

List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

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 (Page 35)

Commentary:

Within the current Code of Conduct there is a general obligation to treat others with respect which includes an obligation “not to bully any person including other councillors, officers of the Authority or members of the public”. Bullying and harassment is not defined and examples are not provided.

The Member and Officer Protocol requires Members to treat officers “fairly and with respect, dignity and courtesy” and “not to subject them to intimidation, harassment or put them under pressure.”

Question:

Should any additional paragraphs be added to either/both of the above?

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 (Page 41).

Commentary:

This is aimed at ensuring Members do not seek to disrupt investigations by not responding to requests for information, clarification or comment in a timely way or refusing to confirm their attendance at a standards hearing.

The Procedure for Handling Complaints about a breach of the Members Code of Conduct, which was revised in April 2018, does not contain a specific requirement to comply.

Question:

Should the documentation be enhanced to strengthen the need for Members to comply with an investigation?

Commentary:

The second part of this recommendation is to prevent Members from misusing the process by, for example, making allegations against another Member for the purposes of political gain.

Question:

Should this be covered in the Code of Conduct?

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 (Page 42).

Commentary:

The Code of Conduct is reviewed as and when necessary and although not formally reviewed on an annual basis, it is readopted each year at the annual meeting of the Fire Authority as part of the Constitution.

When reviewing the Code of Conduct, we do not formally consult with, or seek the views of, other organisations. It is not clear how we would effectively consult.

Question:

Views are welcomed on whether the Authority should adopt this suggested best practice?

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 (Page 43).

Commentary:

The Code of Conduct is available on the website as part of the Constitution. In order to make this more accessible a new section is to be created on the website which will include the Members Code of Conduct and the Procedure for Handling Complaints.

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 (Page 48).

Commentary:

A review of the Gifts and Hospitality Policy has taken place and this includes the regular review and publication of the register.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered (Page 53).

Commentary:

Whilst the use of the public interest test is not specified in the current Procedure for Handling Complaints, this would be a consideration when the Monitoring Officer was determining how to proceed with any complaint. This can be made more explicit in the Procedure.

Best practice 7: Local authorities should have access to at least two Independent Persons (Page 55).

Commentary:

Currently the Authority has one Independent Person. Members have given approval for the appointment of a second Independent Person. This will be progressed when time allows.

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 (Page 56).

Commentary:

The Authority's Procedure says that the Monitoring Officer may consult the Independent Person at the initial assessment stage of the current complaints procedure but the decision on whether to conduct an external investigation rests with the Monitoring Officer.

Question:

Should the Independent Person have a greater role in the process?

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 (Page 64).

Commentary:

Under the Authority's Procedure for Handling Complaints all Decision Notices would be made available for public inspection and be posted on the Authority's website.

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 (Page 64).

Commentary:

The guidance for making complaints on the website needs to be updated. This will be added to the section containing the Code of Conduct and the Procedure for Handling Complaints.

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 (Page 78).

N/A

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 (Page 78).

N/A

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 (Page 82).

Commentary:

The current procedure does not include any provision to deal with such a conflict of interest. This can be added to the procedure.

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 (Page 90).

Commentary:

The Authority's Annual Governance Statement includes this information.

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 (Page 90).

Commentary:

The only separate body created by the Authority is North West Fire Control Ltd, which is jointly owned with three other fire authorities. The report focuses on the lack of transparency around Local Enterprise Partnerships (LEPS).

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues (Page 98).

Commentary:

Whilst there are currently no regular meetings between senior officers and political group leaders to specifically discuss standards issues, these issues are considered and discussed by Members and officers at meetings of the Governance and Constitution Committee. Political Group Leaders would be engaged if issues arose that needed to be brought to their attention.