

Committee on Standards in Public Life 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: Essex County Council already had a prohibition on bullying and harassment which we felt was well understood and not in urgent need of review. However, if such a provision is included in a national model code then we shall adopt it.

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: Essex County Council has a low number of complaints and no notable number of trivial or malicious allegations by councillors. Accordingly it was felt that there is no urgent need for such a provision. However, if such a provision is included in a national model code then we shall adopt it.

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 Code of Conduct was last reviewed in 2019. We do not generally seek the views of the public or community organisations in a review. We can consider this at the point of the next review. It should be noted that this recommendation will only encourage councils to depart from the model code to be recommended by the Local Government Association.

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 Code of Conduct forms part of the Council's Constitution which is a key working document and is published on the website and linked to from the 'complaint about a councillor' webpage. The Council's website is available from all ECC libraries including that at County Hall.

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 register of gifts and hospitality is published in real time on each councillors' webpage and is published in full annually as a report to the Audit, Governance and Standards Committee.

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

Progress: The guidance on considering complaints already had such criteria but they have been reviewed to make them simpler. These are published on the website.

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

Progress: Essex County Council has always had access to two 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: Essex County Council adopted this process in March 2019.

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: Essex County Council already followed this practice before the recommendation was made.

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: Essex County Council provides such guidance which includes a timescale for hearings. Given the low number of complaints and the correspondingly low

number of investigations it is not meaningfully possible to publish an estimated timescale for investigations.

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: This recommendation is not relevant to Essex County Council which does not have responsibility for the conduct of parish councils or parish councillors.

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: This recommendation is not relevant to Essex County Council which does not have responsibility for the conduct of parish councils or parish councillors.

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: Essex County Council has the budget and the facility to allow investigations to be undertaken externally and for external advisors to the committee in appropriate cases.

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 draft 2019/20 statement includes some information about companies etc. This is being reviewed and developed for the 2020/21 Annual Governance Statement.

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

Progress: Senior Officers meet regularly with political group leaders and others to discuss constitutional issues. This includes the possibility of discussing any standards issues which may arise.
