

A.2 APPENDIX B

Local Government Ethical Standards - A Review by the Committee on Standards in Public Life (January 2019)

List of best practice (taken from pages 18 and 19 of the CSPL Report)

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

Best practice 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.

TDC Current Practice: Prohibition on Bullying & Harassment included in the Code [Section 3.2]. No Definitions or list of examples of defined behaviour are included in the Code at present.

Best practice 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.

TDC Current Practice: These provisions are included in the Code [Section 3.4].

Best practice 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.

TDC Current Practice: No annual review of the Code is undertaken at present. Code was last reviewed in 2017 and the current Code was adopted by the Council on 23 January 2018.

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.

TDC Current Practice: Code accessible to Members within the Constitution, their Members' Booklet and via the Council's intranet and to the public via the

Council's website. It is currently not in a prominent position on the website. Code is not readily available at Council premises, but a copy would be provided if requested.

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.

TDC Current Practice: Register is updated as and when declarations are received by Democratic Services & Elections. Register is published via the Council's website and an annual report is submitted to the Standards Committee.

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

TDC Current Practice: Annex D to the TDC Complaints Procedure sets out the Assessment Criteria against which allegations are filtered. This does not currently include a defined public interest test.

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

TDC Current Practice: TDC is fortunate in having four Independent Persons to call on.

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.

TDC Current Practice: Section 4 of the Council's Complaints Procedure states that the Monitoring Officer may consult with an Independent Person before making their decision as to whether a complaints merits no further action; merits early informal resolution or mediation or merits further investigation.

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.

TDC Current Practice: This is the Monitoring Officer's current practice.

Best practice 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.

TDC Current Practice: This is the Council's current practice.

Best practice 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.

TDC Current Practice: We have not received any complaints concerning a parish councillor's conduct towards a clerk, but this advice could be given, if the circumstances arise.

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.

TDC Current Practice: The Monitoring Officer has two deputies and all 3 individuals receive training to undertake their roles and have support within the organisation.

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.

TDC Current Practice: The Monitoring Officer's current practice in such circumstances is to use an external Investigator.

Best practice 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.

TDC Current Practice: The Council is currently reviewing its governance arrangements concerning companies.

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

TDC Current Practice: The Chief Executive has regular meetings with political group leaders and any standards issues that arise would be added to the agenda for such a meeting at the Monitoring Officer's request and the Monitoring Officer would then attend that meeting.