

CSPL local government ethical standards 15 best practice recommendations

Name of local authority:

South Hams District Council and West Devon Borough Council

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:

The codes of the two Councils include a definition of bullying, but not harassment. The two Councils are reviewing their corporate policies on bullying and harassment so there is a need for those policies and the codes to be aligned with each other. Equally, the Councils recognise that the Local Government Association template code will reflect all of the best practice recommendations and understand that publication of the template code is imminent. The Councils are therefore reluctant to adopt codes giving effect to any amendments to their existing codes required by these Best Practice Recommendations when it is likely they will look to adopt the LGA code of conduct shortly afterwards

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:

The Councils recognise that the Local Government Association template code will reflect all of the best practice recommendations and understand that publication of the template code is imminent. The Councils are therefore reluctant to adopt codes giving effect to any amendments to their existing codes required by these Best Practice Recommendations when it is likely they will look to adopt the LGA code of conduct shortly afterwards.

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:

In accordance with previous best practice an Annual Standards Report is presented to the respective Council's committee responsible for standards. This will identify any issue that have arisen during the year and will, if considered appropriate, make recommendations for amendments of the code of conduct.

The Councils will consider wider consultation, but adoption of the LGA template code may influence the extent to which this is done and the frequency of any such consultation.

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:

Completed

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:

The Councils will consider further.

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

Progress:

The Councils recognise that the Local Government Association template code will reflect all of the best practice recommendations and understand that publication of the template code is imminent. The Councils are therefore reluctant to adopt codes giving effect to any amendments to their existing codes required by these Best Practice Recommendations when it is likely they will look to adopt the LGA code of conduct shortly afterwards.

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

Progress:

Completed

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 Councils already do this as part of their procedures.

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:

The Councils already do this as part of their procedures.

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:

Completed.

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:

The Councils are uncertain about how this can be required and will continue to accept complaints from the clerk.

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:

Completed.

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 Councils procedures deal with conflicts of interest. Completed.

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:

The Councils' Leadership Team has been advised of the recommended best practice

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

Progress:

The Councils will look to adopt this recommendation following the appointment of a new Monitoring Officer within the next month.
