

BEST PRACTICE RECOMMENDATIONS, AGREED ACTIONS AND CURRENT POSITION

BEST PRACTICE RECOMMENDTION	WLBC CONTEXT	ACTIONS AGREED BY STANDARDS COMMITTEE	CURRENT POSITION
<p>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.</p>	<p>This best practice recommendation links with the Committee's main recommendation 1 which recommends that the LGA create an updated model code of conduct (to include these provisions and definitions).</p> <p>The WLBC Code of Conduct includes a prohibition against bullying but the meaning of bullying is not defined.</p> <p>Harassment by councillors would engage other provisions of the code (e.g. "you must treat others with respect") but is not a separate provision or defined.</p>	<p>The Borough Solicitor to consider any necessary amendments to the WLBC code once the model code is published and to report his findings to the Standards Committee.</p>	<p>An initial draft Model Code has been produced by the LGA which contains provisions regarding bullying and harassment:</p> <p><i>"As a councillor I commit to....</i></p> <p><i>...3. Not bullying or harassing any person.</i></p> <p><i>Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others</i></p> <p><i>The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant</i></p>

			<p><i>protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation".</i></p> <p>A final draft of the Model Code is awaited and will be reported to Standards Committee when available to consider any necessary changes to the WLBC code.</p>
<p>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.</p>	<p>This best practice recommendation links with the Committee's main recommendation 1 which recommends that the LGA create an updated model code of conduct (to include these provisions).</p> <p>The Committee stated that Councillors should not seek to disrupt standards investigations by, for example, not responding to</p>	<p>The Borough Solicitor to consider any necessary amendments to the WLBC code once the model code is published and to report his findings to the Standards Committee</p>	<p>An initial draft Model Code has been produced by the LGA but currently does not contain provisions requiring councillors to comply with formal investigations/prohibiting trivial allegations by councillors.</p> <p>A final draft of the Model Code is awaited which may contain such provisions.</p> <p>In any event, although not a WLBC code provision per se, trivial or malicious allegations made by councillors are filtered out in accordance with WLBC's detailed procedure for the</p>

	<p>requests for information or refusing to confirm their attendance at a standards hearing. Councillors should also not seek to misuse the standards process by making allegations against another Councillor for the purpose of political gain.</p> <p>Although not a WLBC code provisions trivial or malicious allegations made by councillors are filtered out in accordance with WLBC's detailed procedure for the assessment of complaints entitled "Procedure for the assessment of written complaints of breach of the West Lancashire Borough Council and parish councils members' code of conduct".</p>		<p>assessment of complaints entitled "Procedure for the assessment of written complaints of breach of the West Lancashire Borough Council and parish councils members' code of conduct".</p>
<p>3. Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community</p>	<p>The Committee were concerned that some authorities have adopted a minimal code which is difficult to apply in</p>	<p>The Borough Solicitor to consider any necessary amendments to the WLBC code once the model code is</p>	<p>A final draft of the Model Code is awaited and will be reported to Standards Committee when available to consider any necessary changes to the WLBC code.</p>

<p>organisations and neighbouring authorities.</p>	<p>practice.</p> <p>Each authority should draw up a Code of Conduct that is adapted to the needs of that authority and reviewed each year. Where possible, regular consultation should take place.</p> <p>The WLBC code of conduct is a "full" code drawn from the former national code but adapted to the needs of West Lancashire.</p> <p>It has been reviewed following its introduction and updated to more clearly incorporate the Nolan principles.</p>	<p>published and to report his findings to the Standards Committee.</p> <p>Thereafter review code yearly and consult on any proposed amendments.</p>	<p>The LGA has committed to a yearly review of the Model Code once published</p>
<p>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.</p>	<p>The Committee has stated that Codes of Conduct should be accessible on a local authority's website</p> <p>The WLBC Code of Conduct is accessible on the Council website with hard copies available at 52 Derby Street</p>	<p>No action necessary – recommendation already met</p>	<p>No action necessary – recommendation already met.</p>
<p>5. Local authorities should update their gifts and hospitality register at least once per quarter,</p>	<p>The Committee have stated that independent oversight and inspection are</p>	<p>No action necessary other than to make reference to the register's</p>	<p>Each Members register is available on the website</p>

<p>and publish it in an accessible format, such as CSV.</p>	<p>important to maintaining high ethical standards and Councils should facilitate this by ensuring registers are accessible to those who wish to inspect them.</p> <p>The WLBC code provides that any gift, benefit or hospitality with a value in excess of £100 which has been accepted as a member must be notified to the monitoring officer who will then place the notification on a public register of gifts and hospitality.</p> <p>The register is available for inspection and referenced on the website.</p>	<p>availability clearer no the website</p>	
<p>6. Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>The Committee noted that standards bodies in Scotland, Wales and Northern Ireland all make use of a public interest test. WLBC publish a detailed procedure for the assessment of complaints entitled "Procedure for</p>	<p>No action necessary – recommendation already met</p>	<p>No action necessary – recommendation already met</p>

	<p>the assessment of written complaints of breach of the West Lancashire Borough Council and parish councils members' code of conduct".</p> <p>The procedure advises that complaints will only be referred for investigation in circumstances in which the complaint is sufficiently serious to justify the cost of an investigation and it is in the public interest to investigate</p>		
<p>7. Local authorities should have access to at least two Independent Persons.</p>	<p>The Committee noted that some councils appoint two or more Independent Persons so that the same person is not involved in filtering complaints and commenting on matters that have been investigated.</p> <p>The Council has had two Independent Persons since 2010 and will seek to fill vacancies as and when they</p>	<p>No action necessary – recommendation already met</p>	<p>No action necessary – recommendation already met</p>

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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.	<p>The Committee noted that many local authorities consult with their Independent Person at all points in the process including filtering complaints.</p> <p>WLBC already consult with the Independent Person at all stages of the complaints process in accordance with a written protocol.</p>	No action necessary – recommendation already met	No action necessary – recommendation already met
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.	<p>The Committee consider that openness and transparency are important safeguards to ensure scrutiny.</p> <p>WLBC already publish decision notices containing this information.</p>	No action necessary – recommendation already met	No action necessary – recommendation already met
10. A local authority should have a straightforward and accessible	The Committee consider that openness and transparency are	No action necessary – recommendation already met	No action necessary – recommendation already met

<p>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>important safeguards to ensure scrutiny.</p> <p>WLBC publish a detailed procedure for the assessment of complaints entitled "Procedure for the assessment of written complaints of breach of the West Lancashire Borough Council and parish councils members' code of conduct" which is accessible on the website. It advises as to the timescale for the acknowledgment of complaints. It does not currently give an estimate of timescales for investigations as the length of an investigation can vary significantly from case to case depending on complexity. However, complainants and subject members are kept regularly apprised of where investigations are up to once underway.</p>		
<p>11. Formal</p>	<p>The committee</p>	<p>The Borough</p>	<p>A draft consultation letter</p>

<p>standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the council as a whole, rather than the clerk in all but exceptional circumstances.</p> <p>.</p>	<p>stated that the evidence they had received suggested that difficulties persist in resolving standards matters where clerks are not well supported by the parish council to formally make and resolve complaints or to prevent behaviour from recurring. They suggest that Parish Councils should take corporate responsibility when allegations of bullying an employee are received. They state that where behaviour that is a breach of the code is observed by Councillors or reported by the Clerk then a complaint should be lodged corporately by the parish council or in the name of the chair rather than leaving the clerk to make a complaint.</p> <p>Complaints are currently accepted from</p>	<p>Solicitor to consult with parish councils with regard to an amendment to the existing procedure.</p>	<p>is to be considered by the Standards Committee at its meeting on 15 September 2020.</p>
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	<p>parish clerks.</p> <p>An amendment to the procedure for the assessment of complaints would be required to affect this change</p>		
<p>12. Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils with the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</p>	<p>The Committee stated that they had heard of a small number of concerning reports that Monitoring Officers have declined to provide advice or accept complaints received about or from parish councils.</p> <p>The Council provides support and advice to Parish Councils and investigates complaints from and regarding Parish Councillors</p>	<p>No action necessary – recommendation already met</p>	<p>No action necessary – recommendation already met</p>
<p>13. A local authority should have procedures in place to address any conflicts of interests when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different</p>	<p>The Committee has stated that complications can arise when there is an investigation into a senior member of the authority particularly a portfolio holder.</p>	<p>No action necessary – recommendation already met</p>	<p>No action necessary – recommendation already met</p>

<p>authority to undertake the investigation.</p>	<p>The procedure for the assessment of complaints already provides that if it is decided that the complaint is sufficiently serious to warrant further investigation the Monitoring Officer, in consultation with the Independent Person, will make arrangements for a formal investigation to take place by an external independent advisor, in most circumstances. On completion of the investigation, the investigating officer will complete a report, which will include his/her finding.</p>		
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<p>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.</p>	<p>The Committee has noted the more complex environment for local government which can impact on ethical standards. This includes LEPs and joint ventures by Councils. In those cases the body and the local authority need to practice ongoing assurance, oversight and transparency.</p> <p>The Council has very limited types of such bodies, e.g. Tawd Valley Developments Ltd. In each case arrangements are to be set in accordance with requirements of Council and/or Cabinet; these take account of governance issues/openness, including that from the guidance issued by the Lawyers in Local Government. Suitable clear reporting arrangements are provided for and matters are to be considered through the</p>	<p>No action necessary – recommendation already met</p>	<p>No action necessary – recommendation already met</p>
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	<p>annual government statement. In addition detailed arrangements and guidance is set out in the Guide to Officers and Members Serving on Outside Bodies</p>		
<p>15. Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>The Committee refers to two models of the role of political groups in maintaining an ethical culture. The first is a parallel model where the activities of political groups are undertaken in parallel alongside activities of the local authority. This involves parallel disciplinary processes, training and so on. The second is the 'layered' model where political groups play a distinct role that sits between direct advice</p>	<p>No action necessary – recommendation already met</p>	<p>No action necessary – recommendation already met.</p>

	<p>from officers and formal processes undertaken by the local authority. The Committee favour the latter model and say that senior officers should regularly engage with Group Whips and Group Members to understand the training needs of Members and ensure that the right expectations are set for how Councillors behave.</p> <p>It is considered that the culture at the Council is one of dialogue between officers and Members and discussions regarding Member behaviour does take place with senior politicians and with the relevant Member to seek to nip issues in the bud.</p> <p>Formal standards committee meetings are held twice yearly with</p>		
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	representatives of all parties in attendance. .		
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