

Local Government Ethical Standards

A Review by the Committee on Standards in Public Life

Response to Best Practice Recommendations

	Best Practice Recommendation	Current Arrangements	Proposed Action
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	One of the General Obligations set out in paragraph 3 of our current Member Code of Conduct refers to treating others with respect and not to bully or intimidate any person. The Member Officer Protocol also refers to bullying, intimidation or harassment	We will provide greater clarity by including definitions of Bullying and Harassment in the Code and providing examples of unacceptable behaviours.
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.	There are currently no provisions within the Authority's Code of Conduct requiring councillors to comply with investigations. This has not proved to be an issue at the PDNPA where all Members who have been the subject of Complaints have engaged in the process. Since 2012 only one complaint have been received from a Member about another Member.	We will add a paragraph to the Code to clarify the expectations for Members participating in the process for dealing complaints and highlight the issues around trivial or malicious allegations.
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.	Although there is no regular date for review at a meeting of the Authority, the Code of Conduct is regularly reviewed in light of best practice	No further action required.
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.	The Authority's Code and supporting documents such as Codes and Protocols and the arrangements are available on the Authority website and for inspection at Aldern House.	No further action required.

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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.	The Authority's register is available online and updated immediately when a Members Gifts and Hospitality form is received. Where appropriate offers of gifts and hospitality are added to a Member's entry in the Register of Interests and remain there for three years. The Register of Gifts and Hospitality is available on line as a single csv file	We will regularly remind Members to check that their entries in the Register of Gifts and Hospitality are up to date. To look at the practicalities of also making the Officer Gifts and Hospitality Register available on-line
6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	In accordance with the Localism Act the Authority publishes its arrangements for dealing with complaints relating to Members. These arrangements already include a check list that the Monitoring Officer works through with the Independent person to make a judgement on whether complaints are trivial or vexatious, or if they should proceed to a full investigation.	To look at the two stage test the Northern Ireland Local Government Commissioner for Standards uses to asks whether they 'can' investigate the complaint, and whether they 'should' and, if appropriate, amend our current checklist.
7.	Local authorities should have access to at least two Independent Persons.	The Authority has already appointed two Independent Persons who meet with the Monitoring Officer to give impartial advice on all complaints received that related to an Authority Member.	No further action required.
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.	The Authority's current arrangements involve the Monitoring Officer consulting with an Independent Person on all complaints relating to Authority Members	No further action required.
9.	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be	Since the current arrangements were introduced in 2012 only one allegation of misconduct has resulted in a formal investigation. In accordance	No further action required.

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	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.	with the arrangements the decision notice was published on the Authority's website.	
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.	The Authority's current arrangements are published on the Authority website along with the prescribed form. In addition when receipt of the complaint is acknowledged both the complainant and the subject Member are sent a paper copy of the procedure that confirms that timescales for handling the complaint.	No further action required.
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.	This does not apply to the Authority as National Park Authorities are not involved in complaints relating to Parish Councillors.	No further action required.
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.	This does not apply to the Authority as National Park Authorities are not involved in complaints relating to Parish Councillors.	No further action required.
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	To avoid any conflict of interest, if it is decided that a formal investigation is required, the Authority appoints an external investigator to look into allegations and report back.	No further action required.

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	investigation.		
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.	The Authority reports on relevant separate bodies in its Annual Governance Statement and a statement on its relationship with these bodies is provided in the Authority's annual accounts under the section on related party transactions.	No further action required.
15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues	The Authority does not have any political groups or whips. Issues relating to Standards are considered by all Members annually at the compulsory planning training and the Audit Resources and Performance Committee receives a summary of any complaints received as part of the quarterly performance monitoring report. This report includes details of any lessons learned.	No further action required.