

List of best practice identified by the Committee on Standards in Public Life

Item	Best Practice identified by the CSPL	Current Practice at Guildford Borough Council	Level of compliance ¹
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.	The Code of Conduct only prescribes that a councillor must not “bully any person” (Para 2 (2) (b)). Bullying is not defined and there is no reference to “harassment”. No examples of the type of bullying behaviour are given	P
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>The requirement to comply with formal standards investigations is contained in the adopted Arrangements for dealing with allegations of misconduct rather than in the Code of Conduct. Para 15 of the Arrangements:</p> <p style="text-align: center;"><i>“The Subject Member has a duty to cooperate with any investigation and to respond promptly and to comply with any reasonable requests from the Investigating Officer for such things as interviews, comments on draft meeting/ interview notes or the provision of information necessary for the conduct of an investigation.”</i></p> <p>The adopted Arrangements also refer , in the context of determining whether a complaint should be investigated, to whether the complaint appears to be “<i>malicious, vexatious, politically motivated or ‘tit-for-tat’</i>”</p> <p>There is no reference at all to “trivial” allegations.</p>	P

¹ **F** = Fully / **P** = Partly / **N** = Not compliant

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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.	The Code of Conduct has not been reviewed formally since it was introduced.	N
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 of Conduct is available for viewing on the Council's website: https://www.guildford.gov.uk/councillorconduct It is also available on request at the Council offices.	F
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.	We currently remind councillors on a six monthly basis of the need to ensure that their register of interests (which are available to view online and at the offices) are kept up to date. NB. the register of interests includes gifts and hospitality.	P
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	This is not explicitly stated in our Arrangements	N
7	Local authorities should have access to at least two Independent Persons.	We currently have three Independent Persons and have advertised recently to appoint three Independent Persons for the four year period 2019-23.	F
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.	This is included in the Council's Arrangements. The views of the Independent Person are not, however, included in the decision in writing under para 7.10 of the Arrangements	P

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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>Our Arrangements provide for the MO to:</p> <ul style="list-style-type: none"> • issue a written decision within 10 working days of the hearing to the subject member, complainant, any witness and parish clerk (if relevant); and • publish a summary of the decision and reasons on the website <p>There is currently no reference to including the view of the Independent Person.</p>	P
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>Guidance on how to make a complaint, including a complaint form, and the process for handling complaints is available for viewing on the Council's website: https://www.guildford.gov.uk/councillorconduct</p> <p>Reference to estimated timescales for investigations and outcomes?</p>	P
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.	This is essentially a matter for the 23 parish councils	N

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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.	This is currently included in the role of the MO, though the resource for this is limited given the number of parish councils. A more effective programme of training could be developed by agreement with the parish councils.	P
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>Our Arrangements currently provide that:</p> <ul style="list-style-type: none"> • No Member of the Council will participate in any stage of the arrangements if he or she has, or may have, any conflict of interest in the matter. (Paragraph 1.6) • The MO may, at his absolute discretion, refer a complaint to the Assessment Sub-Committee for assessment, in cases, for example, where there is an allegation where there is a perceived or actual conflict of interest e.g. the MO has previously advised the Subject Member on the matter (paragraph 7.6). • When appointing an investigating officer, the MO may, at his sole discretion, make an external appointment to the role of Investigating Officer where for example, a conflict has, or may be perceived to have, arisen (App 2 paragraph 3 (d)). 	F

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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.	The Council operates a shareholder and trustee board at which operational matters (including conduct) may feature. The law requires varying degrees of reporting depending on the nature of the company/trust as being controlled, influenced, or participated-in.	N
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Whilst the Managing Director meets regularly with group leaders, meetings are not exclusively about standards issues.	P