

### Best Practice Items Identified in the CSPL Report and Proposed Nottingham City Council (NCC) Response

No.	Best Practice Item	Proposed NCC Response
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.	<p><b><u>Analysis</u></b> NCC Code of Conduct does include prohibitions on bullying and has recently been amended to include equalities considerations as well. It does not include definitions or examples.</p> <p><b><u>Proposal</u></b> If Councillors felt this were necessary the Code could be amended to include definitions of bullying and harassment.</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><b><u>Analysis</u></b> There is no explicit provision in the NCC Code requiring councillors to comply with a formal investigation or prohibiting trivial or malicious allegations by councillors.</p> <p>The Council's agreed procedure for managing complaints against councillors includes a filtering process where the Monitoring Officer considers whether the complaint is "trivial, vexatious, malicious or politically motivated". If it is found to be so it may be rejected by the Monitoring Officer without investigation. This applies to all complaints, including those made by Councillors therefore specific provision in the Code is not considered to be necessary.</p> <p><b><u>Proposal</u></b> Amend the Code to require councillors to comply with formal investigations into breaches of the Code.</p>

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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.	<p><b><u>Analysis</u></b> The Code of Conduct has been reviewed once since the current version was adopted in 2015 and provisions relating to Equality and Diversity were incorporated.</p> <p><b><u>Proposal</u></b> Bring the Code of Conduct to the first meeting of the Standards Committee of each Municipal Year for review.</p>
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.	<p><b><u>Analysis</u></b> NCC's Code of Conduct is available on the website as part of the Constitution. There is also a separate page on Councillor Conduct with details of the complaints procedure and an online form for submitting a complaint which links to the Code of Conduct. Copies are available on request at Loxley House reception. Recent redesign of the website has moved the page on Councillor conduct to a less prominent position.</p> <p><b><u>Proposal</u></b> Move the Councillor Conduct page to a more prominent position on the website.</p>
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.	<p><b><u>Analysis</u></b> Individual Gift and Hospitality registers for each councillor are published on the corresponding councillor pages of the Council's website. The registers are updated whenever Constitutional Services are notified of a new entry for the register and a revised version is published. Councillors are required to declare Gifts and Hospitality within 28 days of receipt.</p> <p><b><u>Proposal</u></b> No action required.</p>

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6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	<p><b><u>Analysis</u></b> NCC's complaints procedure includes an assessment stage part of which is a public interest test: "Is the complaint sufficiently trivial that the resources required to investigate it are disproportionate to the allegations meaning there is no public interest in carrying out an investigation?" The Monitoring Officer can decide not to investigate at this stage if there is no public interest in doing so.</p> <p><b><u>Proposal</u></b> No action required.</p>
7.	Local authorities should have access to at least two Independent Persons.	<p><b><u>Analysis</u></b> NCC has appointed an Independent Person. In circumstances where the Independent Person was unable to act, an Independent Person would be sought from a neighbouring authority.</p> <p><b><u>Proposal</u></b> No action required.</p>
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><b><u>Analysis</u></b> The complaints procedure requires the Monitoring Officer to contact the Independent Person to advise him/ her of his/ her decision as to how to proceed when a valid complaint is received.</p> <p><b><u>Proposal</u></b> No action required</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><b><u>Analysis</u></b> No complaints made to NCC to date have required formal investigation or escalation to the Standards Committee for decision. If a formal investigation was required the Council's complaints procedure states that the decision notice will be published on the Council's website. There is no description of what should be published as part of the decision notice.</p> <p><b><u>Proposal</u></b> Amend the complaints procedure to list the information recommended by the CSPL is included with the decision notice on publication.</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><b><u>Analysis</u></b> NCC's complaints procedure, including the process and timescales, is available on the website together with an online form for submitting complaints. Hard copies of the form can be requested and submitted by post.</p> <p><b><u>Proposal</u></b> No action required.</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.	Not applicable to Nottingham
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.	Not applicable to Nottingham

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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><b><u>Analysis</u></b> Where the Monitoring Officer is unable to act the Deputy Monitoring Officer can carry out all duties in relation to a case. If neither were able to act, Monitoring Officer support would be sought from neighbouring authorities.</p> <p><b><u>Proposal</u></b> No action required.</p>
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><b><u>Analysis</u></b> Governance of the NCC Group of companies is currently under review. This best practice item will be considered as part of this review.</p> <p><b><u>Proposal</u></b> To be considered as part of the review of NCC company governance.</p>
15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	<p><b><u>Analysis</u></b> The Monitoring Officer liaises closely with Group Whips when a case is investigated. Regular reports are taken to Standards Committee on complaints made against councillors.</p> <p><b><u>Proposal</u></b> No action required.</p>