

BEST PRACTICE RECOMMENDATIONS WITH WORKING GROUP RECOMMENDATION AND COMMENTS

The Working Group noted that many of the recommendations are already complied with or partly complied with, but the Working Group agreed on the implementation of the following:

Best Practice 1 - the prohibition on bullying and harassment, and the inclusion of the definitions in the code of conduct

Agreed by the WG. It is recommended that the ACAS definition is used as set out below. This can be set out in guidance.

Best Practice 2 - the inclusion of provisions in the code of conduct requiring councillors to comply with formal standards investigations

Agreed by the WG.

It is suggested the following wording be adopted into the Code of Conduct.

Best Practice 3 - the review of the code of conduct each year (and seeking the views of the public and neighbouring authorities)

Partially agreed. A review should be conducted every three years.

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.

Agreed we do this already.

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.

Agreed by WG. Officers to arrange the best format to publish gifts and hospitality register.

Best Practice 6 - the publication of a clear public interest test

Agreed by the WG. This can be set out in guidance.

Best practice 7 - local authorities should have access to at least two Independent Persons.

Agreed by WG. We have three already.

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.

Agreed by WG we do this already.

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.

Agreed by WG we do this already.

Best Practice 10 - clear guidance on the complaints process included estimated timescales.

Agreed by the WG. Officers to bring forward details for consideration.

Best Practice 11 - Standards complaints regarding parish councillor conduct should be made by the chair or parish council as whole

Not agreed by WG. Whilst the CPSL recommendation seeks to protect Parish Clerks it is considered it could in fact disempower them. It is always open to a Parish Chair or Parish Councillor to bring a complaint if they think another Parish Councillor is disrespecting or bullying the Clerk.

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.

Agreed by WG. This happens to an extent currently. It is noted that this is a question of resources.

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.

Agreed by WG. We always outsource investigations to other Councils or the private sector.

Best Practice 14 - report on separate bodies which the Council has set up as part of its annual government statement and ensure they all accord with the principle of openness

Agreed by WG. This is something which will be taken forward.

Best Practice 15 - senior officers meeting regularly with political group leaders to discuss standards issues

Agreed by WG. Noted this takes place and at MKC and Group Leaders are all very engaged on Code of Conduct issues involving MKC Councillors.