

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: In Progress – Due end of March 2021

The Standards Committee on 7 July 2019 recommended for approval by full Council an update to the Code to include prohibitions on bullying and harassment using the suggested wording and definition with examples of the behaviour which could be considered bullying. This amendment was due to be approved by full Council at its Annual meeting in May 2020. However, this did not take place due to the Covid 19 Pandemic. It will now be presented to Council as part of the annual review of the Council's Constitution in March 2021.

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: Existing arrangements in place

Both of these points are covered by the Council's Local Assessment Procedure (LAP) and Local Determination Procedure (LDP) for considering Member Code of Conduct complaints which are found at <https://www.durham.gov.uk/article/2735/Complaints-about-councillors>

As part of the annual review of the Constitution in March 2021, the Code will be updated to link back to the obligations already set out LAP and LDP requiring Members to assist in investigations as well as to not submit malicious or trivial complaints.

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: Existing arrangements in place

The Member Code of Conduct is reviewed annually as part of the annual review of the Constitution. The review of the Code (and the Constitution) takes into account the views of the Standards Committee, Constitutional Working Group (a group of cross-party members) and is subject to approval by full Council.

For future reviews, the Standards Committee may consider whether a public consultation is appropriate. The views of neighbouring authorities are already shared via the Regional Monitoring Officers Group. Periodically, the members of the regional standards committee meet as a group for training purposes and to share views/experiences.

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: Existing Arrangements already in place.

The Code is available through the Durham County Council website which can be found on the 'Councillor Code of Conduct and Standards Committee' page. A printed copy of the Code is available on request from council premises.

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: Existing Arrangements in place

The arrangements within Durham County Council already reflect best practice.

The gifts and hospitality register is updated as and when Councillor declarations are made. The details of the register for each Councillor is updated on their Councillor page of the Durham County Council website which is open to the public. As good practice all County Councillors are reminded annually to review their declarations. The requirement to declare gifts and hospitality is also covered during Code of Conduct training.

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

Progress: Existing arrangements in place.

This currently exists within the LAP and the Access to Information Procedure Rules.

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

Progress: Existing arrangements in place.

The Council has 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: Existing arrangements in place

The Monitoring Officer consults the Independent Person on a more frequent basis than envisaged by the Localism Act 2011. Where the Independent Person is consulted, the comments/views of the Independent Person are recorded in the relevant decision notice.

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: Existing arrangements in place

This practice is adopted within Durham County Council.

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: Existing arrangements in place

Durham County Council has clear procedures available on its website on how to make a complaint and how it will be handled (the Local Assessment of Complaints (the LAP) and the procedure for Standards Hearings (Local Determination Procedure). As well as being available on the website, copies are provided to members of the public etc as appropriate.

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: In Progress – March 2021

The Council is unable to compel this practice at a local level through training and informal discussions with the Council members and officers, this procedure is generally adopted in County Durham.

To provide enhanced clarity the complaint form and LAP will set out that it is encouraged that a complaint by the Clerk should be made by the Chair or the Council as a whole.

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: Existing arrangements in place.

This is currently adopted as is set out in the Constitution, LAP and LDP as part of the definition of the role of the Monitoring Officer.

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: Existing arrangements in place.

The Monitoring Officer has a number of Officers to call upon and the option to seek external support to carry out an investigation. The views of the Independent Person may also be sought where there are potential conflicts. Arrangements are in place to ensure that different Officers consider each stage of a complaint and advise the Standards Committee in the event of a hearing.

To strengthen the current arrangements, the LAP will be updated to detail the practice in the event of a conflict of interest.

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: Existing arrangements in place.

This practice is currently adopted as part of existing governance arrangements and is documented in the annual governance statement.

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

Progress: Existing arrangements in place.

Members of the Corporate Management Team and the Monitoring Officer meet regularly with political group leaders. Meetings are also arranged to discuss specific conduct issues as appropriate
