

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:

These are included in the Councillors' Code of Conduct and are based on the definitions recommended in the Committee's report.

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:

These are included in the Councillors' Code of Conduct at paragraph 5.2.

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:

The last time that changes to the Councillors' Code of Conduct were approved by Council was on 25 September 2019. The Standards Committee to agree the date for the next review and appropriate consultation arrangements.

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 Councillors' Code of Conduct and the associated procedure for the consideration of complaints is readily accessible through the Council's website.

<https://www.derby.gov.uk/council-and-democracy/customer-services/complaints-procedure-local-councillors/>

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:

Gifts and hospitality are recorded on individual Councillor's Disclosable Pecuniary Interests and Gifts and Hospitality forms. Completed forms are published on the Council's website.

Currently, it is for Councillors' to request that their forms be updated. Democratic Services currently considering the establishment of a separate gifts and hospitality register, as well as publishing all declarations in a machine-readable format

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

Progress:

The criteria against which all allegations are considered and by which any complaint is dismissed are detailed at paragraph 16 of the Councillor Complaints Procedure. This will be used to form the basis of a public interest test that will be publicised on the Council website.

In addition, all complaints are considered by an Independent Persons Advisory Panel at the first stage; their views are considered by the Monitoring Officer when recommending whether a complaint should be progressed to subsequent stages within the procedure.

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

Progress:

The Council has access to four 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:

This is currently contained within the Procedures for the Assessment and Review of Allegations of Breaches of the Councillors' Code of Conduct.

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:

At its meeting held on 10 July 2018, the Standards Committee resolved to agree that going forward, the subject member should be named at the point at which a complaint is upheld by the Standards Committee.

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:

This information is currently published on the Council's website.

<https://www.derby.gov.uk/council-and-democracy/customer-services/complaints-procedure-local-councillors/>

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:

Not applicable; there are no Parish Councils with Derby City Council's local authority area.

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:

Not applicable (see response to 11 above).

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 aforementioned procedures are silent on how such conflicts of interest are to be addressed. Democratic Services currently considering procedures to address such conflicts of interest and an update to be provided to the Standards Committee in due course. Notwithstanding the absence of express provisions dealing with conflicts of interest, the MO does consider the issue of conflicts of interest when initially dealing with a complaint, and where appropriate will engage an external third party to undertake the investigation.

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 Council does not currently report on separate bodies, such as Derby Homes (the Council's arm's length management organisation responsible for managing the Council's social housing stock), in the annual governance statement. Derby Homes does have a website on which are published agendas, minutes and annual reports and complies with the reporting requirements applicable to a limited company.

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

Progress:

This is currently performed by the Monitoring Officer and, where appropriate, the Chief Executive (Head of Paid Service).
