GUILDFORD BOROUGH COUNCIL
CORPORATE GOVERNANCE & STANDARDS TASK GROUP

Committee on Standards in Public Life – Best Practice Recommendations

CSPL BEST PRACTICE RECOMMENDATION	Task Group's Initial Comment	Parish Councils' Comments	Task Group's comments in response to Parish Councils' comments
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 Task Group agreed that the Code of Conduct should include a prohibition on harassment with reference to the statutory definition of "harassment", define "bullying" using the ACAS definition, and include a list of examples of the behaviour covered by such definitions.	**Effingham Parish Council:** Section 2(b) on bullying and harassment whilst very important now has a half page devoted to it which tends, to reduce the significance of the other important 'obligations: respect, equality, intimidation and compromising impartiality. EPC feels that the text in red covers everything necessary including examples and suggests the new items in blue are deleted. **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	The task group reviewed the parish council's comments in considering the draft revised code of conduct on 24 June, but felt that the wording on the definitions of bullying and harassment was appropriate, subject to minor amendments
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	The Task Group noted the requirement to comply with formal standards investigations was contained in paragraph 15 of the adopted Arrangements for dealing with allegations of misconduct rather than in the Code of Conduct. It was agreed that the wording in paragraph 15 should	**Effingham Parish Council:** **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	

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	be repeated in the Code of Conduct: *"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."* The adopted Arrangements also referred, in the context of determining whether a complaint should be investigated, to whether the complaint appeared (to the Monitoring Officer) to be "*malicious, vexatious, politically motivated or 'tit-for-tat'".* It was suggested that allegations that the Monitoring Officer deems "trivial" should be added to this list, and reference be made in the Code of Conduct.		
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 Task Group agreed that the code of conduct should normally be reviewed every four years during the year following the Borough Council Elections. Any review would involve formal consultation with parish councils, most of which had adopted GBC's code	**Effingham Parish Council:** **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	

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	of conduct as the model for their own 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.	The Task Group agreed that the Code needed to be in a more prominent position on the Borough Council's website.	**Effingham Parish Council:** **Ripley Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group **Seale & Sands Parish Council:** Agreed, but note if Council premises is at a person's home there may be delay in availability.	Noted
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 Task Group agreed that the responsibility for keeping the register of interests (including gifts and hospitality) rests with individual councillors. However, Democratic Services would prompt councillors to review the register on a quarterly basis.	**Effingham Parish Council:** At EPC the Parish Clerk maintains the register of interests and register of gifts and hospitality, and he prompts councillors to review the register. **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	Noted
6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.	This is not explicitly stated in the Arrangements, but the Task Group agreed that there was no need to make any changes to the Arrangements in this regard.	**Effingham Parish Council:** **Ripley Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	

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		Seale & Sands Parish Council: We would need advice on this point	This is a GBC responsibility and does not affect parish councils as any public interest test would be undertaken by the monitoring officer.
7: Local authorities should have access to at least two Independent Persons.	The Task Group noted that there is currently a shared pool of seven Independent Persons jointly appointed by Guildford and six other Surrey councils for the four-year period 2019-23.	**Effingham Parish Council:** **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	
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.	The Task Group noted that although this was included in the Council's Arrangements, the views of the Independent Person were not, however, included in the decision in writing under para 7.10 of the Arrangements. The Task Group agreed that the Arrangements should be amended accordingly.	**Effingham Parish Council:** **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	
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	Our Arrangements provide for the Monitoring Officer to: • issue a written decision within 10 working days of the hearing to the subject member, complainant, any witness and	**Effingham Parish Council:** **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	

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provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.	parish clerk (if relevant); and • publish a summary of the decision and reasons on the website The Task Group agreed that the summary of the decision should include the view of the Independent Person, and that the Arrangements should be amended to reflect this.		
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.	The Task Group noted that 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 Reference is made in the Arrangements to timescales at various stages of the complaints process. Although it is very difficult to estimate timescales for investigations and outcomes, as the nature and complexity of complaints varies, the Task Group recommended the Council provides an indicative estimate of timeframes alongside the	**Effingham Parish Council:** Sometimes at parish council level complaints against a parish councillor may be directed, in the first instance, to the Clerk or Chairman. These would then be directed to the Monitoring Officer **Seale & Sands Parish Council:** Agreed, subject to timescales being quantified **Ripley Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	Noted As stated in the Task Group's comments, it is recommended that indicative timescales be included.

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	guidance on the website.		
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.	The Task Group considered that this recommendation proposed an unusual reporting process as the clerk is an employee of the parish council and therefore subject to employment law. The Task Group felt that this was a matter for individual parish councils, but that there should be no impediment for a clerk to make a formal complaint about the conduct of a parish councillor. It was also suggested that, should there be the need for assistance to a parish council in dealing with a conduct issue on the part of the clerk, the Monitoring Officer could assist in that regard.	**Effingham Parish Council:** Agree with both the Task Group's statements. **Seale & Sands Parish Council:** We would want the full Parish Council to be party to such a process **Ripley Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	Noted. This would be subject to the preference of each parish council, although as the Task Group has stated, the parish clerk should not be precluded from making their own complaint.
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	The Task Group noted that previous Ethical Standards training sessions for parish members Ethical standards training had been poorly attended. However, the Task Group felt that the Councillor Development Steering	**Effingham Parish Council:** Agree with the Task Group. However, EPC do not agree that all past standards training sessions have been poorly attended – perhaps the last ones were (in	Noted. The post-election ethical standards training for parish councillors in 2019 was organised, and parish clerks notified, well in advance of each of the sessions. However, the Task Group has

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principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	Group should seek to extend training opportunities to parish councils wherever possible	2019) but were these events fully advertised to parish councils? Everts sponsored by GBC on the Localism Act for parish councils a few years ago were well attended. **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	revised its earlier comment by deleting the negative reference to the poorly attended ethical standards training and adding that it would wish to recommend to the Councillor Development Steering Group that it should also encourage parish councillors' attendance at future sessions.
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.	Our Arrangements currently comply in full and provide that: • 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 Monitoring Officer 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 Monitoring	**Effingham Parish Council:** **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	

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	Officer has previously advised the Subject Member on the matter (paragraph 7.6). • When appointing an investigating officer, the Monitoring Officer 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)).		
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 Task Group agreed that the Executive Shareholder and Trustee Committee should have involvement in the overview of the existing and future companies set up by the Council. Meetings of the Executive Shareholder and Trustee Committee were open to the public with public agendas but that commercial sensitivities must be respected.	**Effingham Parish Council:** Noted **Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	
15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	The Task Group noted that the Managing Director met on a monthly basis with Group Leaders, or more frequently if required, to discuss various matters including, where necessary, standards issues.	**Ripley Parish Council:** **Seale & Sands Parish Council:** **Send Parish Council:** **West Horsley Parish Council:** Agree with the Task Group	