is in the process of being made available to members.

We are monitoring the work of the LGA in producing a national model code of conduct and will assess whether to adopt their model or an alternative in due course.

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:

This is not included as part of our Code, however is embedded in our procedures for handling standards complaints which are adopted by our Standards Committee.

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:

We do not fully support this recommendation. We agree the principle that it is helpful to reflect on the code periodically, it is also necessary to ensure Councillors understand the Code and have confidence in it. Frequent changes to the Code can undermine the trust people place in it and lead to confusion. We focus our review on its practical application and continue to develop our guidance and procedures

accordingly, in consultation with other authorities in our area, sharing learning and understanding best practice.

Across Suffolk, we have adopted a Code which applies to all County, District and Parish and Town Councillors. This is also considered good practice to do. Although revisions have been considered, we have ultimately concluded these are not necessary and the Code has effectively stood the test of time well since first adopted in 2012.

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:

The Code is available on our website, where we have a specific section on Councillor Conduct, and can be obtained by those who visit the Council offices.

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:

We have very limited declarations of gifts and hospitality as we have an embedded principle that such gifts and hospitality should, in the first instance, be politely refused. As a result, for nearly all quarters, publication of this document would result in a nil return although any declarations are updated on the individual Councillor declaration of interests which are available online. We are currently reviewing the recent publication by Transparency International on the national planning system and if we deem that further revisions are required to our approach, we will take the necessary action.

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

Progress:

This is firmly embedded in our Standards Procedures which, as above, have been endorsed by our Standards committee.

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

Progress:

We have access to two 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:

The involvement of the Independent Person is clearly set out in our procedures. They are consulted on whether to undertake a formal investigation on allegations and may also be involved in complaints dismissed at the initial assessment stage especially if there are more marginal judgements to be made.

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:

We have considered this recommendation in the past with members of our Standards Committee who are of the view that a judgement would have to be formed on whether the decision notice should be published.

This is particularly important in view of the Ledbury case, which came after the Committee's report. Only a small proportion of the complaints we receive result in a formal investigation, and when they do it often pertains to cases where a parish clerk raises a grievance against their employer which substantively constitutes a Code of Conduct allegation. Publication of the decision notice in the public domain in such cases may subsequently compromise the clerk's ability to fairly pursue a legitimate grievance against their employer and so needs to be very carefully considered.

As a result, we continue to believe that each case should be judged on its merits and publication should only occur where it is appropriate to do so.

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:

We have a specific section on our website for Councillor Conduct, which includes a complaint form and links to the code of conduct and our procedures for handling complaints.

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:

We believe that this recommendation has been, to a degree, superseded by the Ledbury situation. Nonetheless, we would accept a complaint that was made either by the Chair (or another Councillor), on behalf of the Clerk, or by the Clerk themselves – we do not place restriction on who submits 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:

This is part of the Monitoring Officer's role. The MO has a strong relationship with Suffolk Association of Local Councils and works with them where necessary in the advisory role to avoid duplication. The Monitoring Officer reports to the Assistant Director for HR, Legal and Democratic Services and is also able to raise matters with the Chief Executive and has no concerns regarding access to training, support or resources.

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:

The Monitoring Officer has a very experienced standing deputy, the Service Manager (Legal Shared Services) who may take responsibility for considering complaints where the Monitoring Officer may have a conflict of interest. Investigations have been undertaken by staff within the legal shared service, and by external parties. The

Monitoring Officer does not undertake formal investigations themselves to provide a further avenue for independent assessment.

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:

At present, the Council's own company, Barley Homes, does not meet the requirements for formal assessment as part of the AGS however its activity is included as part of the general commentary on the Council's activities during the year within the AGS. The Council also part-owns a further company, Verse, which again does not meet these thresholds.

We disagree that a Council owned company should have to actively publish their board minutes; Directors on the company are dealing with operational matters and it is equivalent to a Council being required to publish all agendas / notes of discussions of senior officers, which is not required. Shareholder meetings, which are at a strategic level and involving Councillors, are available on request although by nature of the companies it may be necessary to withhold commercially sensitive information. Each year Barley Homes produces an annual report and activity, and holds an AGM, which is a public meeting.

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

Progress:

We have periodic meetings with the Group leaders, Portfolio Holder and Chair of the Standards Committee to review any ongoing challenges or issues raised. If there are individual cases that necessitate group involvement this will be discussed with Group leaders on a 1:1 basis.
