

## Appendix 2

### STANDARDS COMMITTEE – 13 FEBRUARY 2020

#### Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<b>Best Practice as Identified by the CSPL</b>	<b>LBH current best practice</b>
<p><b>Best practice 1:</b> 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.</p>	<p><b>Part 5 – member code of conduct</b> <b>Under section 3 General Obligations</b></p> <p><b>3.1 You must treat others with respect.</b></p> <p><b>3.2 You must not—</b></p> <p><b>(a) do anything which may cause your authority to breach any of the equality enactments (as defined in the Equality Act 2010);</b></p> <p><b>(b) bully any person;</b></p> <p><b>(c) intimidate or attempt to intimidate any person who is or is likely to be—</b></p> <p style="padding-left: 40px;"><b>(i) a complainant,</b> <b>(ii) a witness, or</b> <b>(iii) involved in the administration of any investigation or proceedings,</b></p> <p style="padding-left: 40px;"><b>in relation to an allegation that a member (including yourself) has failed to comply with the authority's code of conduct; or</b></p> <p><b>(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority.</b></p> <p><b>Compliance with best practice recommendation</b></p>

## Appendix 2

### STANDARDS COMMITTEE – 13 FEBRUARY 2020

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<p><b>Best practice 2:</b> 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.</p>	<p><b>Part 5 of Constitution – Section 2 Section 15 - Protocol for Member/Officer Relations</b></p> <p><b>Breach of the Protocol by a Member</b></p> <p><b>Members are required to report any matter that they believe may be a breach of the Code of Conduct to the Monitoring Officer.</b></p> <p><b>Officers are required to report any matter they believe may be a breach of the Code of Conduct to the Monitoring Officer. The Monitoring Officer may refer the complaint to the Standards Committee if there is evidence that there has been a breach of the Code of Conduct and the Monitoring officer considers it appropriate to do so.</b></p> <p><b>Co-opted Members of any Council Committee or Sub-Committee are required to report any matter they believe may be a breach of this or other Council protocols or a breach of the Code of Conduct by a non-voting co-opted member to the Monitoring Officer.</b></p> <p><b>Where there has been an alleged breach of the protocol the Monitoring Officer will arrange for the matter to be investigated and may refer the complaint to the Standards Committee to be determined under local procedures. A summary of all alleged breaches will be reported to the Standards Committee once each quarter.</b></p> <p><b>The Monitoring Officer, in conjunction with the Chief Executive,</b></p>
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<p><b>Best practice 3:</b> 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.</p> <p><b>Best practice 4:</b> 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.</p>	<p>may refer the alleged breach to the relevant party whip and leader where appropriate.</p> <p><b>Compliance with best practice recommendation</b></p> <p><b>The Monitoring Officer is able to seek amendment to, and amend parts of the Code of conduct as set out in Part 5 of the Constitution – the code sets out those parts which are within the power of the Monitoring officer and those parts which are reserved for Full Council to amend –</b></p> <p><b>Partial compliance with the best practice recommendation</b></p> <p><b>Consideration should be given to seeking views of the views of the public, community organisations and neighbouring authorities</b></p> <p><b>LBH meet this in part as the Co-optees and the independent person could arguably BE deemed to be members of the public. LBH does not seek the views of community organisations but it undertakes research with other local authorities when required to.</b></p> <p><b>Available on the Council's website and in hard form held by Governance Services</b></p> <p><b>Compliance with best practice recommendation</b></p>
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## Appendix 2

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<p><b>Best practice 5:</b> Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p> <p><b>Best practice 6:</b> Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p> <p><b>Best practice 7:</b> Local authorities should have access to at least two Independent Persons.</p> <p><b>Best practice 8:</b> An Independent Person should be consulted as to</p>	<p><b>Part 5 – member code of conduct</b> <b>Section – Part Section 11 – other interests sub para 11.4</b></p> <p><b>11.4</b> Where a Member has received a gift or hospitality with an estimated value of at least £25, this must be disclosed on the register of interests form and declared at meetings.</p> <p><b>Members Services/Governance Services</b> on a quarterly basis request members to update their Register of Interests – Members registers are readily available to view on the Council’s website and are available for public viewing in hard form (kept by Governance Services)</p> <p><b>Compliance with best practice recommendation</b></p> <p><b>Part 5 – member code of conduct</b></p> <p><b>Compliance with best practice recommendation</b></p> <p><b>Currently have one independent person appointed to Standards Committee.</b> <b>Partial compliance with the best practice recommendation</b></p>
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## Appendix 2

### STANDARDS COMMITTEE – 13 FEBRUARY 2020

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<p>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.</p>	<p><b>In accordance with Part 2 of the Constitution – Articles – Section 8 - The Standards Committee and Independent Person</b></p> <p><b>Sub sections 8.9 – 8.13 Independent Person</b></p> <p><b>Independent Person</b></p> <p><b>8.9 Full Council will appoint an Independent Person in accordance with section 28 of the Localism Act 2011.</b></p> <p><b>Role of the Independent Person</b></p> <p><b>8.10 The views of the Independent Person shall be sought and taken into account by the Council's Monitoring Officer before the Council makes its decision to investigate a complaint.</b></p> <p><b>8.11 The Independent Person may be consulted by the Monitoring Officer on other allegations not covered in 8.10 above, and may also be consulted by a Member or voting co-opted member of the authority who is the subject of a particular allegation.</b></p> <p><b>8.12 The Independent Person, as part of an Independent Panel, also has a role in providing Full Council with advice, views and recommendations on the proposed disciplinary action or dismissal of specified statutory senior officers in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.</b></p>
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STANDARDS COMMITTEE – 13 FEBRUARY 2020

Review of recommendations relating to Best Practice arising the Committee on Standards in Public Life on the subject of ethical standards in Local Government

<p><b>Best practice 9:</b> Where a local authority makes a decision on an allegation of misconduct following a</p>	<p><b>Appointment of the Independent Person</b></p> <p><b>8.13 Full Council may not appoint an Independent Person unless the appointment is:</b></p> <ul style="list-style-type: none"><li><b>i) advertised in a local newspaper;</b></li><li><b>ii) of a person who has submitted an application to the Council;</b></li><li><b>iii) of a person interviewed and recommended for appointment by the Monitoring Officer or some other person appointed by him/her;</b></li><li><b>iv) of a person who has not been a Member, co-opted member of officer of the Council in the five years immediately preceding the appointment;</b></li><li><b>v) of a person who is not a close relative or close friend of a Councillor or officer of the Council;</b></li><li><b>vi) of a person who has the ability to consider and evaluate information and arguments and reach sound, justifiable and fair conclusions based on that information;</b></li><li><b>vii) of a person who is independent of party politics;</b></li><li><b>viii) of a person who is not a member or officer of another local authority; and</b></li><li><b>ix) of a person who's appointment is approved by a majority of Members at Full Council.</b></li></ul> <p><b>Compliance with best practice recommendation</b></p> <p><b>Part 5 – member code of conduct</b></p>
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## Appendix 2

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<p>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.</p>	<p><b>Part 2 – Sub section 15 – breach of the code by a member</b></p> <p><b>Where there has been an alleged breach of the protocol the Monitoring Officer will arrange for the matter to be investigated and may refer the complaint to the Standards Committee to be determined under local procedures. A summary of all alleged breaches will be reported to the Standards Committee once each quarter.</b></p> <p><b>The Monitoring Officer, in conjunction with the Chief Executive, may refer the alleged breach to the relevant party whip and leader where appropriate.</b></p> <p><b>In accordance with defined procedures and the terms of reference of the Standards Committee and its Hearing Sub-Committee where LBH makes a decision on an allegation of misconduct following a formal investigation, a decision notice is published as soon as possible on the Council’s 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.</b></p> <p><b>The matter is also reported to Full Council</b></p> <p><b>Compliance with best practice recommendation</b></p>
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## Appendix 2

### STANDARDS COMMITTEE – 13 FEBRUARY 2020

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<p><b>Best practice 10:</b> 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.</p> <p><b>Best practice 11:</b> 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.</p> <p><b>Best practice 12:</b> 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.</p> <p><b>Best practice 13:</b> 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.</p>	<p><b>Available on the Council's website under the section ethical standards in public life – clear accessible guidance available</b></p> <p><b>Compliance with best practice recommendation</b></p> <p><b>NOT APPLICABLE</b></p> <p><b>NOT APPLICABLE</b></p> <p><b>Compliance in accordance with the provision of the Localism Act 2011 – the Monitoring Officer will make a judgement as to whether to place the investigation of a complaint in the hands of another local authority where a possible conflict of interest may apply.</b></p> <p><b>Compliance with best practice recommendation</b></p>
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## Appendix 2

### STANDARDS COMMITTEE – 13 FEBRUARY 2020

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<p><b>Best practice 14:</b> 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.</p> <p><b>Best practice 15:</b> Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p><b>The Head of Internal Audit ensures compliance with this requirement as part of their annual statement to Audit Committee, and it is published on line and in the annual accounts.</b></p> <p><b>Compliance with best practice recommendation</b></p> <p><b>This practice currently happens within the ‘3 2 1 with golden triangle’ arrangement where Senior Cabinet members meet with the Chief Executive and Mayor.</b></p> <p><b>The Chief Executive meets with the Opposition Leader on a regular basis as well where standard issues would be discussed.</b></p> <p><b>Compliance with best practice recommendation</b></p>
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