

CSPL local government ethical standards 15 best practice recommendations

Name of local authority:

Tewkesbury Borough Council

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:

Tewkesbury Borough Council's Code of Members' Conduct includes a prohibition on bullying and also requires Members to treat others with respect. Any allegation of harassment would be assessed against the latter requirement. The ACAS definition of bullying will be used in the determination of any complaints where bullying is alleged.

The Council intends to review its Code following publication of the LGA Model Code of Conduct which is expected in December 2020. This will provide the opportunity to include a prohibition against harassment and a definition of bullying.

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:

The Council's Code includes the requirement to comply with a formal standards investigation.

The Council's arrangements for the determination of complaints about Member misconduct enable the Monitoring Officer to reject complaints considered to be malicious and / or trivial.

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 Council will be reviewing its Code when the LGA Model Code has been approved and published. At that time, the Council will also consider the frequency and mechanism for reviewing its Code.

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 Council's Code of Conduct is readily accessible on the website via the Council Information area. It is also available at the Council Offices via Democratic Services.

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 Council maintains a gifts and hospitality register (although not as CSV) which is continually updated. Currently, the register is available for inspection but is not published on the website. This will be reviewed, in the light of this best practice recommendation, when the Council reviews its Code.

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

Progress:

A public interest assessment takes place by the Monitoring Officer and Independent Persons in respect of all complaints which are considered and determined. However, there is no published test to reflect this assessment. The Monitoring Officer is reviewing the complaints procedure and will include appropriate wording to reflect the public interest test.

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

Progress:

The Council has appointed two Independent Persons and meets this recommendation.

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

The Council's current process delegates complaints to the Monitoring Officer for assessment and determination, in consultation with the Independent Persons. Every formal complaint together with the proposed response is referred to the Independent Persons for review and comment. The Council therefore complies with this recommendation.

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:

The Council's procedure confirms that it will prepare a decision notice which will be made available for public inspection. The Monitoring Officer will, when reviewing the arrangements, add the requirement, in these circumstances, to publish a decision notice.

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:

An information document on how to make a complaint under the Code of Conduct is readily available on the Council's website. However, this does not, include estimated timescales for investigations and outcomes. This will be reviewed by the Monitoring Officer.

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:

Advice is provided in these terms to Parish Councils. Although this is supported and encouraged, it is ultimately dependent upon each Parish Council agreeing to do so.

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:

The Council complies fully with this recommendation.

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:

The Council has arrangements in place to ensure that any conflicts of interest are addressed. The Monitoring Officer has appointed a Deputy. All investigations are carried out independently of the Monitoring Officer by a suitably qualified person, which, in accordance with the Council's procedure, may be an officer from another Local Authority.

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 Council includes, within its Annual Governance Statement, details of the company in which it holds a joint ownership interest. Further work is required to be undertaken as part of the overall review of the Code and local arrangements, to secure full compliance with this recommendation.

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

Progress:

Senior officers meet with political group leaders as necessary to discuss any standards issues that may arise.
