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Standards Committee

Wednesday 7th December 2011 at 10.00a.m.
COMMITTEE ROOM 1, PARK NORTH, NORTH STREET, HORSHAM

Councillors: Andrew Baldwin
David Coldwell
Brian Donnelly

Sheila Matthews
Godfrey Newman
Claire Vickers

Parish Council Representatives:
Valerie Court

Isabel Glenister

Independent Representatives:
Eric Blackburn (Chairman)
Paul Byford

Mary Jagger (Vice-Chairman)
David Tilsley

You are summoned to the meeting to transact the following business

TOM CROWLEY
Chief Executive

AGENDA

- | | Page
No. |
|---|---------------------|
| 1. Apologies for absence. | |
| 2. To approve the minutes of the meeting of the Committee held on 21 st September 2011 (attached hereto) | 1 |
| 3. To receive any declarations of interest from Members of the Committee | |
| 4. To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer | |
| 5. To note the list of Standards Committee Reports and Documents available for inspection | 9 |
| 6. To receive a report from the Parish Council representatives | |

7. To consider the following reports by the Monitoring Officer:

(i) Revised Standards Regime Update

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(ii) Ethical Framework Update

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8. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

STANDARDS COMMITTEE

21st September 2011

Present: Councillors: David Coldwell, Brian Donnelly, Sheila Matthews, Claire Vickers

Parish Council Representatives: Val Court, Isabel Glenister

Independent Representatives: Eric Blackburn, Paul Byford, Mary Jagger

Apologies: Councillors: Andrew Baldwin, Godfrey Newman

Independent Representatives: David Tilsey

SC/8 **MINUTES**

The minutes of the meeting of the Committee held on 8th June 2011 were approved as a correct record and signed by the Chairman.

SC/9 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/10 **ANNOUNCEMENTS**

There were none.

SC/11 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted. It was reported that documents were being added to the Standards Committee page on the website.

SC/12 **REPORT BY PARISH COUNCIL REPRESENTATIVES**

Val Court reported that there was concern amongst the Parishes regarding the abolition of the Code of Conduct and what would come next.

Parish Councils had found the laminated cards provided by the District regarding declaration of interests helpful.

SC/13 **REPORT BY MEMBERS OF THE ASSOCIATION OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES IN ENGLAND (AIMSCE)**

Mary Jagger had nothing to report as the national association was being wound up.

SC/14 **ETHICAL FRAMEWORK UPDATE**

The Monitoring Officer reported on developments in the ethical framework that affected the role and activities of Councillors and the Council's business, including:

- **Training and awareness – Standards for England:** Standards committee training for members of the committee had been provided on 8 June 2011. Planning training had been provided by the District Council for Parish Councillors on 21 September 2011.
- **Annual Report:** Standards for England had presented to Parliament its Annual Report and Accounts for 2010/11.
- **Public Bodies Bill:** The Commons Public Bill Committee began considering the Bill on 8 September 2011 and was expected to report by 13 October 2011.
- **The Department for Communities and Local Government (DCLG) Business Plan:** Members were updated on the progress which had been made in delivering the government's agenda, of which the Localism Bill formed a major part.
- **The Localism Bill:**
 - The Bill was now passing through the Lords.
 - The provisions relevant to the proposed revised standards regime were principally contained in clauses 14-20 and schedule 4 to the Bill.
 - Throughout the Lords Committee Stage a number of amendments had been proposed on such matters as making a code of conduct mandatory, the preservation of the standards committee and the retention of independent members. Certain Lords identified the problems which would be created if all interests' aspects of standards were to be criminally enforced, the problem of disparity that would be created with merely a voluntary code and the fact that Parish Councils seem to be left "in some sort of limbo". There had been considerable discussion and concern on what the standards clauses would achieve resulting in a concession from the Lords CLG Minister Baroness Hanham to have further discussions. With the offer of further discussions all amendments had been withdrawn.
 - The Association of Council Secretaries and Solicitors (ACSeS) supported the principles of localism but believed that there needed to be some fundamental national consistency in local ethical and corporate governance. ACSeS believed that the voluntary nature of the present proposals was likely to lead to public confusion as to the essential standards to be expected of those whom electors choose to represent at local level. The association also believed that whilst they agreed the maintenance of high standards of conduct by local authority members was an essential pillar of public trust in local democracy, criminal sanctions should be reserved for objectively egregious behaviour. It was the view of ACSeS that some breaches of the interests provisions might fall within this category, many would not and a blanket criminalisation proposal was therefore disproportionate.

SC/14 Ethical Framework Update (cont.)

- Line by line examination of the Bill had commenced in the Lords Report Stage on 5 September 2011. Of particular interest were the amendments proposed by Baroness Hanham, the government sponsor in the Lords, in relation to registration of interests, pecuniary interests, sensitive interests and dispensations. Also amendments had been proposed by Lord Lytton, Lord Bichard, Lord Filkin, Lord Newton of Braintree and Lord Tope regarding a duty to adopt a code, establish a standards committee with an independent chairman, an appeals panel and the removal of criminal sanctions in relation to interests. These amendments were debated on 14 September 2011. The Government Whip, Lord Taylor of Holbeach agreed:
 - to hold discussions ahead of the Third Reading;
 - conceded there was some merit in the amendments which had been proposed;
 - indicated it was sympathetic to the proposal that there should be an obligation on Local Authorities to have a Code of Conduct and that there should be some core element to it;
 - to accept that criminal sanctions for breach of the Members' Interests provisions can also be a matter for discussion and clarification;
 - there is a need to agree the shape of the future standards regime and then give consideration as to how it applied to Parishes;
 - to look again at the way the government's localist view can be implemented to ensure that the best elements of the pre-standards regime are incorporated into the new system that will replace it;
 - to provide a government position paper describing the factual information that the Lords were seeking, in particular:
 - what sanctions are available beyond the criminal offence;
 - clarification of the proposals regarding dispensations and
 - definitions of a Member's member of the family beyond spouse or civil partner.

On the basis of these concessions by the government, the cross party amendments were not moved.
- Earlier on 12 September the Lords had debated an amendment to clause 14 of the Bill regarding predetermination. Some Lords expressed concern as to what the clause actually does.
- **Parish Clerks' Meeting:** The Monitoring Officer had attended the Society of Local Council Clerks' meeting on 14 June 2011 and provided an update arising from the Committee's last meeting in June 2011. A general update was also provided on the Coalition Government's proposals in the Localism Bill in relation to the standards regime and in particular the government's desired abolition of Standards for England. The Clerks had been concerned about the potential loss of support to parish councils in relation to member conduct cases from Horsham District Council. Clerks had been advised that no decision had been made as to what support would be available for parishes post localism, although clerks had been asked to

SC/14 Ethical Framework Update (cont.)

obtain views from members as to what they may require. Billingshurst Parish Council had subsequently contacted the Monitoring Officer and had expressed a view that in the first instance they would want to use in house procedures to seek to resolve any conduct complaints locally. For matters that could not be resolved or that were more serious, the parish council would like to be able to pass them to an outside body such as Horsham District Council Standards Committee or SALC.

A revised legal briefing from NALC dated 20 July 2011 on the Localism Bill proposals in relation to standards was discussed

The Monitoring Officer also visited the Parish Clerks on 13 September to give further updates on the Localism Bill.

- **Local Assessment, Review, Other Action, Investigations and Determinations:** There have been three premature cases of complaint since the last Ethical Framework Update, involving advice from the Monitoring Officer, which have not to date been formalised. An updated Schedule of forthcoming Local Assessment Sub-Committee dates and Sub-Committee membership had been circulated.
- **Freedom of information:** There had been several requests for information concerning Members during this period: Members' expenses, attendance at award ceremonies and conferences, number of Members in council tax arrears and Members attendance at meetings. For the period 1 January to 30 June 2011, the Council had received 256 requests for information under the Freedom of Information Act, Environmental Information Regulations and Data Protection Act. Of those requested, 213 had been responded to within the 20 working day statutory timeframe. A further 43 responses were made at an average timescale of 26 days. The Protection of Freedoms Bill, currently going through Parliament, included proposals to require all public authorities to release datasets in a re usable electronic format. The Government had launched a public consultation entitled Making Open Data Real. This sought views on whether the current fees regulations and costs limits under the Freedom of Information Act should be amended to facilitate the release of more data
- **Performance management:** The Complaints and Information Officer had submitted a report to the Performance Management Working Group meeting on 3 August to report on details of all complaints, compliments and suggestions to the Council from 1 April to 31 June 2011. During that period, the Council received 116 complaints, 1 suggestion and 56 compliments. During the previous monitoring period of 1 January to 31 March 2011, the Council had received 93 complaints, 4 suggestions and 82 compliments.
- **Data Protection:** Training on Data Protection had been provided to Members as part of the induction process after the recent elections. The Data Protection Officer was currently Peter Dawes, Head of Corporate

SC/14 Ethical Framework Update (cont.)

Support Services, but he hoped to incorporate this role into a new post due to commence in October 2011.

The Information Commissioner's Office had written to all councillors to urge them to check if they were fulfilling their obligations. Advice about Elected Members' obligations under the Data Protection Act had been published in the Members' Bulletin in January 2011. This is a decision for each Member and advice had been provided by the legal department.

- **Regulation of Investigatory Powers Act 2000 (RIPA):** The Office of Surveillance Commissioners (OSC) had conducted an inspection of the Council on 16 June 2011. The Inspector had reviewed the Council's RIPA Policy and related documentation and had attended the offices for a day during which she interviewed 16 members of staff, including the Chief Executive, all Directors and Heads of Service. Sir Christopher Rose, the Chief Surveillance Commissioner, had stated that Horsham District Council should be "highly commended" and "congratulated" and that unusually there were no recommendations for improvement.
- **A Local Government Ombudsman case update April 2011 - September 2011** was presented.
- **A Standards for England case review for April 2011 – September 2011** was presented.
- **Membership of the Committee:** The consequences of the proposals for co-opted Members of the Committee within the Localism Bill were noted.
- **Constitution update:** An update of the Constitution had been undertaken prior to the elections in May 2012 to take on board amendments already approved by Council. Further changes to the Constitution had been considered by Council on 7th September 2011 in connection with the new Cabinet portfolio responsibilities and changes to the responsibilities of Personnel Committee.
- **Work Programme update** was reviewed.
- **Members' Bulletin** was noted.
- **Duty to Promote Standards:** The article by the Chairman of the committee for the autumn edition of Horsham District News was noted.
- **Register of Interests annual update:** Since the last meeting, the majority of the outstanding forms had now been received.
- **Standards regime post-localism at Horsham:**
An issues and options paper entitled 'Standards Regime post localism at Horsham' was discussed. Members noted the new duty to promote and maintain high standards of conduct among elected and co-opted Members of the Council within the Localism Bill. Members considered how this new duty could be satisfied.
Members considered that there should be a mandatory Code of Conduct. It was agreed the Member/officer protocol should be retained. Any complaints relating to Members should go through Committee and those relating to employees would be dealt with by HR. Members felt the Code

SC/14 Ethical Framework Update (cont.)

should be displayed on the wall of relevant meeting rooms. A full report would be presented to Council in December.

RESOLVED

- (i) That the matters set out in the report be noted.
- (ii) That the following views of the Committee as to the issues and options for a standards regime following enactment of the Localism Bill be expressed:
 - 1 A Member Code of Conduct should be mandatory.
 - 2 A Code of Conduct should be in common form so County, District and Parish Councillors signed up to the same obligations.
 - 3 There would need to be a Committee to handle complaints about Members.
 - 4 An appeal process for Members should be included.
 - 5 The retention of Independent Members on any committee provided essential safeguards.
 - 6 Parish membership of any committee would need to be retrained if the Committee had continued responsibility for Parish Councillor Complaints.
 - 7 Concern was expressed as to the proposal to criminalise sanctions regarding Interests.

REASONS

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework.
- (ii) To enable the Committee to provide advice and assistance to the Council on the issues and options available for a standards regime following enactment of the Localism Bill.

SC/15 THE OMBUDSMAN UPDATE – SEPTEMBER 2011

The Monitoring Officer reported on the developments, volume and nature of complaints about the Council to the Local Government Ombudsman, including figures for the 2010/11 reporting year.

SC/15 The Ombudsman Update – September 2011 (cont.)

The Ombudsman prepared annual statistics for each local authority, presented in the form of an Annual Review. The Council's Annual Review for 2010/11 had now been received.

Twenty enquiries and complaints had been received about the Council in the year 2010/11 up to 31 March 2011. This was a slight increase on the 18 received in 2009/10.

Planning and building control had generated most complaints, 11 in total, of which seven were forwarded for investigation. Four other complaints had been forwarded for investigation, three relating to benefits & Council Tax and one for Environmental Services.

Decisions had been issued in nine complaints. Six had been decided as no maladministration (without a report) and three had been decided as being the Ombudsman's discretion (without report). There were no local settlements or findings of maladministration. The figure for local settlements this year was zero, compared to £1,400 last year.

The average time taken by the Council to reply to the Ombudsman's written enquiries had been 23.5 days compared with 31.8 days last year. The target response time was 28 days.

Annual Reviews had been published for other local authorities in the area which provided useful comparative statistics.

A case report identifying Ombudsman files opened by the legal department was considered to the period 2 March 2011 – 5 August 2011 (5 months).

RESOLVED

That the report be noted.

REASONS

- (i) to ensure that the Committee has the necessary information to ensure that complaints can be easily made to the Council and properly responded to.
- (ii) to assist with learning lessons and improving performance following complaints made to the Local Government Ombudsman about the Council.

SC/16 **URGENT ITEMS**

There were no urgent matters to be considered.

The meeting finished at 12 noon having commenced at 10.00am.

CHAIRMAN

LIST OF STANDARDS COMMITTEE REPORTS AND DOCUMENTS – 2011 to 2012

The following reports and documents are available for inspection by arrangements with the Monitoring Officer and her staff.

The most up-to-date version of the list is available via the following link:

http://www.horsham.gov.uk/council/members/files/LIST_OF_STANDARDS_COMMITTEE_REPORTS_AND_DOCUMENTS_2011_to_2012_onwards.pdf

PART A - REPORTS

Date of report	Subject of report
Past Reports	
14.01.09	Ethical Framework Update January 2009
1.04.09	Ethical Framework Update April 2009
1.04.09	Ombudsman Update April 2009
15.07.09	Ethical Framework Update July 2009
15.07.09	Report to Council – Appointment of Additional Parish Member of Standards Committee
21.10.09	Ethical Framework Update October 2009
21.10.09	Ombudsman Update October 2009
13.01.10	Ethical Framework Update January 2010
13.01.10	Work Programme and future Annual Reports 2010/11
28.04.10	Ombudsman Update April 2010
28.04.10	Ethical Framework Update April 2010
22.09.10	Ombudsman Update September 2010
22.09.10	Ethical Framework Update September 2010
08.12.10	Ethical Framework Update December 2010
16.03.11	Ethical Framework Update March 2011
16.03.11	Ombudsman Update March 2011
16.03.11	Standards Annual Report 2010-11
13.04.11	Report to Council – Standards Annual Report 2010-11
21.09.11	Ethical Framework Update September 2011
21.09.11	Ombudsman Update September 2011 and Annual Letter
21.09.11	Future of Standards at Horsham – Issues and Options Document
07.12.11	Ethical Framework Update December 2011
07.12.11	Revised Standards Regime Update December 2011
Future Reports	
14.03.12	Ethical Framework Update March 2012
14.03.12	Ombudsman Update March 2012
14.03.12	Future of Standards at Horsham Update

PART B – DOCUMENTS

	Description	Date	Publisher	Internet Links
SC362	Misconduct and the Code	26.05.10	Bevan Brittan LLP	
SC363	Compact Toolkit	24.06.10	Standards for England	http://www.standardsforengland.gov.uk/Resources/Resourcelibrary/Toolkits/Compacttoolkit/
SC364	Local Government Ombudsman's Annual Review 2009/2010	21.06.10	LGO	http://www.horsham.gov.uk/council/1111.aspx
SC365	CLG Structural Reform Plan	01.07.10	DCLG	http://www.communities.gov.uk/publications/corporate/structuralreformplan
SC366	NALC Power to the People Action Plan	01.07.10	NALC	http://www.createacouncil.org.uk/
SC367	Governance Toolkit for Parish & Town Councils	01.04.2009	ACSeS/SfE/NALC /LGA/SLCC	http://www.acses.org.uk/public_file/filename/28/Parish_Toolkit_April_2009.doc
SC368	Local Government Ombudsman Case Update April to September 2010	22.09.10	HDC	
SC369	Standards Case Update April to September 2010	22.09.10	HDC	
SC370	Horsham District News Magazine Article	Autumn 2010	HDC	
SC371	Committee on Standards in Public Life Annual Review	01.07.2010	CSPL	http://www.public-standards.org.uk/Library/2010_ANNUAL_REPORT_Final.pdf
SC372	Statement on Regional Government	22.07.2010	Government Office for the South East	http://www.horsham.gov.uk/council/members/files/MembersBulletin_Issue104N.pdf
SC373	DCLG Confirm Plans to Scrap Standards Board, Ends Predetermination Rule	21.06.2010	Local Government Lawyer	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=2545%3Adclg-confirms-plan-to-scrap-standards-board-end-pre-determination-rule&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27

SC374	The Future of the Ethical Framework for Local Government	26.08.2010	ACSeS	
SC375	The Future of the Local Government Standards Regime	01.09.2010	Local Government Improvement & Development	http://www.idea.gov.uk/idk/core/page.do?pagelId=21932703
SC376	Law Commission Consultation Paper on Public Service	02.09.2010	Law Commission	http://www.lawcom.gov.uk/docs/cp196.pdf
SC377	Ombudsman Complaints 2009-10 Reporting Year Case Schedule	22.09.2010	HDC	
SC378	Local Settlement Cases 2009-10 – Lessons Learnt	22.09.2010	HDC	
SC379	Ombudsman Complaints 2010-11 Reporting Year Case Schedule	22.09.2010	HDC	
SC380	Comparison of LGO Complaints Annual Review Letters for Seven Councils	22.09.2010	HDC	
SC381	Committee on Standards in Public Life Review of Party Funding – Issues and Questions	01.09.2010	CSPL	http://www.public-standards.gov.uk/Library/Party_Funding_Issues_and_Questions_Final.pdf
SC382	Standards For England "Remains Open For Business", Calls on MOs to Meet Obligations	06.09.2010	Local Government Lawyer	http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=3775%3Astandards-for-england-qremains-open-for-businessq-calls-on-mos-to-meet-obligations&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC383	Department for Communities and Local Government Business Plan	11.2010	DCLG	http://transparency.number10.gov.uk/transparency/srp/view-srp/36/37#
SC384	Consultation on the Code of Recommended Practice on Local Authority Publicity and Responses	29.09.2010	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1727384.pdf
SC385	Local Government Ombudsman Case Update September to December 2010	08.12.2010	HDC	
SC386	Standards Case Update September to December 2010	08.12.2010	HDC	
SC387	Public Bodies Bill	28.10.2010	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldbills/025/2011025.pdf

SC388	Letter from Bob Neill MP Regarding the Future of the Standards Regime	15.10.2010	DCLG	http://www.standardsforengland.gov.uk/media/letter%20from%20bob%20neill.pdf
SC389	Letter from Robert Chilton in Response to Letter from Bob Neill MP	30.11.2010	SfE	http://www.standardsforengland.gov.uk/media/Letter%20to%20standards%20committee%20chairs%2030%20November%202010.pdf
SC390	Standards for England Case Review 2010	21.12.2010	SfE	http://www.standardsforengland.gov.uk/CaseinformationReporting/OnlineCaseReview2010/case_review_211210.pdf
SC391	A Guidance Note And Checklist For Newly Established Local (Parish And Town) Councils	24.01.2011	NALC	http://www.nalc.gov.uk/Publications/Booklets_and_Resources.aspx
SC392	Proposed Code of Recommended Practice on Local Authority Publicity	27.01.2011	Commons CLG Committee	http://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/news/local-authority-publicity/
SC393	Localism Bill: Abolition of the Standards Board - Equality Impact Assessment	31.01.11	DCLG	http://www.communities.gov.uk/publications/localgovernment/localismstandardsboard/ea
SC394	Localism Bill: The abolition of the Standards Board regime, clarification of the law on predetermination and the requirement to register and declare interests - Impact Assessment		LGL	http://www.communities.gov.uk/publications/localgovernment/localismstandardsboard
SC395	Councillors Set Free?	03.02.2011	LGL	http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=5768%3Acouncillors-set-free&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC396	Response to IPSA Annual Review of the MPs' Expenses Scheme	11.02.2011	Committee on Standards in Public Life	http://www.public-standards.org.uk/Library/2011_Annual_Review_Response_Final_1_.pdf
SC397	Draft Code of Recommended Practice on Local Authority Publicity	11.02.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1840962.pdf
SC398	Code Of Recommended Practice On Local Authority Publicity: Explanatory Memorandum	11.02.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1840982.pdf
SC399	Code of Recommended Practice on Local Authority Publicity consultation and Select Committee report: Government response	11.02.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1841152.pdf
SC400	Code of Recommended Practice on Local Authority Publicity: Impact Assessment	11.02.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1841098.pdf

SC401	Local Authority Publicity in the Pre-Election Period - Guidance	14.02.2011	Monitoring Officer	
SC402	Local Government Ombudsman Case Update January to March 2011	22.02.2011	HDC	
SC403	Standards Case Update January to March 2011	22.02.2011	HDC	
SC404	Maintaining Ethical Standards in Local Government	22.02.2011	LGA and ACSeS	http://www.acses.org.uk/doc/filename/1324/LGA_ACSeS_Paper_on_Local_Authority_Standards_Provisions_February_2011.pdf
SC405	Ombudsman Complaints Schedule (annual) 2010/11	16.03.2011	HDC	
SC406	Ombudsman Local Settlement Cases – Lessons Learnt	16.03.2011	HDC	
SC407	The Localism Bill – Implications for Standards and the Ethical Framework	16.03.2011	HDC	
SC408	ACSeS Submission to the Public Bill Committee on the Localism Bill	01.03.2011	ACSeS	
SC409	Future Standards of Conduct of Members of Local Authorities in England	20.04.2011	NALC	http://www.horsham.gov.uk/files/SC409.pdf
SC410	A Plain English Guide to the Localism Bill	15.06.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1923416.pdf
SC411	Annual Report 2010/2011 – Delivering Public Value	14.07.2011	LGO	http://www.lgo.org.uk/publications/annual-report/
SC412	Life After Standards	20.06.2011	Bevan Brittan	http://www.bevanbrittan.com/articles/Pages/Lifewithoutstandards.aspx
SC413	Parish Clerk Sacked in Red Diesel Furore	26.07.2011	Cambridge News	http://www.cambridge-news.co.uk/Cambridge/Parish-clerk-sacked-in-red-diesel-furore-26072011.htm
SC414	ACSeS Backs Peers in Bid To Bolster Standards Provisions of Localism Bill	28.07.2011	LGL	http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=7440%3Aacses-backs-peers-in-bid-to-bolster-standards-provisions-of-localism-bill&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27

SC415	Ombudsman Complaints Schedule March to September 2011 (interim)	21.09.2011	HDC	
SC416	Comparative Ombudsman Complaints Statistics to 31 March 2011	24.06.2011	LGO	http://www.lgo.org.uk/CouncilsPerformance/
SC417	Hansard Report 23 June 2011 Column 1475 Onwards	23.06.2011	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110623-0003.htm
SC418	Local Government Ombudsman Case Update April to September 2011	21.09.2011	HDC	
SC419	Standards Case Update April to September 2011	21.09.2011	HDC	
SC420	Schedule of Local Assessment Sub-Committee Meetings 2011 to 2012	21.09.2011	HDC	
SC421	Annual Report and Accounts 2010 to 2011	18.07.2011	SfE	http://www.standardsforengland.gov.uk/media/Standards%20for%20England%20Annual%20Report%20and%20Accounts%20HC%201247%20v1.pdf
SC422	Standards Regime Post Localism at Horsham – Issues and Options	30.08.2011	HDC	
SC423	The Future of Standards of Conduct of Members of Local Authorities in England – Update	20.07.2011	NALC	http://www.horsham.gov.uk/files/SC423.pdf
SC424	Localism Bill - Second Marshalled List of Amendments to Standards Provisions	05.09.2011	Parliament	
SC425	Local Authorities Could Still be Obligated to Have Code of Conduct as Minister Signals Localism Bill Concession	15.09.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=7898%3Alocal-authorities-could-still-be-obliged-to-have-code-of-conduct-as-minister-signals-localism-bill-concession&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC426	Survey of Public Attitudes Toward Conduct in Public Life 2010	01.09.2011	Committee on Standards in Public Life	http://www.public-standards.gov.uk/Library/CSPL_survey_Final_web_version.pdf
SC427	Hansard Report 12 September 2011 Column 609 Onwards	12.09.2011	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110912-0003.htm
SC428	Hansard Parliamentary Debates House of Lords Official Report Localism Bill (4 th Day) (page 44 onwards)	14.09.2011	Parliament	http://www.publications.parliament.uk/pa/ld201011/ldhansrd/lhan195.pdf

SC429	Citizenship Survey April 2010 to March 2011	22.09.2011	DCLG	http://www.communities.gov.uk/documents/statistics/pdf/1992885.pdf http://www.communities.gov.uk/documents/statistics/xls/1992761.xls
SC430	Government response to the Communities and Local Government Select Committee's Report: Localism	23.09.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1993667.pdf
SC431	Preliminary Draft Model Code of Conduct for Members	07.10.2011	ACSeS	http://www.horsham.gov.uk/files/SC431.pdf
SC432	Standards for England Case Review 2010 Update (to 31 August 2011)	11.10.2011	SfE	http://www.standardsforengland.gov.uk/media/Case%20review%20111011.pdf
SC433	Ministers Amend Localism Bill to Require Authorities to Have Code of Conduct	27.10.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8332%3Aministers-amend-localism-bill-to-require-authorities-to-have-code-of-conduct&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC434	Localism Bill Amendments to Be Moved on Third Reading – Standards Provisions	27.10.2011	Parliament	http://www.publications.parliament.uk/pa/bills/lbill/2010-2012/0100/amend/am100-b.htm
SC435	Councils Will Have to Rely on Existing Sanctions for Conduct Breaches	02.11.2011	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=8387%3Acouncils-will-have-to-rely-on-existing-sanctions-for-conduct-breaches-says-minister&catid=59%3Agovernance-a-risk-articles&q=&Itemid=27
SC436	Updated Blogging Quick Guide	04.11.2011	SfE	http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/CodeGuidance/Onlineguides/Quickcodeguides/BloggingQuickGuide/
SC437	Local Government Ombudsman Case Update October to December 2011	07.12.2011	HDC	
SC438	Standards Case Update October to December 2011	07.12.2011	HDC	
SC439	The Localism Act 2011	15.11.2011	Parliament	http://www.legislation.gov.uk/ukpga/2011/20/pdfs/ukpga_20110020_en.pdf
SC440	Localism Bill Royal Assent Update	16.11.2011	SfE	http://www.standardsforengland.gov.uk/news/futureofthelocalstandardsframework/
SC441	A Plain English Guide to the Localism Act - Update	15.11.2011	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/1896534.pdf
SC442	Responses to the Localism Bill receiving Royal Assent	16.11.2011	DCLG	http://www.communities.gov.uk/newsstories/localgovernment/2031000

Report to Standards Committee

7 December 2011

By the Monitoring Officer
FOR INFORMATION



Not exempt

Revised Standards Regime Update – December 2011

**

EXECUTIVE SUMMARY

This report is to:

- (i) inform Members of the Council and all those who may be interested about developments in the revised standards framework following enactment of the Localism Act 2011 which affect the role and activities of Councillors and the Council's business; and
- (ii) to seek views on the way forward.

RECOMMENDATIONS

The Committee is recommended:

- (i) to note the matters set out in the report; and
- (ii) to express any views on the best way forward for the Council to implement the revised standards framework.

REASONS FOR RECOMMENDATIONS

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments flowing from the Localism Act 2011 in relation to member conduct; and
- (ii) To assist full Council with their deliberations on what new ethical framework procedures need to be put in place to comply with the Localism Act 2011.

Background papers
The Localism Act 2011

Consultation
CMT

Wards affected
All

Contact
Sandra Herbert
Monitoring Officer
ext 5482

BACKGROUND INFORMATION

INTRODUCTION

The purpose of this report

1 The purpose of this report is to update Members and all those who may be affected by or have an interest in the ethical framework about developments in the revised standards regime following enactment of the Localism Act 2011 since preparation of the last report in September 2011 and to act as consultee to consider options and issues for a new standards regime within Horsham District.

Statutory background

2 The statutory background is to be found in the Local Government Act 2000, Part 3, the Local Government and Public Involvement in Health Act 2007, Part 10 The Local Democracy Economic Development and Construction Act 2009 and Regulations made there under and now the Localism Act 2011.

Relevant Government policy

3 The relevant Government policies so far as the ethical framework is concerned are contained in the 2000 2007 and 2009 Acts and the Regulations made under those Acts and the guidance of the Department for Communities and Local Government and Standards for England. There is likely to be extensive Regulations issued pursuant to the Localism Act 2011.

Relevant Council policy

4 The Council's policy is set out in its Constitution and through the activities of this Committee.

Background/Actions taken to date

5 Regular reports have been made to the Standards Committee following the journey of the Localism Bill and the twists and turns of various amendments proposed both by the government and with the Lords.

6 In particular two papers have been presented to the Standards Committee the first entitled "The Localism Bill – Implications for Standards and the Ethical Framework" on 16 March 2011 and the latter on 21 September 2011 looking at "Issues and Options for a revised standards regime post localism at Horsham". Both were reported into Council.

7 In addition standards liaison meetings have taken place between the council's Monitoring Officer, Chief Executive, Leader, Leader of the Opposition and Chairman of the Standards Committee to discuss the way forward on standards at Horsham.

DETAILS

(1) The Localism Bill – an introduction

8 The Bill received Royal Assent on Tuesday 15 November 2011. The Act is a monster, containing 241 clauses and 25 schedules and will require time and effort to absorb the changes it makes to current law.

9 The government's ambition behind the Act is to "decentralise power as far as possible, reinvigorate accountability, democracy and participation, increase transparency by letting people see how their money is being spent, meet people's housing aspirations and put communities in charge of planning." The scope of the Bill covers five broad areas:

- Decentralisation and the strengthening of local democracy (Part 1) – This part includes a general power of competence, changes to governance arrangements, provision of directly elected mayors, pre-determination and revision of the standards regime and pay accountability.

- Community Empowerment (Part 5) – this part includes a right to veto excessive council tax rises by referendum, a community right to challenge, and a community right to buy.
- Reform of the planning system (Part 6) – This part includes the abolition of Regional Strategies, changes to the Community Infrastructure Levy, Local Plan reform, introduction of Neighbourhood Plans, a community right to build, duty to co-operate between public bodies, pre-application consultation by developers, enforcement and replacement of the Infrastructure Planning Commission and local finance considerations on planning applications.
- Social Housing Reform (Part 7) – This part includes social housing allocation reform, reform of homeless legislation, social housing tenure reform, reform to council housing finance, the introduction of a national home swap scheme, reform of social housing regulation, facilitating moves out of the social rented sector and the abolition of home information packs.
- London (Part 8) – This part includes a range of powers designed to strengthen London's governance arrangements.

10 The provisions relevant to the proposed revised standards regime are principally contained in sections 25 – 37 and schedule 4 to the Act. Throughout the Lords Committee Stage a number of amendments were proposed to the government's original clauses on such matters as making a code of conduct mandatory, the preservation of the standards committee and the retention of independent members. The Lords identified the problems which would be created if all interests' aspects of standards are to be criminally enforced, the problem of disparity that would be created with merely a voluntary code and the fact that parish councils seem to be left "in some sort of limbo". There was considerable discussion and concern on what the standards clauses would achieve resulting in a concession from the Lords CLG Minister Baroness Hanham on a number of standards matters.

11 Precise detail concerning the detailed provisions now contained in the Act, their implications for standards and the ethical framework are set out below.

12 A link to the relevant standards sections within the Bill is attached:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

(2) Commencement of the Act

13 Different parts of the Act will come into effect at different times. Some parts take immediate effect, others at the end of 2 months beginning with the day of Royal Assent and some come into force on such day as the Secretary of State may by order appoint.

14 As indicated in the Plain English Guide issued by the government to support the Act "In many cases the Government will need to set out further details such as the exact rules on how different community rights will work. In some cases the government will ask the public for their views. Parliament will also have the chance to look at the rules and vote on them before they are final. This can affect exactly when different parts of the Act come into force. The government cannot give a cast iron guarantee about timing. On current estimates we aim for many measures to come into effect in April 2012."

15 Standards for England's regulatory functions will cease on a date to be confirmed by Order. It is anticipated this will occur on 31 January 2012.

16 The likely date for the commencement of the standards provisions is 1 April 2012.

17 Clause 25 dealing with prior indications of view not to amount to predetermination etc. will come into effect at the end of 2 months beginning with the day of Royal Assent.

(3) Implications for standards

Standards

Part 1 Chapter 7 Sections 25-37 and Schedule 4 of the Localism Act 2011

A. Amendment to existing provisions - Schedule 4 of the Act

18 Schedule 4 of the Bill details the provisions which are to be repealed notably large sections of the Local Government Act 2000 and Local Government and Housing Act 1989.

- The Relevant Authorities (General Principles) Order 2001 which sets out the principles which govern the conduct of members of relevant authorities in England and police authorities is to be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 which prescribes the model code of conduct to apply to members of relevant authorities is to be revoked.
- The Council's Code of Conduct adopted under section 50 and 51 of the Local Government Act 2000 will cease to have effect.
- Member's undertakings to comply with the Code will also cease to have effect when the relevant codes cease to have effect.
- The requirement to have a standards committee and its power to suspend is abolished.
- The detailed statutory provisions contained in the Local Government Act 2000 and the Standards Committee (England) Regulations 2008 which specify how local authorities in England must deal with allegations of breach of their code of conduct are repealed.
- Functions of the Standards Committee to consider applications for posts to be exempt from political restriction are transferred to the Head of the Paid Service.
- Standards for England (formally known as The Standards Board for England established under the Local Government Act 2000) will be abolished. None of its functions will be transferred to other bodies.
- The First Tier Tribunal established to hear and determine appeals concerning the conduct of councillors will lose its jurisdiction in relation to local authority members.

19 In its place sections 26 – 37 of the Act set out the new provisions which are to replace the current regime set out above. The new provisions are set out below.

B. Duty to promote and maintain high standards of conduct - clause 27

20 Section 27(1) imposes upon a "relevant authority" as defined in clause 27(4), (which includes both a district council and a parish council) a duty to promote and maintain high standards of conduct by members and co-opted members of the authority.

C. Obligation to have a Code of Members' conduct

21 Section 27(2) provides that in discharging the duty to promote and maintain high standards of conduct a relevant authority must in particular adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. The authority may revise its existing code or adopt a new code to replace its current code. The authority must publicise its adoption, revision or replacement of its code of conduct.

22 Section 28(1) provides a relevant authority must secure that a code when adopted is consistent with the Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

23 Section 28(2) provides that the code must include “the provision the authority considers appropriate” in respect of the registration in its register and disclosure of (a) pecuniary interests, and (b) interests other than pecuniary interests.

D. Mechanism for dealing with allegations of breach of the code of conduct

24 Section 28(6) provides that the Council (other than a parish council) must have in place arrangements to deal with:

- written allegations that members have breached the Code;
- a procedure for investigations; and
- decisions on allegations.

25 Section 28(9) of the Act provides that the mechanism adopted by the district council for dealing with written allegations that a member has breached the code of conduct must cover allegations in relation to both district councillors and parish councillors.

E. Appointment of an “Independent Person”

26 Section 28(7) provides that a local authority must appoint at least one independent person through a transparent process (advert, application, council appointment) and that, where a local authority has investigated an allegation, it must seek the independent person’s view before reaching a decision about the allegation. It must then have regard to that view.

27 Section 28(7) goes on to provide that a member or co-opted member of the authority or a parish council may also seek the views of the independent person if that person’s behaviour is the subject of an allegation.

28 Section 28(8) sets out those who would be disqualified from being an “Independent Person”. A person who is or was a member or co-opted member or officer of the council or parish council or a relative or close friend of such a person in the 5 years leading up to appointment may not be appointed to the position of “Independent Person”

29 As currently drafted this would appear to exclude from appointment the Council’s current Independent Members who are co-opted members of the Standards committee. The Council’s co-opted parish councillors would also appear to be ineligible.

F. Sanctions

30 If a relevant authority finds that a member or co-opted member of the authority has failed to comply with its code of conduct the Act provides in Section 28(11) “... it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member; and (b) what action to take.”

31 Despite concerns raised by the Lords during passage of the Bill no specific provisions have been included within the Act providing for sanctions in relation to breaches of the new code. The government has said on the point:

‘In an investigation, where a complaint was dismissed, that would be the end of the matter. Where a complaint was upheld, a council would then have a number of options open to it under existing provisions. These are not there by amendment; they are existing provisions. In relatively minor cases, the council might conclude that a formal letter or other form of recording the matter was appropriate. Where a case involved a bigger breach of the rules, a council might conclude that formal censure—for example, through a motion on the floor of the council—was required. In more serious cases of misconduct, the council might go further and use its existing powers to remove the member from the committee or committees for a time. We believe that this approach provides effective and robust sanctions, ensuring that the high standards of conduct in public life can be maintained, while avoiding the unnecessary bureaucracy of the standards board regime.

32 It is unclear what if any sanctions could be imposed by the district council, short of a “recommendation to the Parish Council” in relation to parish councillors found to be in breach of the parish code of conduct.

G. Register of interests - Section 29

33 All previous provisions in the Local Government Act 2000 in particular section 81 regarding registration of interests by Members are to be repealed in so far as they relate to Members in England

34 Section 29(1) of the new Act provides for the Monitoring Officer to establish and maintain a register of interests of members and co-opted members. Section 29(2) provides that it is for the council to determine what is to be entered in the authority's register.

35 Section 29(5) provides that copies of district councillor Registers must be available on the council's website and also available for inspection.

36 The Monitoring Officer for the district council is also the Monitoring Officer for the 32 parish councils within Horsham district for the purposes of the Register of Interests provisions. The district council must also have available for inspection parish council Registers which must also be published on its website. A parish council must also, separately, publish its Registers on its website, if it has one.

H. Disclosure of pecuniary interests on taking office - Section 30

37 Section 30 (1) provides that Members must within 28 days of taking office notify the MO of any "disclosable pecuniary interests". On receipt of such a notification by the MO the interests notified (whether or not they are disclosable pecuniary interests) will be entered on the Register.

38 Section 30 (3) provides that Regulations are to be made by the Secretary of State defining what is and what is not a "disclosable pecuniary interest".

39 There was considerable discussion in the Lords as to the definitions of a Member and a member of a councillor's family, relative or close associate. The Lords were particularly concerned with the wording proposed in the Bill. Amendments proposed by the Lords appear not to have been accepted by the government. The final wording of the Act provides that for the interest to be a "disclosable pecuniary interest" it must be either:

- (a) an interest of the Member; or
- (b) it is an interest of
 - (i) the Members spouse or civil partner,
 - (ii) a person with whom the Member is living as husband and wife, or
 - (iii) a person with whom the Member is living as if they were civil partnersand the Member is aware the other person has an interest.

40 It is clear this is significantly different from the current position and detailed consideration will have to be given to the impact of these new provisions. Training will be provided for Members.

I. Pecuniary interests in matters considered at meetings or by a single member - Section 31

41 Where a member or co-opted member is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority (which includes Cabinet and committees of Cabinet), has a "disclosable pecuniary interest" and is aware they have an interest Section 31 will apply.

42 Section 31(2) states that if the disclosable pecuniary interest is not registered on the Register of Disclosable Pecuniary Interests, or subject to a pending notification, the member or co-opted member must disclose the interest at the meeting.

43 Section 31(4) provides that as a result the member or co-opted member may not participate, or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting. The Council's standing orders may provide for the exclusion of a member or co-opted member from the meeting while any discussion or vote takes place.

J. Sensitive interests - Section 32

44 Section 32 provides similar provisions to the current regime regarding preventing the need for sensitive interests to be disclosed on the published register. This is where the member and the MO consider that disclosure of the interest could lead to the member or a person connected with the member being subject to violence or intimidation.

K. Dispensations - Section 33

45 The old provisions regarding dispensations are repealed. In their place the Act provides that the Council may grant a dispensation in similar circumstances as currently exist. The Council will need to establish a new procedure for determining applications for dispensation under the Act.

L. Offences - Section 34

46 In addition to the above provisions regarding the registration and disclosure of “disclosable pecuniary interests” the Act provides for a new criminal offence.

47 Section 34 (1) The member or co opted member commits an offence if without reasonable excuse:

A. the Member or co-opted Member fails to

– notify the MO before the end of the period of 28 days beginning with the day upon which they become a member of any disclosable pecuniary interest which the person has at the time (Section 30(1));

- disclose a disclosable pecuniary interest to a meeting which is not entered upon the Register (Section 31(2));

- notify the MO of a disclosable pecuniary interest which is not on the Register and is not the subject of a pending notification before the end of 28 days beginning with the date of disclosure to a meeting (Section 31(3)); or

- notify the MO before the period of 28 days beginning with the date when the member becomes aware that the member has a disclosable pecuniary interest of any disclosable pecuniary interest which is not on the Register or the subject of a pending notification (Section 31(7)).

B participates in any discussion or vote in a matter in which they have a disclosable pecuniary interest; or

C. takes any steps or any further steps in relation to a matter in which they have a disclosable pecuniary interest.

48 Section 34 (2) goes on to provide an additional offence of providing false or misleading information on their Register or at a meeting knowing the information to be false or misleading or reckless as to whether it is.

49 Such an offence is punishable with a fine up to £5000 and/or disqualification for a period not exceeding five years. Prosecution are brought on behalf of the DPP. Proceedings must be brought within 12 months of the prosecutor becoming aware of sufficient evidence but in any event no longer than 3 years from the date of the alleged offence.

50 The government’s mythology treats the MO as the “first port of call” for complaints regarding interests. Training on the new provisions will be provided to assist Members.

(4) Parish Councils -

A. Code of conduct

51 There are 32 Parish Councils within the Horsham district which will be “relevant authorities” under the Act. They will therefore be subject to the duty to promote and maintain high standards of conduct. They are also required to adopt a Code in the same way as the district.

52 Section 27(3) provides that a parish council may comply with the duty to adopt a code of conduct by adopting the code adopted by the district council.

B. Receipt of allegations of breach of the code, Investigation and determination decisions.

53 The district council is required to have in place a mechanism for dealing with allegations of breach of the code in relation to parish councillors too.

54 As stated above no specific sanctions are included within the Act in relation to parish matters.

C. Register of Interests

55 Section 29(4) As before the district council's Monitoring Officer the Monitoring Officer for the purposes of parish councillors in relation to interests.

56 Section 29(6) and (7) requires copies of the parish councillor registers must be available for inspection at District Council offices, on the District Council's website and if the parish council has a website they too must publish the registers on its website.

(5) Implications and reform to the law on bias and predetermination – Section 25

57 In addition to the general provisions on the new standards regime the Localism Act seeks to 'clarify' the law on bias in relation to local councillors. The Act provides in section 25(1) that:

"A decision maker is not to have had or to have appeared to have had a closed mind when making the decision just because:

(a) the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took or would or might take in relation to a matter, and

(b) the matter was relevant to the decision."

58 This section applies when there is an allegation of bias or predetermination or there is an issue about the validity of a decision of the Council and it is relevant to that issue whether the decision maker or any of the decision makers had or appeared to have had a closed mind when making the decision. It is intended to ensure that councillors do not feel unable or uncertain about what they may do in terms of championing local issues. There was substantial discussion in the Lords as to the meaning and implications of this clause. Ultimately Parliament appeared not at all clear as to whether or not the law was being changed by this section.

59 Members will be aware of the current distinctions between legitimate predisposition and having an illegitimate predetermination. Richards LJ held in the case of *National Assembly for Wales v Condrón 2006 EWCA Civ 1573* that there was nothing which prevented a council member from having a predisposition on a matter before deciding on it. What was essential was that the member kept an open mind and a willingness to survey all the facts before him when making a decision. This approach gives local members the ability to take a stand and champion local causes provided that they can show that they were still open minded about the eventual outcome.

60 This appears still to be good law but what the new section appears to do is limit or exclude the evidence which can be presented to a judge in a claim of bias. In reality, such evidence, as is seen from the case of Condrón would be discounted as "being what local democracy is about" but the Act now prevents it ever being considered. The section would therefore appear to be a change not necessarily to the law on bias and predetermination but to the law of evidence. Ultimately, the interpretation of these new provisions are likely to be a matter for the courts.

61 Training and guidance for Members will be provided on this new provision in conjunction with the revised Code of Conduct.

(6) Consequences

62 So in summary what goes from the current ethical framework?

- The Standards Board for England,
- the Adjudication Panel/tribunal,
- the ten principles (now reduced to seven),

- the prescribed statutory process and procedures compatible with Article 6 (in particular rights of appeal),
- the statutory sanction provisions in particular the power to suspend and disqualify (excepting as a consequence of conviction).

63 In substitution,

- criminal offences for breaches of disclosable pecuniary interest requirements are introduced,
- Independent members (at least 1) continue to have involvement, with influence but no vote,
- the requirement to have standards committees is replaced by a 'requirement to have arrangements to deal with allegations' and no appeals. (As with any decision, the option to review a decision can be provided for, in the event of significant new evidence etc)
- and the serious cases involving disclosable pecuniary interests are to be dealt with by the Police and CPS albeit that the Monitoring Officer is the "first port of call"
- Parish councils are a continuing responsibility but under a less formalistic framework.

NEXT STEPS

64 Determining how to deal with the standards regime suggested by the Localism Bill is a difficult task. As Members will see from the earlier paragraphs in this report dealing with the Act has received Royal Assent many provisions are subject to Regulations.

65 As a guide the following action will be required:

1. Draft, obtain Member approval, adopt and publish a new Code of Conduct for Members in compliance with new duty;
2. Advertise, interview and obtain member approval to appoint at least one Independent Person;
- 3 Establish a mechanism for receiving investigating and making decisions in relation to written complaints of breach of the Code of Conduct in relation to both 44 elected district members, 366 parish councillors and co-opted members e.g. a sub committee of a broad based Audit and Governance Committee could be established for the purpose;
4. Establish new Register of Disclosable Pecuniary Interests, obtain completion by Members and publish (for both district and parishes);
5. Act as "first port of call" on all complaints alleging a breach of the criminal law relating to a failure to declare a disclosable pecuniary interest and referring to the DPP if cannot be resolved locally;
6. Assisting Members to avoid criminal sanctions about interests;
7. Provide training for both district and parish members; and
8. Establish a revised Dispensation Scheme.

OUTCOME OF CONSULTATIONS

66 Corporate Management Team were consulted on this report.

OTHER COURSES OF ACTION CONSIDERED BUT REJECTED

67 Not applicable.

STAFFING CONSEQUENCES

68 There are no specific staffing consequences flowing from this report.

FINANCIAL CONSEQUENCES

69 There are no specific financial consequences flowing from this report.

HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

70 There is a positive obligation on the Council under the Human Rights Act 1998 to have regard for human rights. The Convention rights are scheduled in the Act. The creation of the right climate for decision-making and adequate probity measures will ensure that human rights are regarded and in some cases enhanced.

HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

71 Creating the right climate for decision-making and ensuring adequate probity measures are in place will ensure that the Council's duty to seek to reduce crime and disorder is properly taken into account.

HOW THE PROPOSAL WILL HELP TO PROMOTE RACE RELATIONS

72 While generally the report does not have a direct impact upon the enhancement of race relations, a proper decision-making framework will take account of all relevant considerations and will conduce ultimately to the enhancement of race relations and the Council's duty to secure this.

Report to Standards Committee

7 December 2011

By the Deputy Monitoring Officer
FOR INFORMATION AND
RECOMMENDATION

Not exempt



**Horsham
District
Council**

serving our towns and villages

Ethical Framework Update – December 2011

EXECUTIVE SUMMARY

This report is to:

- (i) inform Members of the Council and all those who may be interested about developments in the ethical framework which affect the role and activities of Councillors and the Council's business.

In particular this report gives details on the following matters:

- Standards for England
- Training and awareness
- Local assessment, review, other action, investigations and determinations
- Freedom of Information requests
- Performance management
- Data Protection Act 1998
- Regulation of Investigatory Powers Act 2000
- LGO case update
- Standards case update
- SfE Case Review 2010 Update
- Constitution update
- Work Programme update
- Members' Bulletin
- Duty to promote standards
- Survey of Public Attitudes Towards Conduct in Public Life

RECOMMENDATIONS

The Committee is recommended:

- (i) to note the matters set out in the report

REASONS FOR RECOMMENDATIONS

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework.

Background papers	Consultation	Wards affected	Contact
Standards Committee	CMT	All	Sarah Smith
Documents			Deputy Monitoring
SC350			Officer
SC420			ext 5482
SC426			
SC432			
SC436			
SC437			
SC438			

BACKGROUND INFORMATION

INTRODUCTION

The purpose of this report

1 The purpose of this report is to update Members and all those who may be affected by or have an interest in the ethical framework about developments in the ethical framework since the preparation of the last report in September 2011.

Statutory background

2 The statutory background is to be found in the Local Government Act 2000, Part 3, the Local Government and Public Involvement in Health Act 2007, Part 10 and The Local Democracy Economic Development and Construction Act 2009 and Regulations made there under.

Relevant Government policy

3 The relevant Government policies so far as the ethical framework is concerned are contained in the 2000 2007 and 2009 Acts and the Regulations made under those Acts and the guidance of the Department for Communities and Local Government and the Standards for England.

Relevant Council policy

4 The Council's policy is set out in its Constitution and through the activities of this Committee.

Background/Actions taken to date

5 Members regularly receive reports on developments in the ethical framework and this report continues that approach. Members of this Committee will wish to be aware of the following helpful websites:

- Standards for England: www.standardsforengland.gov.uk
- The First Tier Tribunal (Local Government Standards in England): <http://www.justice.gov.uk/about/hmcts/tribunals.htm>
- Local Government Ombudsman: www.lgo.org.uk
- Department for Communities and Local Government: <http://www.communities.gov.uk/>

DETAILS

Standards for England

6 Standards for England published a short press release on 16 November 2011, following the Localism Act becoming an Act of Parliament on 15 November 2011, which is accessible via the following link: <http://www.standardsforengland.gov.uk/news/futureofthelocalstandardsframework/>

7 Under the standards provisions of the Act, Standards for England's regulatory functions will shortly cease and the body will be abolished. The date will be confirmed in commencement orders but Standards for England anticipate this will occur on 31 January 2012 and that transitional arrangements will be set out in Regulations before the end of January.

8 Following the *MC v Standards Committee of London Borough of Richmond* case discussed later in this report the Blogging Quick Guide (SC436) produced by Standards for England has been updated: It is accessible via the following link: <http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/CodeGuidance/Onlineguides/Quickcodeguides/BloggingQuickGuide/>

Training and awareness

9 The Monitoring Officer recently attended a training course on the Localism Bill and its implications.

Local assessment (s 57A of the Local Government Act 2000)

10 Since the last Ethical Framework Update was presented to this Committee in September 2011 the Local Assessment Sub-Committee has not met and no cases have been referred for an assessment

Local review (s 57B of the Local Government Act 2000)

11 Since the date of the last Ethical Framework Update no cases have been referred for a review.

Other action directed (regulation 13 of The Standards Committee (England) Regulations 2008/1085)

12 Since the date of the last Ethical Framework Update no cases have been referred for such action.

13 The Monitoring Officer is required (under regulation 13(4) (c)) to report back on the outcome of other action directed. As there have been no cases referred there are no cases falling into this category.

Local investigations (regulation 14 of The Standards Committee (England) Regulations 2008/1085)

14 Since the date of the last Ethical Framework Update no local investigations have been carried out.

Local determinations (regulations 17-19 of The Standards Committee (England) Regulations 2008/1085)

15 Since the date of the last Ethical Framework Update no local determinations have been carried out.

16 Attached for completeness is a Schedule of forthcoming Local Assessment Sub-Committee dates and Sub-Committee membership (SC420). This was sent out to members of the Committee in June 2011 and has since been updated to ensure members can attend on their allocated dates. Reserves have also been identified for each meeting.

Freedom of information

17 No requests for information about Members have been received during this period. There have however been requests made about officer redundancies. Any information held has been published and is available to view on the Council's disclosure log at <http://www.horshamfoi.org.uk/disclosureLogYear.asp>

18 For the period 1 July to 30 September the Council received 137 requests for information under the Freedom of Information Act, Environmental Information Regulations and Data Protection Act. Of those requested 120 were responded to within the 20 working day statutory timeframe. A further 17 responses were made at an average timescale of 25 days.

19 Further information about the Council's obligations under the Freedom of Information Act can be accessed via the council's website at: <http://www.horsham.gov.uk/council/7914.aspx>

20 In addition information the Council has released under the Freedom of Information Act from 2008 onwards can be accessed at <http://www.horshamfoi.org.uk/disclosureLogYear.asp>. The information posted here shows the nature of the request and the response provided by the Council.

21 Following a period of consultation earlier this year, the Government published its Code of Recommended Practice for Local Authorities on Data Transparency in September 2011. The Code sets out the 'key principles for local authorities in creating greater transparency through the publication of publication.' It sets out the minimum amount of public data that should be released. This includes:

- Senior employees salaries, names (with the option for individuals to refuse to consent for their name to be published), job descriptions, responsibilities, budgets and numbers of staff

- An organisational chart of the staff structure of the council including salary bands and details of currently vacant posts
- The pay multiple – the ratio between the highest paid salary and the median average salary of the whole of the Council's workforce
- Copies of contracts and tenders to business and to the voluntary community and social enterprise sector
- Policies, performance, external audits and key inspections and key indicators on the authorities' fiscal and financial position
- The location of public land and build assets and key attribute information that is normally recorded on asset registers

22 The code also states that the provision of public data should become integral to local authority engagement with residents. The authority should build and maintain an inventory of the public data that it holds so that people know what is available to them. The availability of the inventory/data should be promoted and publicised so that residents know how to access it and how it can be used.

23 Public data should be published in a format and under a licence that allows open re-use, including for commercial and research activities in order to maximise value to the public. Publication should be in machine-readable format such as Excel spreadsheets which allows manipulation of the data.

Performance management

24 The Complaints and Information Officer submitted a report to the Performance Management Working Group meeting on 2 November to report on details of all complaints, compliments and suggestions to the Council from 1 July to 30 September 2011. During that period the Council received 26 complaints, no suggestions and 42 compliments. During the previous monitoring period of 1 April to 30 June 2011 the Council received 25 complaints, 0 suggestions and 42 compliments. These figures do not include complaints received about waste management services as this information is now reported separately at the Performance Management Working Group meetings. The full report on Compliments, Comments and Complaints can be read on the Council's website <http://www.horsham.gov.uk/council/3144.aspx>.

Data Protection Act 1998

25 The Information Commissioner has not alerted us to any breaches of the Data Protection Act during this period. Several public authorities including local Councils have been required to sign undertakings for breaching the Data Protection Act during this period. The main reasons for breaches of the Data Protection Act continue to be loss or theft of memory sticks and laptops and the sending of personal information via unsecure email accounts.

26 An Information Security Project relating to data sharing in the CenSus partnership is currently in progress.

Regulation of Investigatory Powers Act 2000 (RIPA)

27 RIPA allows local authorities in certain circumstances to carry out covert surveillance without breaching the Human Rights Act. It is expected that local authorities will only be able to utilise RIPA in more limited circumstances and only after obtaining a RIPA "warrant" from a Magistrates Court. This is contained within the Protection of Freedoms Bill which is currently at the committee stage in the House of Lords - this is the line by line examination of the Bill - which may result in amendments to the proposals.

28 There are quarterly updates to the Performance Management Working Group on the use of RIPA and a RIPA forum for officers which meets regularly both of these will be updated on any changes. The last Ethical Framework Update contained a link to our most recent RIPA inspection by the Office of Surveillance Commissioners.

Local Government Ombudsman case update October to December 2011 (SC437)

29 *London Borough of Hounslow*

30 The complainant left her mother-in-law's property due to domestic violence from her partner and moved, with her two children, into her mother's overcrowded home. She had to take a four hour round trip across London to get her children to school and continue in employment. She approached the Council as homeless.

31 The Council did not offer the complainant temporary accommodation and concluded that she was not "homeless". The complainant requested a review and the Council overturned its "not homeless" decision but failed to reach another decision. The Council then referred the complainant to its rent deposit scheme; she twice found suitable properties but the Council failed to act on both occasions, as a result of which the complainant had to borrow the money herself so that she could move into a private property. The Council also failed to take action when the relevant case officer was on leave and failed to adequately respond to enquiries made by the Ombudsman.

32 The Ombudsman found maladministration causing injustice and was ordered to refund the complainant the amount it would have paid her under the rent deposit scheme, pay her £500 for distress, additional costs and time and trouble and to review its procedures.

33 *Northampton Borough Council*

34 The complainants, a married couple, applied to the Council for a disabled facilities grant (DFG) for an extension to the home they had rented for 20 years so that the disabled husband could access bathing facilities. Two occupational therapists assessed him as needing the extension and the Council assessed that the extension was necessary and appropriate, taking into consideration the currently cramped living conditions at the home.

35 The Council then refused the DFG application because the complainants lived in a privately rented property. The Ombudsman concluded that this ground for refusal was not permitted under the relevant legislation. The complainants felt that they had been misled into believing they would have to relocate to a council-owned property.

36 The Ombudsman found maladministration causing injustice and recommended that the Council pay the complainants £5,000 for distress and inconvenience and £250 for time and trouble, in addition to engaging an independent occupational therapist to review the husband's needs, providing funding for any provision identified and respite care for the complainants whilst works completed, reviewing its procedures and providing training for staff on appropriate considerations for DFG applications.

37 *West Dorset District Council*

38 The Council granted planning permission for a replacement beach chalet in an area of outstanding natural beauty on the Heritage Coastline which was incongruous in and detrimental to its surroundings. Due to the applicant submitting inaccurate information and errors of judgment on the part of planning officers, true facts about the comparative size of the development did not come to light until it was well underway.

39 The Ombudsman found that had the Council confirmed these errors of judgment sooner, it would also have considered the legal status of the permission much sooner and whether it should have been revoked on grounds that it was fundamentally flawed. The Ombudsman found maladministration causing injustice and recommended that the Council provide a formal written apology and explanation of steps it had taken to avoid repeating the errors to all those who directly complained and the relevant parish council, make a public statement and reserve £3,000 towards countryside projects in the area of the development.

Standards case update October to December 2011 (SC438)

40 *First-tier Tribunal - MC v Standards Committee of London Borough of Richmond*

41 London Borough of Richmond's Standards Committee found the subject member had breached the Code by failing to treat others with respect and bullying in relation to the sending of certain emails and suspended for 28 days.

42 The subject member appealed to the First-tier Tribunal on the basis that he had not been acting in his "official capacity" when the emails were sent; the Tribunal gave some helpful guidance on the meaning of this phrase, defined in the Model Code as acting "as a representative" of your authority. It was noted that since the Model Code uses both "member" and "representative", the two cannot be taken to have the same meaning, the latter having a narrower meaning. Merely acting, claiming to act or giving the impression that you are acting as a "member" is therefore not sufficient to engage the Code. To conclude that a member was acting in their official capacity, reference must be made to conduct amounting to acting as a "representative".

43 *Upper Tribunal – JP v Standards Committee of Surrey County Council*

44 Councillor Pitt appealed against a finding of Surrey County Council's Standards Committee that he had breached their Members' Code of Conduct. The First-tier Tribunal refused permission to appeal.

45 The Upper Tribunal allowed an appeal against this refusal on and found that the decision to refuse permission had been perverse; the judge did not know why the Committee had come to the decision that there was a breach, which they had based in part on the evidence and in part on their experience of local government, neither of which was available to the judge. It was a requirement that the First-tier Tribunal should not merely review the decision of the Standards Committee for error but should also decide afresh issues of fact and judgment. The refusal was set aside and permission given for Councillor Pitt to appeal to the First-tier Tribunal, which will now hear the case.

46 *First-tier Tribunal – Councillor Polly English v Standards Committee of North Yorkshire County Council*

47 Councillor English appealed to the Tribunal against the Standards Committee's decision that she had failed to declare a prejudicial interest contrary to paragraphs 10 and 12 of the Code of Conduct and the imposition of a censure as a sanction.

48 Councillor English was a member of North Yorkshire County Council. She sat on the Craven Area Committee, which on 8 July 2010 considered an application from the Craven Recycled Furniture Centre for a grant of £6,500. Councillor English's husband was a voluntary member of the management board of the Centre and spoke in support of the application at the meeting. Councillor English declared a personal interest in the application and proceeded to take part in the discussion of the item and vote on it; it was approved by a majority of one vote.

49 The Tribunal found that Councillor English had a personal interest in the item since the decision could affect her husband's wellbeing and the financial wellbeing of the Centre itself. However, they did not consider that she had a prejudicial interest, taking into account the following considerations: neither the Councillor nor her husband would benefit financially from the grant; the grant was for matched and capital funding for specific items and not for a general grant; the Centre was a charitable organisation providing a public service to the community of Craven; Councillor English was an experienced and committed member who had undergone training and those present at the meeting did not question the appropriateness of her taking part in the discussion or voting.

Standards for England Case Review Update (SC432)

50 In 2010 Standards for England produced a Case Review. This explores each paragraph of the Model Code of Conduct through a series of questions and answers, followed by tribunal and court case examples. The Review is updated periodically. The latest version of the Review was published online on 11 October 2011 and covers cases up to 31 August 2011: <http://www.standardsforengland.gov.uk/media/Case%20review%20111011.pdf>

51 Following the decision in the London Borough of Richmond case discussed above, further amendments to the 11 October version of the Review have been published on the Standards for England website: <http://www.standardsforengland.gov.uk/CaseinformationReporting/OnlineCaseReview2010/>

Constitution update

52 At the Council meeting on 7 September 2011 changes to the Scheme of Delegation to the Executive (Part 3A) were approved by Council to reflect amendments to the allocation of functions within the Cabinet made by the Leader.

53 Changes to the Scheme of Delegation to Committees (Part 3C) were also approved. These amendments created a new Employment Committee and transferred to it, from the Personnel Committee, responsibility for dealing with employment matters concerning senior members of staff.

Work Programme update (SC350)

54 Members will recall at the meeting in January 2010 that the Committee commented upon and agreed a programme of forthcoming work to be put before the Committee. A copy can be accessed by the following link: <http://www.horsham.gov.uk/council/10255.aspx>

55 Members are asked to consider any updates or amendments required to the Work Programme 2011/12.

Members' Bulletin

56 District Council Members will be aware that a Members Bulletin, an information document that provides all Councillors with a summary of information and key activities across the various aspects of the business conducted by Horsham District Council, is published weekly on the Council's intranet. All members of the Committee should now be receiving a link to the Bulletin by email to their horsham.gov.uk email addresses.

57 An update on the implications of the Localism Act for the standards regime at Horsham will be included in the Members' Bulletin.

Duty to Promote Standards

58 The group photo of the Committee taken at the last meeting is now on the Standards Committee page on the Council's website.

59 An article on the standards regime in Horsham under the Localism Act will be included in the spring 2012 edition of the Horsham District News Magazine.

Survey on Public Attitudes Towards Conduct in Public Life (SC426)

60 Every two years the Committee on Standards in Public Life carries out a survey to assess public attitudes, expectations and perceptions about the behaviour of those in public life. The most recent survey is based on data collected between 29 December 2010 and 4 January 2011 and was published in September 2011. It can be accessed via the following link:

http://www.public-standards.gov.uk/Library/CSPL_survey_Final_web_version.pdf

NEXT STEPS

61 The Committee is asked to note the matters contained in this report

OUTCOME OF CONSULTATIONS

62 Corporate Management Team were consulted on this report.

OTHER COURSES OF ACTION CONSIDERED BUT REJECTED

63 Not applicable.

STAFFING CONSEQUENCES

64 There are no specific staffing consequences flowing from this report.

FINANCIAL CONSEQUENCES

65 There are no specific financial consequences flowing from this report.

HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

66 There is a positive obligation on the Council under the Human Rights Act 1998 to have regard for human rights. The Convention rights are scheduled in the Act. The creation of the right climate for decision-making and adequate probity measures will ensure that human rights are regarded and in some cases enhanced.

HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

67 Creating the right climate for decision-making and ensuring adequate probity measures are in place will ensure that the Council's duty to seek to reduce crime and disorder is properly taken into account.

HOW THE PROPOSAL WILL HELP TO PROMOTE RACE RELATIONS

68 While generally the report does not have a direct impact upon the enhancement of race relations, a proper decision-making framework will take account of all relevant considerations and will conduce ultimately to the enhancement of race relations and the Council's duty to secure this.

Local Assessment of Complaints from 8th May 2008

SC343

File ref	Name of Councillor	Council	Decision Date	Complainant	Date rcd	Working days	Decision	Review Requested
CES45	Roger Purcell	Warnham	26.06.08	Public: S Pavey	12.06.08	10	No further action pending release of confidential report. Close case.	
CES45(2)	Roger Purcell	Warnham	30.07.08 pm	Public: S Pavey	21.07.08	7	Other action – training, add to register of interests, clarity of body representing, Positive engagement – a guide for planning Cllrs issued. Training undertaken 5/9/08.	
CES46 (CESR1)	Jan Botting	Pulborough	30.07.08 am	Public: N Page	09.07.08	15	Outside jurisdiction – letter sent to Parish re local complaint resolution.	Y
CES47	Ivor Kiverstein	Pulborough	24.09.08	Public: N Page	22.8.08	22	No breach – general note re use of language and issue of member being RFO.	
CES48	Doug Rands	Billingshurst	12.11.08	Parish Council	28.10.08	11	Investigation into allegation of bullying, bringing office into disrepute.	

Local Assessment of Complaints from 8th May 2008 (continued)

File ref	Name of Councillor	Council	Decision Date	Complainant	Date rcd	Working days	Decision	Review Requested
CES49	Ray Dawe	Horsham	31.12.08	Public: P Orpwood	26.11.08	22	No further action – insufficient evidence provided.	Y
CES50	Jim Sanson	Horsham	31.12.08	Public: P Orpwood	26.11.08	22	No further action – insufficient evidence provided.	Y
CES51	Ray Dawe	Storrington & Sullington	31.12.08	Public: P Orpwood	26.11.08	22	No further action – insufficient evidence provided.	
CES52	Jim Sanson	Storrington & Sullington	31.12.08	Public: P Orpwood	26.11.08	22	No further action – insufficient evidence provided.	
CES53	Leonard Warner	Horsham	11.03.09	Public: Mr Mrs P Hammond	13.02.09	18	Refer for investigation.	
CES54	Alan Grant	Billingshurst	11.03.09	Parish Councillor: C Milne	18.02.09	15	No further action.	
CES58	Gavin Collins	Billingshurst	23.09.09	Public: A Rodwell	12.08.09	29	No further action.	
CES59	Ted Brown	Rudgwick	05.05.10	Public: Andrew Leahy	20.04.10	11	Refer for investigation.	

Local Assessment of Complaints from 8th May 2008 (continued)

File ref	Name of Councillor	Council	Decision Date	Complainant	Date rcd	Working days	Decision	Review Requested
CES60	Duncan England	Horsham	17.11.10	Public: Judith Norris	01.11.10	12	No further action	
CES61	Elizabeth Kitchen	Horsham	17.11.10	Public: Judith Norris	01.11.10	12	No further action	
CES62	Peter Rowlinson	Horsham	17.11.10	Public: Judith Norris	01.11.10	12	No further action	
CES63	David Holmes	Horsham	17.11.10	Public: Judith Norris	01.11.10	12	No further action	
CES64	David Sheldon	Horsham	17.11.10	Public: Judith Norris	01.11.10	12	No further action	
CES65	Philip Circus	Horsham	22.12.10	Public: Lindsay Dobson	22.11.10	22	No further action	

Review of Local Assessment Decisions from 8th May 2008

File ref	Name of Councillor	Council	Decision Date	Complainant	Date rcd	Working days	Decision
CESR1	Jan Botting	Pulborough	24.9.08	Public:	27.8.08	20	Original decision upheld
CESR2	Ray Dawe	Horsham	11.03.09	Public:	29.1.09	29	Original decision upheld
CESR3	Jim Sanson	Horsham	11.03.09	Public:	29.1.09	29	Original decision upheld
CESR4	Duncan England	Horsham	12.01.11	Public: Judith Norris	23.11.10	36	Original decision upheld
CESR5	Elizabeth Kitchen	Horsham	12.01.11	Public: Judith Norris	23.11.10	36	Original decision upheld
CESR6	Peter Rowlinson	Horsham	12.01.11	Public: Judith Norris	23.11.10	36	Original decision upheld
CESR7	David Holmes	Horsham	12.01.11	Public: Judith Norris	23.11.10	36	Original decision upheld
CESR8	David Sheldon	Horsham	12.01.11	Public: Judith Norris	23.11.10	36	Original decision upheld

Local Determinations – 2009/10

File ref	Name of Councillor	Council	Hearing Date	Finding	Sanction
CESL10	Doug Rands	Billingshurst	8.04.09	Did not fail to comply with paragraphs 3(1), 3(2)(b), 3(2)(d), 4(a) and 5 Billingshurst Parish Council's Code of Members' Conduct but failed to comply with Paragraphs 8, 9(1), 12(1)(a)(ii) and 12(1)(b).	<p>a) Suspended from all duties as parish councillor for one month with immediate effect.</p> <p>b) Undertake training in the Code of Members' Conduct especially those provisions relating to interests and that the training be undertaken on 27 April 2009 with the Monitoring Officer and the Chairman of the Local Determinations Sub-Committee.</p> <p>Recommendation to Parish - Councillor Rands receives written clarification concerning how and when he should contact the Parish Office if he has an issue that he wants to discuss That Councillor Rands receives training in the Councillor/Officer protocol with particular emphasis on how to maintain good relationships with office staff.</p>
CESL11	Leonard Warner	Horsham	10.06.09	Did not fail to comply with paragraphs 10(1) 10(2) and 12 (1) of Horsham District Council's Code of Members' Conduct.	No sanction.
CESL12	Ted Brown	Rudgwick	25.10.10	Did not fail to comply with paragraphs 5, 6(a) and 12(1) of Horsham District Council's Code of Members' Conduct but did fail to comply with paragraph 9(1).	No sanction.

Schedule of Standards Committee Members availability 2011/12

SC420

	PANEL				RESERVES		
	IND (chair)	HDC	PC		IND	HDC	PC
Dates							
2011							
24 August	EB	AB	IG		PB	GN	VC
21 September	MJ	DC	VC		PB	CV	IG
19 October	PB	BD	IG		EB	AB	VC
16 November	DT	SM	VC		MJ	DC	IG
7 December	EB	GN	IG		DT	BD	VC
2012							
11 January	MJ	CV	VC		DT	SM	IG
8 February	DT	AB	IG		EB	GN	VC
14 March	PB	DC	VC		MJ	CV	IG
4 April	EB	BD	IG		PB	AB	VC
2 May	MJ	SM	VC		DT	DC	IG

