

**STANDARDS COMMITTEE**

**7<sup>th</sup> December 2011**

Present: Councillors: Andrew Baldwin, David Coldwell, Brian Donnelly,  
Sheila Matthews, Godfrey Newman, Claire Vickers

Parish Council Representatives: Val Court, Isabel Glenister

Independent Representatives: Eric Blackburn (Chairman), Mary  
Jagger (Vice-Chairman), David Tilsey

Apologies: Independent Representatives: Paul Byford

SC/17 **MINUTES**

The minutes of the meeting of the Committee held on 21<sup>st</sup> September 2011 were approved as a correct record and signed by the Chairman, subject to the amendment of Resolution (ii) 6 of Minute number SC/14 by the substitution of the word 'retained' for 'retrained'.

SC/18 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/19 **ANNOUNCEMENTS**

The Chairman announced that the next meeting of the Committee would be on 14<sup>th</sup> March 2012.

SC/20 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/21 **REPORT BY PARISH COUNCIL REPRESENTATIVES**

There was nothing to report.

SC/22 **REVISED STANDARDS REGIME UPDATE**

The Monitoring Officer reported on developments in the revised standards framework following the Localism Bill receiving Royal Assent on 15 November 2011.

Regular reports had been made to the Standards Committee following the journey of the Localism Bill. Two papers had been presented to the Standards Committee, both of which had been reported into Council. In addition, standards liaison meetings had taken place between the Council's

SC/22 Revised Standards Regime Update (cont.)

Monitoring Officer, Chief Executive, Leader, Leader of the Opposition and Chairman of the Standards Committee to discuss the way forward on standards at Horsham.

Different parts of the Localism Act would come into effect at different times. Standards for England's regulatory functions would cease on a date to be confirmed by Order; it was anticipated that this would occur on 31 January 2012. The likely date for the commencement of the revised standards provisions would be 1 April 2012. Clause 25, dealing with predetermination, would come into effect at the end of two months beginning with the day of Royal Assent.

The Monitoring Officer outlined the following implications of the Localism Act on the standards regime:

- **Amendment to Existing Provisions**
  - The General Principles which govern the conduct of members and the Model Code of Conduct are to be revoked.
  - Members' undertakings will cease to have effect.
  - The requirement to have a Standards Committee will cease.
  - The statutory procedure for dealing with Code of Conduct complaints will cease.
  - Standards for England will be abolished.
  - The First-tier Tribunal will lose its jurisdiction to hear and determine appeals concerning member conduct cases.
- **Duty to promote and maintain high standards of conduct**
  - A new duty for the Council and parish councils to promote and maintain high standards of conduct by members and co-opted members is imposed.
- **Obligation to have a Code of Members' conduct**
  - A new obligation to have a Code of Members' Conduct is imposed consistent with the Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It must also contain such other provisions the Council considers appropriate for the registration of pecuniary interests and interests other than pecuniary interests. The Council must publicise the adoption, revision or replacement of a new code.
- **Mechanism for dealing with allegations of breach of the code of conduct**
  - The Council must put in place a mechanism for dealing with written allegations that members have breached the code and a procedure for investigations of and decisions on allegations.
- **Appointment of an "Independent Person"**
  - The Council must appoint an independent person whose views it must seek before reaching decisions about allegations of breaches of the code. Members whose conduct is the subject of a complaint may also seek the views of the independent person. As currently drafted, the definition of 'independent person' would appear to exclude from

SC/22 Revised Standards Regime Update (cont.)

appointment the Standards Committee's current independent members and parish council members since they were co-opted; the Association of Council Secretaries and Solicitors was seeking counsel's opinion on whether current independent members were 'appointed' rather than 'co-opted' and would thus be eligible. A full recruitment process must be undertaken with appointments being made by Council.

- **Sanctions**
  - No statutory provision is made in the Localism Act for sanctions for findings of breaches of the new code. Existing common law provisions will need to be applied. It was unclear what sanctions could be imposed by the Council in cases concerning breaches by parish councillors.
- **Register of interests**
  - The Council's Monitoring Officer will be responsible for establishing and maintaining a register of interests of members' interests, which must be available for inspection and published on the Council's website; this includes parish councillors' registers. A parish council will also, separately, have to publish its councillors' registers on its website, if it has one.
- **Disclosure of pecuniary interests on taking office**
  - Within 28 days of taking office, members must notify the Council's Monitoring Officer of any "disclosable pecuniary interests" which will then be entered onto that member's register of interests. To be disclosable a pecuniary interest would have to be an interest of the member themselves, their spouse or civil partner or somebody they are living with as if spouses or civil partners.
- **Pecuniary interests in matters considered at meetings or by a single member**
  - At the beginning of meetings at which members were present they would be obliged to disclose any "disclosable pecuniary interest" relating to the matters to be discussed if such an interest was not included on their register of interest or was pending inclusion on their register. The member may not then participate any further in discussion of that matter or vote on it.
- **Sensitive interests**
  - Provisions similar to the current regime preventing the needs for councillors to disclose certain, sensitive interests are contained in the Act.
- **Dispensations**
  - The Council must consider applications for dispensations subject to agreeing a new Dispensation Scheme and decision making process.
- **Criminal Offences**
  - Members' failure to comply with the new rules on the registration and disclosure of interests would become a criminal offence. Such cases would be dealt with by the Police and CPS albeit that the Monitoring Officer would be the "first port of call".

SC/22 Revised Standards Regime Update (cont.)

- **Parish Councils**

- Parish councils are also subject to the duty to promote and maintain high standards of conduct and adopt a code of conduct. The Council must have in place a mechanism for dealing with parish code of conduct complaints.

In addition to the general provisions on the new standards regime, the Localism Act sought to 'clarify' the law on bias in relation to local councillors. It was intended to ensure that councillors did not feel unable or uncertain about what they may do in terms of championing local issues.

Training and guidance for Members would be provided on the new provisions.

RESOLVED

- (i) That the matters set out in the report be noted.
- (ii) That any views on the best way forward for the Council to implement the revised standards framework be expressed in a full report to Council.

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 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.

SC/23 **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:

- **Standards for England Bulletins:** Standards for England had published a short press release on 16 November 2011, following the Localism Act becoming an Act of Parliament on 15 November 2011. A revised Blogging Quick Guide had been issued.
- **Training and awareness – Standards for England:** The Monitoring Officer recently attended a training course on the Localism Bill.

SC/23 Ethical Framework Update (cont.)

- **Local Assessment, Review, Other Action, Investigations and Determinations:** None had taken place since the last Ethical Framework Update. The next Local Assessment Sub-Committee will take place on 11<sup>th</sup> January, 2012.
- **Freedom of information:**  
For the period 1 July to 30 September, the Council had received 137 requests for information under the Freedom of Information Act, Environmental Information Regulations and Data Protection Act. The Government had published its Code of Recommended Practice for Local Authorities on Data Transparency in September 2011 which set out the 'key principles for local authorities in creating greater transparency through the publication of publication.' It set out the minimum amount of public data and types of datasets that should be released as well as publication requirements.
- **Performance management:** From 1 July to 30 September 2011 the Council had received 26 complaints, no suggestions and 42 compliments. During the previous monitoring period of 1 April to 30 June 2011 the Council had received 25 complaints, 0 suggestions and 42 compliments (not including complaints received about waste management services)
- **Data Protection:** The Information Commissioner had not alerted the Council to any breaches of the Data Protection Act within the last six months. An Information Security Project relating to data sharing in the CenSus partnership was currently in progress.
- **Regulation of Investigatory Powers Act 2000 (RIPA):** It was expected that local authorities would only be able to utilise RIPA in more limited circumstances and only after obtaining a RIPA "warrant" from a Magistrates Court following the Protection of Freedoms Bill, which was currently at the committee stage in the House of Lords.
- **A Local Government Ombudsman case update October 2011 to December September 2011** was presented.
- **A Standards case update October to December 2011** was presented.
- **Standards for England Case Review Update:** An updated version of the line-by-line examination of the Model Code of Conduct produced by Standards for England had been published in October 2011.
- **Constitution update:** On 7 September 2011, changes to the Scheme of Delegation to the Executive (Part 3A) and the Scheme of Delegation to Committees (Part 3C) had been approved.
- **Work Programme update:** The work programme would be considered further when the future of the standards regime at Horsham was clearer.
- **Members' Bulletin:** An update on the implications of the Localism Act for the standards regime at Horsham had been included in the Members' Bulletin.
- **Duty to Promote Standards:** The group photo of the Committee taken at the last meeting was now on the Standards Committee page on the Council's website. An article on the revised standards regime in Horsham under the Localism Act will be included in the spring 2012 edition of the Horsham District News Magazine.

SC/23 Ethical Framework Update (cont.)

- **Survey on Public Attitudes Towards Conduct in Public Life:** Every two years the Committee on Standards in Public Life carried out a survey to assess public attitudes, expectations and perceptions about the behaviour of those in public life. The most recent survey, based on data collected between 29 December 2010 and 4 January 2011, had been published in September 2011.

RESOLVED

- (i) That the matters set out in the report be noted.

REASON

- (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.

SC/24 **URGENT ITEMS**

There were no urgent matters to be considered.

*The meeting finished at 11.32am having commenced at 10.00am.*

CHAIRMAN