

Appendix 4(a)

Best Practice Recommendations Update 2020

	Best Practice	Sept 2019 Comments	Update 2020
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>Recommend strengthening the wording within the Code of Conduct for Members, which currently reads:</p> <p>“Not to bully any person” perhaps drawing on good examples such as Newcastle City Council.</p> <p>The code of conduct has previously been drawn up with Fylde Borough Council as part of the reciprocal arrangements and to ensure where possible consistency of approach. A review should include that council. This will also assist with the role of the shared Independent Persons.</p> <p>Work on this should be informed by the proposed LGA model code.</p>	Blackpool and Fylde Council jointly responded to a consultation by the LGA which was seeking to agree a model code of conduct for elected members in August 2020. Within the proposed model would be a more detailed definition of bullying and harassment.
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>Suggest adding to the Code under General Obligations regarding a requirement to participate with any formal standards investigation notified by the Monitoring Officer</p> <p>The issue of making any allegation of a trivial or malicious nature, is a more difficult matter and suggest seeking input from other councils regarding their defining of malicious and trivial allegations. Very difficult to define. These suggestions will also be part of the consultation with Fylde Borough Council.</p> <p>Work on this should be informed by the proposed LGA model code.</p>	<p>Blackpool and Fylde Council jointly responded to a consultation by the LGA which was seeking to agree a model code of conduct for elected members in August 2020. Within the proposed model would be wording covering this obligation.</p> <p>The proposed complaint handling procedure elsewhere on the agenda also covers dealing with trivial and malicious allegations.</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>To conduct an annual review of the Code of Conduct for Members commencing in 2020 with consultation with others as appropriate. Again, this to be done if possible, in conjunction with Fylde Borough Council.</p> <p>Work on this should be informed by the proposed LGA model code.</p>	<p>As indicated earlier both Blackpool Council and Fylde Borough Council responded to the consultation on the proposed model LGA code. If the proposed LGA model code is adopted then this could be reviewed as part of that process. The intention is to do this in conjunction with Fylde Borough Council. This may also be a national basis.</p> <p>Rather than reviewing a model code which is likely to be adopted by many councils, the purpose of which is to bring some consistency in interpretation, then it may be prudent to review procedures such as the complaints handling procedure and the independent persons protocol on a periodic basis, these can be informed by experience.</p>
4	An authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	The Code of Conduct is available on the Council's website, as part of the constitution. However, it is suggested that a separate area be set up explaining how complaints can be made and what the standards and expectations are.	The Code of Conduct is on the Council's website, as part of the Constitution. A separate part of the website under the complaints area also has information on how to submit a complaint and link to the code of conduct.
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.	Following the request at a recent council meeting arrangements are being made for this to happen. However, this will need to be available in a CSV format.	This is now available and on the website but not in a CVS format. This will be looked at next.
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Contained within Independent Person Protocol but should be added to complaint handling guidance (see point 10). This should also be undertaken in conjunction with Fylde Borough Council.	Contained within Independent Person Protocol and now referenced in the proposed complaint handling procedure.

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7	Local authorities should have access to at least two Independent Persons.	Already have access to three Independent Persons.	Already have access to three Independent Persons (one vacancy currently being recruited to).
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.	Usually consulted as a matter of course on most misconduct allegations Suggest strengthening the Independent Person Protocol. This should also be undertaken in conjunction with Fylde Borough Council.	Consulted as a matter of course on misconduct allegations and now covered in the proposed complaint handling procedure.
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.	Decision Notice summary to be published on the website in cases where misconduct has been found following an investigation.	Decision Notice summary to be published on the website in cases where misconduct has been found following an investigation. Covered now in the proposed complaint handling procedure.
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.	To be picked up as part of 4 above.	A separate part of the website under the complaints area also has information on how to submit a complaint and link to the code of conduct. The process for handling complaints is part of this agenda item.
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	N/A
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils with the remit of the principal authority. They should	N/A	N/A

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	be provided with adequate training, corporate support and resources to undertake this work.		
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.	Reciprocal investigation arrangements already in place with Fylde Borough Council supplemented by the use of an external investigator if necessary.	Reciprocal investigation arrangements already in place with Fylde Borough Council supplemented by the use of an external investigator if necessary.
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.	To be picked up as part of the Annual Governance Statement through the Council's internal Good Governance Group chaired by the Monitoring Officer. Minutes of joint bodies published on the council's website (e.g. Economic Prosperity Board). With regard to Council companies the minutes and agendas from the Blackpool Coastal Housing Ltd are available on its website. The other companies are limited by shares and agendas and minutes contain commercially sensitive data and are not published.	Reference now made in the Annual Governance statement for 2019/ 2020. The Council as shareholder, provides oversight through its Shareholder Advisory Board. Minutes of joint bodies published on the council's website (e.g. Economic Prosperity Board). With regard to Council companies the minutes and agendas from the Blackpool Coastal Housing Ltd are available on its website. The other companies are limited by shares and agendas and minutes contain commercially sensitive data and are not published.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Suggest as this relates to themes of behaviour for group members the regular meetings be held with the Leader of the Council and Principal Opposition Leader and/ or their whips. Meetings with the two groups of two members to take place as and when necessary.	Meetings to be held with the Leader of the Council and Principal Opposition Leader and/ or their whips. Meetings with the two groups of two members to take place as and when necessary.