

## Self-Assessment of Committee on Standards in Public Life Best Practice (CSPL) Recommendations and Current Crawley Borough Council Arrangements

Best Practice Proposed by the Committee on Standards in Public Life in their Local Government Ethical Standards Report	Self-Assessment of Crawley's position and Monitoring Officer observations.
<p><b>Best practice 1:</b> 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>Bullying of a person is included under the general obligations in the <i>Code of Conduct for Councillors</i> but harassment is not included. The Monitoring Officer is supportive of including harassment in the Code as this would provide greater clarity to the existing provisions of the Code. The Code would therefore read</p> <p>“You must not bully or harass any person”</p> <p>There is not a definition of bullying in the Code.</p> <p>Members’ views are sought on whether the following definition of bullying and harassment as set out in the CSPL’s report should be incorporated into the <i>Code of Conduct for Councillors</i>.</p> <p>Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour or abuse or misuse of power in a way that undermine, humiliate, denigrate or injure the recipient.</p> <p>Harassment is defined in The Equality Act 2010 as “unwanted conduct” related to a relevant “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.</p>
<p><b>Best practice 2:</b> 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>The Council’s Code of Conduct or the Council’s Investigations Procedure does not include any formal provision to require Councillors to comply with any formal standards investigation.</p> <p>Members views are sought on whether there should be a definitive statement relating to co-operation with any formal standards investigation.</p> <p>Under the <i>Arrangements for Dealing with Code of Conduct Complaints</i>, the Monitoring Officer has the ability to consider and form a view whether a complaint is trivial, malicious, vexatious, politically</p>

	<p>motivated or tit-for-tat subject to consultation with the Independent Person.</p>
<p><b>Best practice 3:</b> 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.</p>	<p>The <i>Code of Conduct for Councillors</i> was approved in July 2012, the Code was modelled on the old national Code of Conduct and other Local Authorities in West Sussex have adopted similar Codes. The Code has not been reviewed since its adoption. There has not been specific engagement with the public and community organisations on the Code. There is a proposal for the Local Government Association to draft a Model Code and to consult widely on its drafting, this will presumably ensure that all stakeholder groups are consulted. When the Code of Conduct was adopted in 2012 there was engagement with neighbouring Authorities.</p> <p>The Monitoring Officer is of the view that the Code of Conduct in its present format is readily understood and works well and sets out what is required of Members.</p> <p>Other than reviewing the Code in light of the structure and ethos of the work undertaken in drafting the new Constitution, the principles and content of the Code will remain the same.</p>
<p><b>Best practice 4:</b> 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 Code of Conduct and complaints process is available on Democracy pages of the Council's website and is easily accessible through search engines.</p> <p>If members of the public attended the Town Hall, the Contact Centre staff would be able to signpost members of the public to the appropriate information on the ICT terminals in the building.</p>
<p><b>Best practice 5:</b> 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 Code of Conduct has a specific provision for Members to register a gift, benefit or hospitality received by them with a value of £50 including who the gift, benefit/hospitality was from in their Declaration of Interests Form as a personal interest. Members should also complete a Declaration of Receipt of Gifts or Hospitality Form including a Declaration of Refusal. Hard copies of the Declarations are available for public inspection. The suggestion by the CSPL is that the information should be contained in an "accessible format".</p> <p>Members' views are sought on whether to provide an electronic Register of Gifts and Hospitality and publish this on the Council's website with the Members' Declaration of Interests.</p>

<p><b>Best practice 6:</b> Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>The CSPL recognise that the Monitoring Officer has a role in filtering complaints about Code of Conduct complaints and making a decision on whether a complaint is trivial or vexatious, or whether the complaint should proceed to a full investigation.</p> <p>The current arrangements adopted by the Council for considering complaints does set out a number of factors which invalidate complaints.</p> <p>The Monitoring Officer, having reviewed the commentary at Chapter 3 in the CSPL Report feels that information on how allegations are filtered under the current <i>Arrangements for Dealing with Code of Conduct Complaints</i> needs to be summarised in a clear, succinct way at the beginning of the document in order to provide clarity.</p> <p>For example:</p> <p>The Monitoring Officer will validate the complaint and may decide a complaint is likely to be dismissed if:</p> <ul style="list-style-type: none"> <li>(a) The subject member is no longer a Councillor.</li> <li>(b) The behaviour complained of occurred more than 3 months ago.</li> <li>(c) The conduct complained of is not covered by the Code of Conduct.</li> <li>(d) The complaint appears to be politically motivated, malicious, vexatious, tit-for-tat or trivial or otherwise not in the public interest to warrant further action.</li> <li>(e) The conduct complained of is the same or substantially the same as a complaint that has previously dealt with.</li> <li>(f) There is no prima facie evidence that the Code has been breached or there is not enough information to take the matter further.</li> <li>(g) The complaint is anonymous.</li> </ul> <p>Member's views are sought on these suggested amendments to the current procedure.</p>
<p><b>Best practice 7:</b> Local Authorities should have access to</p>	<p>Crawley has appointed an Independent Person (as is required by Section 28 of The Localism Act</p>

<p>at least two Independent Persons.</p>	<p>2011). There has been no prejudice or disadvantage to the Council or any other party in not having more Independent Persons.</p> <p>The CSPL are making recommendations to the Government on a number of matters relating to the role of the Independent Person (length of tenure, publication of the Independent Person's view relating to complaints, effective decision role on cases of potential suspension and provision of indemnities to local authorities to those persons).</p> <p>The view of the Monitoring Officer is to wait for the response from Government prior to considering whether to increase the number of Independent Persons.</p> <p>In line with the suggestion of limiting the tenure of an Independent Person to two years, the Committee, as part of the Agenda for this meeting, seeks approval of appointing the Council's current Independent Person for a new term of two years.</p>
<p><b>Best Practice 8:</b> 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 Council's current <i>Arrangements for Dealing with Code of Conduct Complaints</i> currently require the Monitoring Officer to consult with the Independent Person at the initial assessment stage, including whether to dismiss a complaint on the grounds of being without merit, vexatious, malicious, politically motivated and tit-for-tat and prior to any decision that a formal investigation should be commissioned.</p>
<p><b>Best Practice 9:</b> 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-making, and any sanction applied.</p>	<p>The Committee's decision on 5<sup>th</sup> March was that details of upheld complaints were to be published.</p> <p>The Standards arrangements have been amended to cover both the informal resolution stage, where the matter has been the subject of a formal investigation and where a complaint has been upheld. The informal stage is when the Monitoring Officer considers, after consultation with and the support of the Independent Person (IP), that there has been a breach of the Code of Conduct and that the matter be resolved without the need of a formal investigation.</p> <p>The Committee did not specify the level of information to be included.</p> <p>The Monitoring Officer therefore recommends to this Committee that the details recommended as best practice by the CSPL be followed.</p>

<p><b>Best Practice 10:</b> 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>	<p>The <i>Arrangements for Dealing with Code of Conduct Complaints</i> including the Complaints Form and Guidance to support completing the Complaints Form, is accessible on the Council's website in Modern.gov. There is also a flow chart which includes the various timescales.</p> <p>The Monitoring Officer would like to amend the timeframe for acknowledging complaints from 5 working days to 10 working days to align with corporate timescales for responding to customers. However it is suggested that the time period for making a decision at the assessment stage be extended to 15 working days.</p>
<p><b>Best Practice 11:</b> 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>	<p>This is a matter for Parish and Town Councils.</p>
<p><b>Best Practice 12:</b> 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>This is a matter for Parish and Town Councils.</p>
<p><b>Best Practice 13:</b> 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>Whilst this is not specifically written into the current arrangements, the Monitoring Officer would appoint an external Investigating Officer or a Monitoring Officer from another Authority if an investigation was to take place. If there was a conflict of interest, then this would be identified with the Monitoring Officer having the ability to seek an alternative appointment.</p>

<p><b>Best Practice 14:</b> 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 Council has not set up any separate bodies, or bodies that they own, with different structures and functions, although the Annual Governance Statement makes reference to Local Partnerships that the Council is a member for example the Greater Brighton Economic Board.</p>
<p><b>Best Practice 15:</b> Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>The Monitoring Officer will meet with Group Leaders where standards matters can be raised and as part of the current arrangements, standards matters are raised with Group Leaders.</p>