

Committee on Standards in Public Life Best Practice Recommendations - Update and Action Plan

Best Practice Recommendation	Comment	Action Required	Update/progress
<p><u>Best Practice 1</u></p> <p>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>Code of Conduct reviewed to include prohibition on bullying and harassment. This includes definitions of bullying and harassment, supplemented with a list of examples.</p>	<p>Update 30.9.21 – Actions complete</p>	<p>Revised Code adopted 29 September 2020. Audit and Governance approved updated guidance on code 1 October 2020.</p> <p>Training provided Feb 2021.</p>
<p><u>Best Practice 2</u></p> <p>Councils should include provisions in their code requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>Code of Conduct reviewed to include these provisions.</p>	<p>Update 30.9.21 – Actions complete</p>	<p>Revised Code adopted 29 September 2020. Audit and Governance considered updated guidance on code 1 October 2020.</p> <p>Training provided Feb 2021</p>
<p><u>Best Practice 3</u></p> <p>Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the</p>	<p>The Code of Conduct was reviewed in 2020.</p>	<p>Update 30.9.21 – annual review as part of work programme.</p>	<p>Added to Audit and Governance Committee Work Programme.</p>

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public, community organisations and neighbouring authorities.	The Cumbria MOs have reviewed recently the LGA model code of conduct		
<p><u>Best Practice 4</u></p> <p>An Authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.</p>	<p>The Code of Conduct is published on the website as part of the Constitution and as a separate document on the complaints and feedback page.</p> <p>A copy of the Code is also provided to all councillors on election as part of the induction pack.</p> <p>A hard copy would be provided on request at the Council Offices.</p>	Update 30.9.21 – Action to keep website under review	

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<p><u>Best Practice 5</u></p> <p>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>The register is updated as the Monitoring Officer is notified by councillors that they have been offered gifts or hospitality.</p> <p>Details of any gifts or hospitality over £50 are an “other registrable interests on the members register forms which are published on the website.</p>	<p>Update 30.9.21 – registers updated as notifications received - annual review undertaken</p>	<p>Annual report to Audit and Governance on registers of interest.</p>
<p><u>Best Practice 6</u></p> <p>Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>The Arrangements for dealing with complaints has been reviewed.</p>	<p>Update 30.9.21 – incorporated into arrangements approved at March meetings of this Committee and Council</p>	<p>Amended Arrangements incorporating public interest test approved by Audit and Governance Committee and Council March 2021 and available on website.</p>

<p><u>Best Practice 7</u></p> <p>Local authorities should have access to at least two Independent Persons.</p>	<p>The Cumbria Monitoring Officers have arrangements to share Independent Persons.</p>	<p>Update 30.9.21 – appointment of two new Independent Persons were approved by Council Feb 20</p>	<p>Following recruitment process new appointments made by Council Feb 2021</p>
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<p><u>Best Practice 8</u></p> <p>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>	<p>The Arrangements for dealing with complaints have been reviewed.</p>	<p>Update 30.9.21 – new arrangements confirmed by Council March 2021</p>	<p>Amended Arrangements considered by Audit and Governance Committee and Council in March 2021</p>
<p><u>Best Practice 9</u></p> <p>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,</p>	<p>The arrangements have been reviewed.</p>	<p>Update 30.9.21 – revised arrangements confirmed by Council March 2021</p>	<p>Amended Arrangements for dealing with Complaints considered by Audit and Governance Committee and Council March 2021.</p>

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the reasoning of the decision-maker and any sanction applied.	Where the Monitoring Officer resolves a complaint by way of local resolution following an investigation, there is no such requirement; the decision will however be reported to Audit and Governance Committee.		
<p><u>Best Practice 10</u></p> <p>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>	The council already has accessible guidance on its website on how to make a complaint (including an online form) and arrangements for dealing with complaints.	Update 30.9.21 – action to keep website under review	
<p><u>Best Practice 11</u></p> <p>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>	The borough council does not have the power to require parish councillors to submit complaints on behalf of the Clerk, but it can support this and can set out expectations to parish councils.	Update 30.9.21 – to keep under review	

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<p><u>Best Practice 12</u></p> <p>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>Complaints made about parish councillors will be investigated in accordance with the approved arrangements for dealing with complaints. The Monitoring Officer attends training on relevant matters, including ethical conduct. A deputy Monitoring Officer is also in place to provide additional support and capacity.</p>	<p>Keep a watching brief on resources particularly in light of budget reductions and efficiencies which may impact on the resources available to the Monitoring Officer.</p>	

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<p><u>Best Practice 13</u></p> <p>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>Deputy Monitoring Officer in place to deal with complaints where the Monitoring Officer has a conflict of interest.</p> <p>Investigations can be outsourced to an external investigator.</p>	<p>Update 30.9.21 – revised arrangements agreed by Council 2021.</p>	<p>Amended Arrangements for dealing with Complaints considered by Audit and Governance Committee and Council March 2021.</p>

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<p><u>Best Practice 14</u></p> <p>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>Barrow Forward being established since recommendations last reported. The company will be operated under a memorandum of agreement between it and the Council, and will be accountable to its owner, the Council through the Member Committee. The terms of reference make clear transparency and accountability lie at the heart of the relationship between the company and the Council.</p>	<p>Update: 30.9.21 – as per comment</p>	
<p><u>Best Practice 15</u></p> <p>Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>		<p>Bi-annual meetings (as a minimum) between Chief Executive, Monitoring Officer and group leaders and deputies to be considered.</p>	