

Annex 2

Best Practice areas and current arrangements in City of York Council

Best Practice proposed by the Committee on Standards in Public Life in their Local Government Ethical Standards Report	City of York Council current arrangements
<p>Best Practice 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 definition.</p>	<p>Bullying and harassment is not included specifically in the Members' Code of Conduct.</p> <p>Members views are sought on whether a definition, based on the best practice set out in the Committee's report should be incorporated into the Members' code of conduct.</p>
<p>Best Practice 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>A requirement to comply with any formal standards investigation and the prohibition of trivial or malicious allegations by councillors is not included specifically in the Members' Code of Conduct.</p> <p>The complaints procedure is currently under review and Members views are sought as to whether such provisions being placed on councillors should be included in the Code, the procedure, or both.</p>
<p>Best Practice 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.</p>	<p>A review of the procedures for dealing with investigations is currently taking place.</p> <p>No specific consultation takes place with the public or community organisations in reviewing the code of conduct, although the review is informed by trends in complaints locally. The proposal for the Local Government Association to consult widely on their drafting of the model code of conduct will presumably ensure that</p>

	<p>all stakeholder groups are consulted.</p> <p>More locally, regular engagement takes place between Monitoring officers of authorities in West Yorkshire and York. This dialogue will continue, particularly in reviewing the model code being progressed by the Local Government Association. Regular dialogue also takes place with the independent person on the content of the code and the procedure by which complaints are considered.</p>
Best Practice 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 code and complaints process is accessible on the Council's website and through search engines.
Best Practice 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.	York has a specific requirement in the code of conduct for Members to register any gifts or hospitality over £50.
Best Practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.	<p>The CSPL recognise that the Monitoring officer has a role in filtering complaints about councillor conduct and determining if complaints are trivial or vexatious, or whether they should proceed to full investigation.</p> <p>The procedure adopted in York is currently under review, the CSPL report may need to be considered against this review.</p>
Best Practice 7: Local authorities should have access to at least two Independent Persons.	<p>City of York Council has appointed 2 Independent Persons.</p> <p>CSPL are making recommendations to 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</p>

	<p>those persons).</p> <p>Members may wish to wait until there is a response from Government prior to considering the arrangements for Independent Persons.</p>
<p>Best Practice 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>	<p>The procedure at York at this present time does require the involvement of the Independent person at the initial assessment stage and prior to any formal investigation being commissioned, although this is currently under review.</p>
<p>Best Practice 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>	<p>At the conclusion of any Joint Standards Committee Hearings Sub-Committee the authority would prepare and publish a decision notice which would set out the details recommended as best practice by the CSPL.</p>
<p>Best Practice 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.</p>	<p>The complaints procedure adopted by the Council is accessible on the Council's website and provides details of how to make a complaint. This procedure is under review, the review includes the expected timescales for the keys stages of the process.</p>
<p>Best Practice 11: Formal standards complaints about the conduct of a parish councilor 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 Councils.</p>
<p>Best Practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the</p>	<p>These arrangements are in place in York.</p>

<p>remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</p>	
<p>Best Practice 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.</p>	<p>The review of the procedures in York includes provision for a sub-committee to be formed to assist the Monitoring Officer in instances such as this and historically a sub-committee has been formed where the Monitoring Officer has had a conflict of interest.</p> <p>The current procedures do not specifically have a provision for a Monitoring Officer from another authority undertaking the investigation, or other measures such as an external appointment to carry out an investigation, however, York has adopted these measures previously where a conflict of interest arose.</p>
<p>Best Practice 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>This area of Best Practice should maybe be taken up with the Chair of Audit and Governance Committee with advice from the Monitoring Officer and Section 151 Officer.</p>
<p>Best Practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p>	<p>Arrangements are in place where Standards matters can be raised with group leaders by senior officers (and vice versa).</p>