

Appendix 1

Local Government Ethical Standards - a review by the Committee on Standards in Public Life

List of best practice recommendations and summary of current position for each

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 a definition.

Need to amend the Code of Conduct. Proposed amendments have been circulated to borough and district councils in order to maintain consistency with Codes. Report to Standards Committee and County Council

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.

This is referred to in the Local Assessment of Complaints document. However there is a need to amend the Code of Conduct to reflect this recommendation. Proposed amendments have been circulated to borough and district councils in order to maintain consistency with Codes. Report to Standards Committee and County Council

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.

Review of Code of Conduct (which is based on the model Code) will be included in the Committee's annual report. Currently the County's Code is consistent with the Codes of the boroughs and districts in East Sussex. Officers will aim to ensure that this consistency is maintained.

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.

All elected county councillors are offered a copy of the Code when they sign the declaration to adhere to it. The Code is available on the on the website and at County Hall

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.

The declarations of gifts and hospitality are published on the website and are updated as revisions are submitted by individual councillors. Reminders are sent to all councillors 2 or 3 times a year requesting that they check their Register of Interests form (including gifts and hospitality declarations) are up to date.

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

This is available via the assessment criteria document which is published on the Council's website

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

The County Council has one appointed Independent person which is adequate for the number of complaints received (5 in the last 4 years). If required, the Council could use Independent Persons appointed by borough and district councils.

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.

All complaints are referred to the Independent Person for information and comment. Any comments received are reported to the Assessment Sub-Committee

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.

This will be actioned for any formal investigation.

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.

Detail regarding the complaints procedure is included on the Council's website.

Best practice 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.

N/A

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 remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

N/A

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.

This is already in place. For the investigations that have taken place since the introduction of the current standards regime, an independent investigator has been appointed.

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.

This will be incorporated into future annual governance statement reports

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

Where appropriate, the Monitoring Officer meets with the relevant Group Leader in relation to standards issues. Given the relatively low number of complaints this is when required rather than on a regular basis