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Standards Committee

Wednesday 20th March 2013 at 10.00am.

COMMITTEE ROOM 2, PARK NORTH, NORTH STREET, HORSHAM

Councillors:

Brian Donnelly (Chairman)
David Coldwell (Vice-Chairman)
Andrew Baldwin
Leonard Crosbie
Sheila Matthews

Claire Vickers
Tricia Youtan

Co-opted advisory members:

Mary Jagger
Paul Byford
Valerie Court
Isabel Glenister

Independent person
Independent person
Parish Council representative
Parish Council Representative

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 as correct the minutes of the meeting of the Committee held on 12 th December 2012 | 1 |
| 3. To receive any declarations of interest from Members of the Committee | |
| 4. To receive the minutes of the Local Review Sub-Committee held on 30 th January 2013 | 5 |
| 5. To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer | |
| 6. To note the list of Standards Committee Reports and Documents available for inspection | 9 |



7. To receive the following reports of the Monitoring Officer:
 - (a) Ethical Framework Update **12**
 - (b) The Local Government Ombudsman six-monthly report **50**
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

12th December 2012

Present: Councillors: Brian Donnelly (Chairman), David Coldwell (Vice Chairman), Andrew Baldwin, Leonard Crosbie, Tricia Youtan

Apologies: Councillors: Sheila Matthews, Claire Vickers

Co-opted advisory members

Present: Parish Council representatives: Val Court, Isabel Glenister
Independent persons: Paul Byford, Mary Jagger

SC/9 **MINUTES**

The minutes of the meeting of the Committee held on 19th September 2012 were approved as a correct record and signed by the Chairman.

SC/10 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/11 **ANNOUNCEMENTS**

The Chairman congratulated Christie Redley, Standards Supports Officer, on her new post at Transport for London and thanked her for all her valuable work in supporting the Committee.

SC/12 **MINUTES OF THE MEETINGS OF SUB-COMMITTEES**

The minutes of the meetings of the Local Review Sub-Committee on 8th August 2012 and 20th September 2012, and of the Local Assessment Sub-Committee held on 17th October 2012 were received.

SC/13 **URGENT ITEMS**

There were no urgent matters to be considered.

SC/14 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/15 **ETHICAL FRAMEWORK UPDATE**

The Monitoring Officer presented the report on developments in the ethical

SC/15 Ethical Framework Update (cont.)

framework that affected the role and activities of Councillors and the Council's business, including:

- Training and awareness: Recent training was discussed, including feedback from an Independent Persons Workshop that took place in September.
- Local assessment, review, other action, investigations and determinations: Since the last meeting, the Local Assessment Sub-Committee had met three times to consider 18 cases and the Local Review Sub-Committee had met once to review 14 cases. Three cases had been referred for Other Action in the form of training. It was noted that a review of the Council's new Standards Regime under the Localism Act 2011 would take place next year.
- Parish Clerks' Meetings: The Monitoring Officer had attended the Society of Local Council Clerks' meeting on 29th June 2012 and provided an update on the new Standards regime.
- Minor Revisions to the Code of Members' Conduct: The Monitoring Officer advised that under current legislation, owning a property in the District would be classified as a Disclosable Pecuniary Interest and would affect Members' involvement in decisions relating to a number of matters including setting council tax. It was therefore recommended that a sub-paragraph be inserted into the Code which would allow Members to debate on such matters without the need to obtain dispensations. Parish Councils had been advised to make similar changes to enable all parish councillors to take part in setting the precept.
- Register of Interests: Members noted that these had been published for all District Councillors, and that a majority of Parish Councillors had also completed the relevant forms. It was agreed that Local Members would encourage those Parish Councillors who had still to complete the forms to do so. It was noted that where a Parish Council did not have a website the District Council published the Register of Interests on their behalf.
- Changes to LGO Complaints Procedure: Members were advised about the LGO revised complaints procedure.
- LGO case summaries: A case summary was provided.
- Localism Act: A Constitution update was provided.
- Protocol between Nottinghamshire Monitoring Officers and Police: The Protocol was noted.
- Making it easier to set up town and parish councils: The DCLG consultation paper was considered.
- Freedom of Information requests.
- Performance management.
- Data Protection Act 1998.
- Regulation of Investigatory Powers Act 2000.
- Work Programme update:

The Work Programme presented to the Committee included some items that needed updating. It was agreed that a review of the Standards Regime

SC/15 Ethical Framework Update (cont.)

next year would be added to the programme and the programme updated as necessary.

RESOLVED

That the report be noted.

RECOMMENDED TO COUNCIL

That the following text be added to the Code of Members' Conduct:

- “15(2) You may participate in any business of your authority that relates to the functions of your authority in respect of:
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (d) an allowance, payment or indemnity given to members;
 - (e) any ceremonial honour given to members; and
 - (f) setting council tax or a precept under the Local Government Finance Act 1992”.

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 promote and maintain high standards of conduct amongst members.

The meeting finished at 10.55am having commenced at 10.00am.

CHAIRMAN

STANDARDS COMMITTEE
LOCAL REVIEW SUB-COMMITTEE
30TH JANUARY 2013

Present: Councillors: Duncan England, Liz Kitchen, Godfrey Newman

LR/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Duncan England be appointed Chairman of the Sub-Committee for the purposes of this meeting.

LR/2 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LR/3 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That under Section 100A of the Local Government Act 1972 as amended the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972 by virtue of the paragraph specified against the items and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

LR/4 **REVIEW UNDER CHAPTER 7 OF THE LOCALISM ACT 2011 AND THE ARRANGEMENTS ADOPTED BY THE DISTRICT COUNCIL UNDER THE LOCALISM ACT 2011 SECTION 28(6) IN RELATION TO ALLEGATIONS MADE THAT A CERTAIN PARISH COUNCILLOR HAD FAILED TO COMPLY WITH THE PARISH COUNCIL'S CODE OF MEMBERS' CONDUCT**

The Deputy Monitoring Officer presented the report and confirmed that the purpose of the meeting was to review the decision made by the Local Assessment Sub-Committee on 17 October 2012, which had assessed a complaint by way of an allegation that a Parish Councillor had failed to comply with the Parish Council's Code of Members' Conduct (the Code).

On 27 June 2012 an allegation against a Parish Councillor was made under section 57A(1) of the Local Government Act 2000 and was processed in accordance with the Council's procedure for complaints against Members. The complaint was assessed by the Local Assessment Sub-Committee under Part 3 of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008/1085 having regard to

the guidance of the Standards for England. The Local Assessment Sub-Committee resolved to take no further action on the complaint against the Parish Councillor.

On 8 July 2012 the complainant had made a request under Part 7 of the Localism Act 2011 and the Council's Arrangements for dealing with Code of Conduct complaints that this decision be reviewed.

On 20 September 2012 the Local Review Sub-Committee had considered that the review request contained new information in relation to the Parish Councillor. The Local Review Sub-Committee resolved to refer the complaint against the Parish Councillor to a Local Assessment Sub-Committee as a new complaint.

On 17 October 2012 a decision was made under the Localism Act 2011 Chapter 7 by the Local Assessment Sub-Committee that no action should be taken in respect of the complaint.

On 17 November 2012 the complainant made a request that this decision be reviewed. The complaint had therefore been referred to the Local Review Sub-Committee for a review to take no further action.

The review which was requested was independent of the original decision and the members of the original Local Assessment Sub-Committee took no part in the review of the decision.

Members were reminded that the purpose of the Local Review Sub Committee was to:

- (i) Determine whether the Local Assessment Sub-Committee decision in relation to the named Councillor was a reasonable one; and if not whether the decision should be overturned and what action should be taken;
- (ii) Determine, if the decision was not unreasonable, whether there was new evidence which suggested the allegations should be referred to the Local Assessment Sub-Committee as a new complaint.

The Sub-Committee carefully considered the further comments and new information submitted by the complainant and considered whether or not the decision of the Local Assessment Sub-Committee of 17th October 2012 was unreasonable in law.

The Sub-Committee also considered whether or not the new information submitted was materially different to that originally assessed by the Local Assessment Sub-Committee.

Members considered the views of both the Independent Person and Parish Representative co-opted by the Council under s28(7) of the Localism Act 2011. After careful assessment, Members considered that the Local Assessment Sub-Committee had:

- Dealt with each element of the complaint in a clear and concise manner;
- Reasonably determined that it had no jurisdiction to look into certain elements of the complaint;
- Set out detailed reasons for not taking any action on each element of the complaint; and
- Established that its decision for taking no action on the complaint was reasonably made.

After careful assessment, Members also considered that the new information provided was not substantial or materially different from that information originally assessed by the Local Assessment Sub-Committee.

RESOLVED

In accordance with Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council to deal with Code of Conduct complaints regarding councillors that:

- (i) the decision of the Local Assessment Sub-Committee that no further action be taken on the allegation against the Parish Councillor be upheld;
- (ii) the new information submitted by the complainant at the time of the review was not materially different from that originally assessed, and therefore no further action need be taken.

REASONS FOR DECISION

1. In reviewing the complaint, the Local Review Sub-Committee considered whether the original decision by the Local Assessment Sub-Committee was unreasonable in law. This would be if the decision were flawed because of the irregular way in which the Local Assessment Sub-Committee processed the allegation, or because the Local Assessment Sub-Committee made an irrational judgment on the reported facts.

2. The Local Review Sub-Committee also considered whether the new information submitted materially altered the original decision.
3. The Local Review Sub-Committee determined that the new information provided by the complainant formed extra information about elements of the complaint rather than new information that was materially different to that originally assessed by the Local Assessment Sub-Committee.
5. In all the circumstances, the Local Review Sub-Committee considered that the decision made by the Local Assessment Sub-Committee in relation to the papers as presented by the complainant was reasonable and was reached in accordance with the relevant procedures.

The meeting finished at 11.00 am having commenced at 9.58

LIST OF STANDARDS COMMITTEE REPORTS AND DOCUMENTS – July 2012 to April 2013

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/10255.aspx>

PART A - REPORTS

Date of report	Subject of report
Future Reports	
14.12.12	Ethical Framework Update
20.03.13	Ethical Framework Update
20.03.13	Local Government Ombudsman Update

PART B – DOCUMENTS

	Description	Date	Publisher	Internet Links
SCD1	Comments from ACSeS: Draft Disclosable Pecuniary Interests Regulations	30.05.2012	ACSeS	
SCD2	Ombudsman Complaints 2012/13 Reporting Year to 29 February 2013	27.06.2012	HDC	
SCD3	The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012	08.06.2012	Parliament	http://www.legislation.gov.uk/uksi/2012/1463/contents/made
SCD4	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012	08.06.2012	Parliament	http://www.legislation.gov.uk/uksi/2012/1464/contents/made
SCD5	The Local Elections (Declaration of Acceptance of Office) Order 2012	15.06.2012	Parliament	http://www.legislation.gov.uk/uksi/2012/1500/contents/made
SCD6	Can You See What it is Yet?	15.06.2012	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=10692:can-you-see-what-it-is-yet&catid=181:editors-blog

SCD7	Advice from Jonathan Goolden on Standards Transitional Arrangements	22.06.2012	ACSeS	http://www.acses.org.uk/doc/filename/1652/Advice_from_Jonathan_Goolden_on_the_Standards_Transitional_Arrangements.doc
SCD8	The Art of Complaining	22.06.2012	LGL	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=10753%3Athe-art-of-complaining&catid=181%3Aeditors-blog&Itemid=27
SCD9	Code of Conduct Complaints Flowchart	01.07.2012	HDC	
SCD10	Introduction and Guide to the Code of Conduct for Members of [N] Council	11.07.2012	ACSeS	http://www.acses.org.uk/doc/filename/1663/Intro_and_Guide_to_Codes.doc
SCD11	Protocol between Nottinghamshire Monitoring Officers and Nottinghamshire Police	01.07.2012	ACSeS	http://www.acses.org.uk/doc/filename/1684/Protocol_Between_Notts_MOs_Notts_Police_-_July_2012.doc
SCD12	Openness and Transparency on Personal Interests	01.08.2012	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/2193362.pdf
SCD13	Hampshire County Council Brief to Counsel – Disclosure of Pecuniary Interests	19.10.2012	ACSeS	http://www.acses.org.uk/doc/filename/1699/Brief_to_Counsel_-_Phillip_Coppel_HF000003712585_.doc
SCD14	Hampshire County Council Opinion of Philip Coppel QC – Disclosure of Pecuniary Interests	19.10.2012	ACSeS	http://www.acses.org.uk/doc/filename/1700/SCAN-bbk4wcskg_HF000003749708_.pdf
SCD15	The Localism Act 2011 - Disclosable Pecuniary Interests And Co-Opted Members – Simon Bird Qc	26.10.2012	ACSeS	http://www.acses.org.uk/doc/filename/1703/The_Localism_Act_2011_-_Disclosable_Pecuniary_Interests_and_Co-opted_Member.doc
SCD16	Making It Easier To Set Up New Town And Parish Councils – Discussion Paper	31.10.2012	DCLG	http://www.communities.gov.uk/documents/localgovernment/pdf/2246057.pdf
SCD17	Local Assessments, Reviews and Determinations – July 2012 onwards	06.03.2013	HDC	
SCD18	Local Government Ombudsman Case Summaries	12.12.2012	HDC	
SCD19	Schedule of Local Assessment Sub-Committee Membership to May 2013	12.12.2012	HDC	
SCD 20	Standards Committee Work Programme	06.03.13	HDC	

SCD 21	LGO Case Schedule 1 March 2012 to 1 March 2013	06.03.13	HDC	
SCD 22	LGO Case Summaries	06.03.13	LGO	http://www.lgo.org.uk/news/2013/feb/ombudsman-says-york-council-misled-elderly-woman-roof-works/ http://www.lgo.org.uk/news/2013/feb/ombudsman-criticises-bolton-council-failure-protect-neighbour-development/ http://www.lgo.org.uk/news/2013/jan/ombudsman-criticises-kettering-council-family-housing-error/
SCD 23	National Standards Case Summaries	06.03.13	Various council websites	http://www.norfolk.gov.uk/view/stand010213item6pdf
SCD 24	DCLG Letter Brandon Lewis	27.12.12	DCLG	https://www.gov.uk/government/publications/council-tax-freeze-2013-to-2014
SCD 25	DCLG Letter Brandon Lewis	05.02.13	DCLG	http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=13128:standards-rules-of-the-local-authority-road&catid=59:governance-a-risk-articles
SCD 26	Paul Hoey Article on Disclosable Pecuniary Interests	19.02.13	Local Government Lawyer	http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=13301:disclosable-pecuniary-interests--what-did-the-government-intend-to-capture&catid=63:planning-articles
SCD 27	Committee on Standards in Public Life 14 th Report	Jan 13		http://www.public-standards.gov.uk/wp-content/uploads/2013/01/Standards_Matter.pdf
SCD 28	Publicity Guidance for Councillors for County Council Elections	20.03.13	HDC	https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity http://www.horsham.gov.uk/files/Part_5G_Issue_22(1).pdf

Report to Standards Committee

20 March 2013

By the Monitoring Officer

INFORMATION REPORT

Not exempt



**Horsham
District
Council**

Ethical Framework Update – March 2013

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:

- Training and awareness
- Local assessment, review, other action, investigations and determinations
- Parish Clerks' meetings
- Disclosable Pecuniary Interests and the Code of Members' conduct
- Register of Interests
- Committee on Standards in Public Life
- Changes to the LGO complaints procedure
- Standards cases and LGO case summaries
- Local Standards regime – Annual Review
- Freedom of Information
- Performance management
- Data Protection Act 1998
- Regulation of Investigatory Powers Act 2000
- Work programme update
- Forthcoming County Council Elections – Publicity Advice

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;
- (ii) to promote and maintain high standards of conduct amongst members.

Background Papers:

SCD 17
SCD 19
SCD 12
SCD 24
SCD 25
SCD 26
SCD 27
SCD 22
SCD 23
SCD 28

Standards Committee Documents:**Consultation:****Wards affected:****Contact:**

CMT

All

Sandra Herbert

Monitoring Officer

Ext. 5482

BACKGROUND INFORMATION

1 Introduction

The purpose of this report

- 1.1 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 December 2012.

Background/Actions taken to date

- 1.2 Members regularly receive reports on developments in the ethical framework and this report continues that approach. Members of this Committee should be aware of the following helpful websites:

- Department for Communities and Local Government:

<http://www.communities.gov.uk/>

- Local Government Ombudsman:

www.lgo.org.uk

2 Statutory and Policy Background

Statutory background

- 2.1 The statutory background is to be found in the Localism Act 2011, Part 1 Chapter 6 and Chapter 7 and Regulations made there under.

Relevant Government policy

- 2.2 The relevant Government policies so far as the ethical framework is concerned are contained in Department for Communities and Local Government Guidance 'Openness and Transparency on Personal Interests: A Guide for Councillors' and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Relevant Council policy

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

3 Details

Training and Awareness

- 3.1 The authority has now completed its subscription to the Hoey Ainscough Associates' interactive website, the Standards Exchange. The subscription gives

access to the latest news on standards issues, including cases and best practice from other authorities, access to help and support, a dedicated chat room and a regular standards bulletin. Learning from this resource will be fed into the committee.

Local assessment, review, other action, investigations and determinations (SCD17)

- 3.2 Attached as *Appendix 2* is the schedule of all assessment, review, other action, investigation and determination decisions since 1 July 2012.

Local Assessment

- 3.3 Since the last Ethical Framework Update was presented to this Committee in December 2013, the Local Assessment Sub-Committee has not met.

Local Review

- 3.4 Since the date of the last Ethical Framework Update, the Local Review Sub-Committee has met once to review one Local Assessment decision. The Standards Committee co-opted an Independent Person and a Parish Representative from Mid Sussex District Council to advise the Local Review Sub-Committee. The Sub-Committee considered the original decision made by the Local Assessment Sub-Committee to be a reasonable one and upheld the original decision. The Review Sub-Committee also considered that the additional information provided no new information regarding the original allegation.

Other Action directed

- 3.5 Since the date of the last Ethical Framework Update no cases have been referred to the Monitoring Officer for Other Action.

Local Investigations

- 3.6 Since the date of the last Ethical Framework Update no Local Investigations have been carried out.

Local Determinations

- 3.7 Since the date of the last Ethical Framework Update no Local Determinations have been carried out.
- 3.8 Attached at Appendix 3 for completeness is a schedule of forthcoming Local Assessment Sub-Committee dates and Sub-Committee membership [SCD19]. Reserves have also been identified for each meeting.

Parish Clerks' Meeting

- 3.9 The Monitoring Officer attended the Society of Local Council Clerks' meeting on 15 January 2013 at Southwater Parish Council. A general update was provided by the Monitoring Officer on the new standards regime as set out in the Localism Act 2011 Chapter 7 and in particular the Relevant Authorities (Disclosable Pecuniary

Interests) Regulations 2012. An update was also provided on the outcome of the Standards Committee and full Council meetings in December 2012 recommending a minor revision to the Code of Members' Conduct. A review of outstanding Register of Members Interest forms at parish level was also provided. The Council's Head of Strategic Planning and Performance was also in attendance and made a presentation on the new provisions in the Localism Act enabling local bodies to nominate land and buildings as assets of community value.

Disclosable Pecuniary Interests and the Code of Members' Conduct

3.10 There has been much discussion recently on whether councillors needed a dispensation to take part in setting council tax under the Local Government Finance Act 1992 because of the new rules on disclosable pecuniary interests. This has resulted in two letters from DCLG minister Brandon Lewis which set out the government's intention when they legislated for disclosable pecuniary interests. It remains to be seen whether the legislation as drafted actually achieves this but the letters are a useful guide as to the government's view on such matters. Members will be aware the only guidance received from the DCLG prior to receipt of these two letters was contained in the Openness and Transparency on Personal Interests: A Guide for Councillors and the relevant authorities (disclosable Pecuniary Interests) Regulations 2012 [SCD 12]. A copy of the current list of DPIs set out in regulation is attached as Appendix 4 to assist members.

3.11 The first letter is dated 27 December 2012 from DCLG minister Brandon Lewis to an MP setting out the department's view on dispensations and decisions on council tax precepts [SCD 24]. Their view was that as council tax affects all local residents, being a council tax payer for a property within the district did not give rise to a new style disclosable pecuniary interest. On 5 February 2013 DCLG minister Brandon Lewis wrote a letter to local government leaders [SCD 25] reiterating the Department's opinion that being a council tax payer does not give councillors a disclosable pecuniary interest in any budget debate and therefore dispensations are not required. In the government's view such an interests would be a pecuniary interest but not a disclosable pecuniary interest under the regulations. The 5th February 2013 letter can be viewed by following the attached link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/78632/13-02-05_BL_to_LA_Leaders.pdf

3.12 Further on the matter is an article by Paul Hoey co-director of Hoey Ainscough Associates in the Local Government Lawyer which examines the potential implications of the latest views expressed by the government in relation to both Disclosable Pecuniary Interests under the regulations and local codes adopted [SCD 26]. The analysis suggests that the government is now saying that for a matter to be a DPI it has to relate to and not merely affect a DPI which is a much narrower test than originally envisaged. It suggests the government had in mind that something must be directly about the thing rather than just affecting it for it to be a DPI. Business which therefore is not actually about the DPI e.g. a member's land ownership but which may affect it is therefore dealt with not by regulation and criminal sanction but by the authority's local code of conduct . The article can be accessed by following the attached link:

http://localgovernmentlawyer.co.uk/index.php?view=article&catid=59%3Agovernance-a-risk-articles&id=13299%3Adisclosable-pecuniary-interests-what-did-the-government-intend-to-capture&format=pdf&option=com_content&Itemid=27

Register of Interests

- 3.13 The new Register of Interests forms were sent out to District and Parish Councillors at the beginning of July 2012. The format of the forms has been amended to allow for the disclosure of the new style Disclosable Pecuniary Interests.
- 3.14 All District Councillors have completed and returned their Register of Interest forms, which are available on their individual councillor pages on the Horsham District Council website.
<http://www.horsham.gov.uk/council/members/1632.aspx> . Indeed many have even completed update forms with new and revised interests which have also been uploaded and are available to view.
- 3.15 Parish Councils with websites have uploaded their councillors' Register of Interest forms to their websites; these can be accessed via links on the District Council website. The Register of Interest forms for Parish Councils without websites have been uploaded to the District Council website.
<http://www.horsham.gov.uk/council/15041.aspx>
- 3.16 To date eight parish councils have yet to upload or send to the Monitoring Officer completed copies of their registers of interest forms.

Committee on Standards in Public Life

- 3.17 The fourteenth report of the Committee on Standards in Public Life (CSPL) was published in January 2013. The report is a review of best practice in promoting good behaviour in public life. The report is a review of the key lessons that have been learnt since the Nolan Committee's first report was published in 1995 about how to improve ethical standards in public life – to stand back and reflect on what has been achieved and what still needs to be done. The CSPL asked themselves three questions:
- Have standards of conduct in public life improved since this committee first reported in 1995?
 - What do we now know about what works best in promoting high ethical standards in organisations providing public services?
 - What needs to be done by whom to continue to embed high standards in public life?

A copy of the report [SCD 27] can be accessed by following the attached link:

http://www.public-standards.gov.uk/wp-content/uploads/2013/01/Standards_Matter.pdf

- 3.18 Chapter 3 of the report assesses the seven principles of public life and whether the principles and the descriptions used should be reformulated. The report concludes the principles should remain as originally formulated but that the words used to

describe them should be revised as the meaning of certain words has developed. Consideration will need to be given as to whether or not your code of conduct should be revised to reflect the updated descriptions. The revisions are also relevant to the employee code of conduct and all contract documentation involving the delivery of public services.

The revised descriptions (with new preamble) are as follows:

Principle – current description	Revised description
Preamble	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
Selflessness 1 Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.	Holders of public office should act solely in terms of the public interest.
Integrity 2 Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity 3 Members should make decisions on merit including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability	
4 Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	
5 Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	
6 Members should not place themselves in situations where their honesty may be questioned, should not behave dishonestly and should on all occasions avoid the appearance of such behaviour.	Holders of public office should be truthful.
Leadership	
7 Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Changes to Local Government Ombudsman Complaints Procedure

- 3.19 Changes to the local government ombudsman process are outlined on a separate report elsewhere on the agenda together with a 6 monthly case update.

Local Government Ombudsman ('LGO') Case Summaries December – March 2013 (SCD 22)

- 3.20 A copy of LGO case summary for March to December 2012 is attached as *Appendix 5*.

Standards case summaries December – March 2013 (SCD 23)

- 3.21 Since abolition of Standards for England and the jurisdiction of the Adjudication Panel in relation to appeals it is no longer possible to learn from case summaries decisions and in particular sanctions concerning code of conduct complaints to assist with a consistent approach. As members are aware all matters, save for criminal matters are now dealt with locally under varying local codes and often in private hearings. However, a brief summary of some notable cases which have been published is attached as *Appendix 6* to assist with members learning.

Local standards regime – annual review

- 3.22 As members will recall the Council have requested that the local standards regime adopted in July 2012 be reviewed one year on. It is proposed to formulate a small working group of members to bring forward proposals. Volunteers/nominations for such a group would be appreciated. All areas will be considered under the review. Matters which have currently been brought to my attention include sufficient numbers of elected and advisory members, the need for a right of appeal, new 'guidance' on DPLs, revised Nolan Principles and further delegation of decision making. Members should advise as to areas to be considered under the review.

Freedom of Information

- 3.23 For the six month period 1 September 2012 – 28 February 2013 the Council received 228 (excluding contaminated land information requests and personal search) requests for information, compared to 271 requests made during the period 1 September 2011- 28 February 2012.
- 3.24 Of those requests received between September 2012 and February 2013 78% were responded to within the statutory twenty working days. Public authorities or government departments which have failed to respond to more than 85% of requests for information within the statutory 20 working days have been monitored for a 3 month period by the Information Commissioner's enforcement team. Authorities which have failed to improve their response times have been required to sign undertakings to publicly formalise their commitment to openness and compliance with the legislation.
- 3.25 As well as responding to requests for information, the Freedom of Information Act requires every public authority to have a publication scheme, approved by the Information Commissioner's Office (ICO), and to publish information covered by the scheme.
- 3.26 Horsham District Council has had a publication scheme since 2003 with the current revised model publication scheme arrangements coming into effect 1 January 2009. However following a number of initiatives including the Government's Transparency Agenda, the publication of the Code of Recommended Practice for Local Authorities on Data Transparency, the Protection of Freedoms Act 2012 and the post legislative review of the Freedom of Information Act 2000, the ICO has published a new Definition Document which Principal Local Authorities such as Horsham must follow.
- 3.27 This document provides examples of the kind of information that is expected to be provided by local authorities in order to meet their obligations under the model

publication scheme. As a result the Council will have to recreate its Publication Scheme in accordance with the new Definition Document. Compliance is likely to be required by 1 April 2013.

- 3.28 In addition, section 102 of the Protection of Freedoms Act 2012, expected to come into force in April 2013 amends the FOIA so as to require all public authorities to release datasets in a re usable electronic format.
- 3.29 A dataset is defined as a collection of information held in electronic form where most or all of the information meets the following criteria:
1) it has to have been obtained or recorded for the purpose of providing a public authority with information in connection with the provision of a service by the authority or the carrying out of any other function of the authority;
2) it is factual information which:
(a) is not the product of interpretation or analysis other than calculation (in other words that it is the “raw” or “source” data; and
(b) it is not an official statistic the meaning given by the Statistics and Registration Services Act 2007;
3) it remains presented in a way (except for the purpose of forming part of the collection has not been organised, adapted or otherwise materially altered since it was obtained or recorded.
- 3.30 Once the provisions of the Protections of Freedoms Act come into force it is expected that they will lead to more information requests from commercial companies and data aggregators and leave fewer legitimate reasons for public authorities to say no.
- 3.31 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.

Performance Management

- 3.32 The next report regarding complaints is an annual report due to be submitted to the Finance & Performance Working Group meeting on 18 April 2013.

Data Protection Act 1998

- 3.33 The Information Commissioner has not alerted us to any complaints that the Council has breached the Data Protection Act 1998. This position has remained the same since the last Ethical Update Report. The Information Commissioner has, however, issued monetary penalties to nineteen local authorities that breached the Data Protection Act 1998, the total sum being £1,885,000. In order to reduce the risk of breaches of the Data Protection Act 1998, the Council's Data Protection Officer is working on improving data protection compliance across the Council. Where necessary, the Council shall continue to notify the Information Commissioner of any potential data security breaches by the Council as required to do so.

Regulation of Investigatory Powers Act 2000 (RIPA)

- 3.34 The Regulation of Investigatory Powers Act regulates the use of covert surveillance and the accessing of communications data.
- 3.35 On 01 November 2012, the legal framework for RIPA changed significantly. In effect, these changes restrict the Council's use of RIPA, in that:
- The Council's Authorised Officers will need to complete an internal RIPA authorisation process and then seek judicial approval of that internal authorisation. The changes in legislation now mean that an internal RIPA authorisation is not effective until judicial approval has been sought via the Magistrates' Court for the use of Directed Surveillance, the use of Covert Human Intelligence Sources and access to Communications Data;
 - In respect of Directed Surveillance, a new "crime threshold" has been introduced to ensure that the offence under investigation carries a custodial sentence of six months or more or the offence relates to the sale of alcohol to children, allowing the sale of alcohol to children, persistently selling alcohol to children, or the sale of tobacco etc. to persons under eighteen;
 - Restrictions continue in respect of accessing Communications Data or using Covert Human Intelligence Sources;
 - New Home Office Codes of Practice and Guidance has been issued which the Council must have reference to when considering its use of RIPA; and
 - The use of RIPA is only to be authorised and approved where the surveillance is necessary and proportionate.
- 3.36 The Council has a RIPA policy and procedure in place, which is currently under review following these legislative changes. Compliance with RIPA, the relevant Guidance and the new Codes of Practice continue to be assessed by the Office of Surveillance Commissioners. It is intended that a revised RIPA policy and procedure document is presented to Business Working Group in April 2013.
- 3.37 Training shall be provided to the RIPA Officers in due course to ensure that the Council complies with the new RIPA legislation.
- 3.38 The Council reports to the Business Working Group on a quarterly basis, and for the previous two years, the Council has not authorised any use of RIPA.

Work Programme update (SCD 27)

- 3.39 Members will recall at the meeting in January 2012 that the Committee agreed a programme of forthcoming work to be put before the Committee. The Work Programme incorporates the key responsibilities of the Standards Committee. This is a living document and Members are asked to consider any update or amendment required for 2012/13. A copy is attached at *Appendix 7*.

Forth coming County Council elections

Publicity guidance (SCD 28)

- 3.40 As is customary around this time of the electoral cycle, the Monitoring Officer provides - as a reminder - guidance around the “elections purdah period” now more appropriately referred to as the “pre-election period”. The background can be found in the Local Government Act 1986 and the current Code regulating Local Government Publicity (which can be viewed on-line at:
<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>
the Council's Member/Officer Protocol and the Members' Code of Conduct:
[http://www.horsham.gov.uk/files/Part_5G_Issue_22\(1\).pdf](http://www.horsham.gov.uk/files/Part_5G_Issue_22(1).pdf)
- 3.41 This year the pre-election period commences on 25 March 2013 and concludes on Thursday 2 May 2013 (Polling Day). A copy of the guidance is attached as *Appendix 8*.

4 Next Steps

- 4.1 The Committee is asked to note the matters contained in this report.

5 Outcome of Consultations

- 5.1 Corporate Management Team were consulted on this report.

6 Other Courses of Action Considered but Rejected

- 6.1 Not applicable.

7 Staffing Consequences

- 7.1 There are no specific staffing consequences flowing from this report.

8 Financial Consequences

- 8.1 There are no specific financial consequences flowing from this report.

9 Other Consequences of the Proposed Action

- 9.1 Other consequences of the proposed action are set out in *Appendix 1*.

Appendix 1

Consequences of the Proposed Action

What are the risks associated with the proposal?	Failure to keep Members up to date with developments in the ethical framework would lead to a diminution of ethical standards amongst Members.
Risk Assessment attached Yes/No	No.
How will the proposal help to reduce Crime and Disorder?	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 will the proposal help to promote Human Rights?	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.
What is the impact of the proposal on Equality and Diversity?	<p>The current code of conduct includes the expectation of respect for others defined in the General Principles as:</p> <p>“Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability”.</p> <p>In addition there is a general obligation in the code in which members undertake “Not to do anything which may cause your authority to breach any of the equality enactments.</p>
Equalities Impact Assessment attached Yes/No/Not relevant	No.
How will the proposal help to promote Sustainability?	Where possible electronic means of communication are used.

Appendix 2

Local Assessment of Complaints from 1 July 2012 (SCD17)

File ref	District or Parish Council	Decision Date	Complainant	Date complaint received	Working days (receipt of complaint to assessment)	Decision	Review Requested
CES89	Parish	17.10.12	Public	20.09.12	19	No further action.	Y
CES90	Parish	13.11.12	Public	19.10.12	17	Local resolution.	N/A

Local Review of Local Assessment Decisions from 1 July 2012

File ref	Review of	District or Parish Council	Decision Date	Complainant	Date rcd	Working days	Decision
CESR9	CES74	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR10	CES75	Parish	20.09.12	Public	08.07.12	53	Refer to new Local Assessment Sub-Committee
CESR11	CES76	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR12	CES77	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR13	CES78	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR14	CES79	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR15	CES80	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR16	CES81	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR17	CES82	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR18	CES83	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR19	CES84	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.

File ref	Review of	District or Parish Council	Decision Date	Complainant	Date rcd	Working days	Decision
CESR20	CES85	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR21	CES86	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR22	CES87	Parish	20.09.12	Public	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
CESR23	CES89	Parish	30.01.13	Public	17.11.12	53	No Further Action

*Decisions CESR9-22 relate to Local Assessment Sub-Committee decisions CES74-87, which do not appear on this chart since they were decided before 1 July 2012, under the old standards regime.

Appendix 3

Schedule of Standards Committee Sub-Committee Membership 2012-13

SCD19

	PANEL				RESERVES		
Dates							
2012							
12 December	TY	AB	DC		LC	BD	SM
2013							
16 January	LC	BD	SM		CV	TY	AB
13 February	CV	TY	AB		DC	LC	BD
20 March	DC	LC	BD		SM	CV	TY
17 April	SM	CV	AB		TY	DC	LC
15 May	BD	SM	CV		TY	AB	DC

Appendix 4

The categories of Disclosable Pecuniary Interest under the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

SI 2012/1464.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

Interest	description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is

within the area of the relevant authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies

Any tenancy where (to M's knowledge)—
(a) the landlord is the relevant authority;
and
(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Appendix 5

Ombudsman Case Update January 2013 to March 2013 [SCD 22]

City of York Council:

The City of York's Council's provision of assistance on roofing works to a vulnerable elderly woman's home was found to be inadequate by the Local Government Ombudsman.

The Council, and the Agency acting on its behalf, wrongly included solid insulation in the schedule when the loft was already insulated, misled her into believing this was a requirement of her home appreciation loan, and allowed the works to be signed off when the woman did not know what document she had signed. The Ombudsman concluded that this, and other failures, caused the woman "a significant degree of distress and anxiety".

The complainant had also insulated her loft a few years earlier. In 2009 she sought quotations for re roofing, and then asked the Council if any assistance was available. The Council said she may be eligible for a 'home appreciation loan' for roof works. The officers who handled the loan knew that the complainant needed help with paperwork and that she preferred her sister-in-law to be present at meetings.

The Ombudsman found maladministration causing injustice and the Council agreed to LGO's recommendations that it should pay the complainant £2,000 compensation for the cost of the insulation which was not installed, and for the distress, anxiety and time and trouble this has caused her.

<http://www.lgo.org.uk/news/2013/feb/ombudsman-says-york-council-misled-elderly-woman-roof-works/>

Bolton Council

The Local Government Ombudsman found neither the Council's planning committee nor the complainant knew that the property next to him would be two metres higher than his, or that the developer would remove the trees along his boundary. Had these issues been raised, the Council would have taken action to protect his privacy.

A resident complained that the Council approved a large residential development next to his home, but did not properly consider the impact it would have on him. In particular, he complained that the new house next to him was raised up by as much as two metres. Trees along the boundary, which had protected him, had been protected by Tree Preservation Orders, but the orders were removed during the planning process without his knowledge. The complainant felt that, taken together, the loss of trees and the raising of land levels affected his privacy and caused an overbearing impact.

The Ombudsman found a number of faults in the Council's handling of the planning application.

Because of these failures, the planning committee did not have the information it needed to make a fully-informed decision. The complainant and other residents could not know exactly how they might be affected. As a result Because of the Council's failure to consult the Environment Agency, the wrong flood risk standards were applied to the drainage.

The Ombudsman recommended that the Council should:

- apologise to the complainant, and meet him to discuss how it might now help restore his privacy and fund agreed work up to a cost of £1,000
- pay him £500 for his time and trouble in bringing his complaint to her attention
- review its policies and procedures to ensure it takes account of material planning considerations in future
- update its internal guidance on consultations to include all statutory consultees
- ensure that its case officers know that reports should both identify and address material planning considerations, and
- meet the Environment Agency to correctly assess the adequacy of drainage on the site. If any work is deemed necessary, the details should be put to the Council to consider whether it will be funded.

<http://www.lgo.org.uk/news/2013/feb/ombudsman-criticises-bolton-council-failure-protect-neighbour-development/>

Kettering Borough Council

The Local Government Ombudsman found Kettering Borough Council's error cost a family a new home opposite the school attended by their son, who had special needs,

The LGO found that that but for the error, the complainant would now be the tenant of the property he needed to meet his family's needs – and the Council accepted this.

The Council's error has led to the complainant and his family living for longer than he needed to in a home not meeting their needs, and incurring additional transport costs for transporting his son to and from school.

The Ombudsman found maladministration causing injustice and the Council agreed to:

- apologise to the complainant and pay him £3,800 in recognition of the distress and inconvenience caused to him and his family
- continue to give him priority for a home close to his son's school through a direct letting
- assess what assistance is required to help meet the son's needs within the home and identify charities that could offer further assistance until an appropriate property is allocated
- review its agreements and the understandings housing associations have of those agreements, and
- review staff training needs.

<http://www.lgo.org.uk/news/2013/jan/ombudsman-criticises-kettering-council-family-housing-error/>

Appendix 6

Standards Cases Update December 2012 to March 2013 (SCD 23)

Spelthorne Borough Council: Councillor Davis

On 18 January 2013 a Panel of the Spelthorne Borough Council's Member's Code of Conduct Committee met to consider whether the conduct of Councillor Colin Davis at an Ashford Pride meeting of the 9 March 2012 amounted to the breach of the code of conduct.

The Panel concluded that the actions of Councillor Colin Davis had amounted to six breaches of the Code of Conduct.

These were two counts of not treating officers with respect; two counts of bringing his office into disrepute; compromising the impartiality of an officer of the Council; and for generally conducting himself in a way which is unbefitting for a Councillor.

The Committee found Councillor Davis had (a) Spoken in a disrespectful manner about Officer A, referring to him as an 'idiot boy'; (b) Brought his office into disrepute due to the conduct referred to in (a) above; (c) Spoken in a disrespectful manner about the Council's Head of Corporate Governance, brought his office into disrepute and also compromised that officer's impartiality by referring to him as Councillor Frazer's 'pet solicitor'; and (d) Brought his office into disrepute by generally acting in such an unbefitting way for a councillor that it offended members of the public who attended to such a degree that he was removed as chairman of the meeting while it was in progress.

In considering the sanctions for the breaches of the Code of Conduct, the Panel took into consideration the fact that Councillor Davis was probably unwell at the time.

For the breaches (a) – (d) detailed above Councillor Davis was required to undertake training on the control of his medical condition and on conduct in public meetings.

For breaches (a) - (d) the deputy monitoring officer was requested to provide a factual press statement on the findings. For breach (c) Councillor Davis was required to submit a private letter of apology to the Head of Corporate Governance within 7 days of the hearing with a copy to the panel members. For breach (d) the panel censured Councillor Davis.

<http://www.spelthorne.gov.uk/CHttpHandler.ashx?id=3903&p=0>

East Hertfordshire Council: Councillor Tindale

East Herts Council's Standards Sub-Committee, at its meeting held on 23 January 2013, made the following determination in relation to complaints made alleging that Councillor M Tindale had breached its Code of Conduct at a meeting of the Development Control

Committee held on 25 August 2011: (A) insofar as the allegation related to a breach of paragraph 3.1 of the Code - failing to treat others with respect - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale was not in breach of this provision, and (B) insofar as the allegation related to a breach of paragraph 5 of the Code - bringing the office of councillor or authority into disrepute - the Sub-Committee agreed with the Independent Investigating Officer's finding that Councillor Tindale had failed to comply with this provision.

The Sub Committee had considered that it was inappropriate for Councillor Tindale to attend and speak at the Development Control Committee meeting when his contribution was not a material planning consideration and he was known especially as being intimately involved in negotiations on the matter. As such, there had been a breach of this provision of the Code of Conduct.

The Sub-Committee agreed that: (1) its decisions on this allegation be published on the Council's website as per normal procedure; (2) officers be requested to report on recommended best practice proposals for inclusion within the relevant protocol/code (Planning Code of Good Practice and the Code of Conduct) addressing the general role and conduct of councillors dealing with planning matters and in particular with regard to attendance and speaking at Development Control Committee meetings by Executive Members where matters concerning Council assets were to be considered, and (3) a letter be sent to Councillor Tindale advising him of the Sub-Committee's decisions on this complaint.

<http://www.eastherts.gov.uk/index.jsp?articleid=26800>

Cheshire West and Chester Council: Councillor Mike Jones

A second report of an investigation relating to remarks made at a meeting in Tattenhall last July was commissioned by the Council's Monitoring Officer as a result of information contained in a letter of apology from Councillor Jones to the Monitoring Officer. At the time of his original investigation the Independent Investigating Officer had been unaware that Councillor Jones was not at the meeting in an official capacity because the Leader had exercised his right not to take part in the investigation. In his letter Councillor Jones had stated: "I fully accept my remarks – although intended as a private aside muttered to myself at a public meeting – were inappropriate." He also stressed that he had only "popped in for the last 10 minutes" as he was meeting a friend later. However, in the second report the investigator had concluded on the question of whether or not the member had been acting in his official capacity: "I cannot say whether I would have reached the same conclusion in relation to the application of the Code to the subject matter of the complaint." Consequently the Council's Monitoring Officer was left with two options – either to commission a further formal complaint or to take no action. The Monitoring Officer agreed with the Investigating Officer's conclusion that even if there were a further investigation and a complaint panel was satisfied that there had been a breach of the Council's Code of Conduct, then the apology already made 'would be sufficient to conclude the matter' and resolved to take no further action in the matter. The Council Press Release is available here:

http://www.talkingwestcheshire.org/talking_rural_west/my_news_-_rural_west/news_for_2013/february_2013/no_action_against_leader.aspx

Cornwall County Council: Councillor Brewer

Cornwall County Council received a complaint from Disability Council over remarks alleged to have been made by Collin Brewer at County Hall in October 2011. A final decision was issued in November 2012.

The complaint was determined in accordance with the Council's procedure for assessing and determining allegations of breaches of the Members' Code of Conduct. The Council's Monitoring Officer sought the views of an Independent Person and a panel of three members of the Council's Standards Committee. This panel, which was chaired by Councillor David Hughes, was convened solely to give its views to the Monitoring Officer on this issue.

Following the Government's abolition of Standards for England in 2012 and changes to the Code of Conduct regime the options available to the Council when a breach of the Code of Conduct is found are limited. There is no longer the ability to suspend Councillors. A Council has never been able to disqualify Councillors in response to Code of Conduct complaints. In this case the Monitoring Officer found that there had been a breach of the Code of Conduct and determined that the only appropriate and proportionate sanction he could impose was to require Councillor Brewer to issue a formal apology.

The assessment and review of complaints involved the consideration of confidential information and was undertaken in private session and so the Council did not publish details of the consideration of the Code of Conduct complaint. Link to Council Statement:

<http://www.cornwall.gov.uk/default.aspx?page=33650>

Norfolk County Council: Councillor Murphy

Members of Norfolk County Council's Standards Committee met on February 1 2013 to consider a number of allegations made against the former leader of Norfolk County Council, Derrick Murphy, that he breached the Members' Code of Conduct.

The Committee found that in one instance Councillor Murphy had breached section 5 of the Code which states: "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute." The other allegations against Councillor Murphy were not upheld.

The hearing followed an independent investigation by Jenni Richards QC into complaints that Councillor Murphy breached the Members' Code of Conduct in several respects in relation to the sending of an email to BBC Radio Norfolk in April 2012 by the then Conservative political assistant Kevin Vaughan.

The Committee imposed three sanctions: A letter of censure will be sent by the Committee to Cllr Murphy; a report of the breach will be made to a meeting of the Full Council and Cllr Murphy will be required to undergo training in ethics and standards.

Members of the Committee decided at their meeting that the hearing should be held in public and a copy of Ms Richards' full report is available on the County Council's website.

<http://www.norfolk.gov.uk/view/stand010213item6pdf>

APPENDIX 7

STANDARDS COMMITTEE WORK PROGRAMME 2012/13 (SCD 20)

No	Activity	Who is responsible	Completion	Notes	Legislative Root
1	Undertake Local Assessment of Complaints and reviews (where required)	MO to advise Standards Committee Sub-Committee	Ongoing	Effective July 2012. See also Local Arrangements adopted by the Council.	Localism Act 2011.
2	Undertake investigations and Local determination hearings as necessary	MO to advise Standards Committee Sub-Committee	Ongoing	Effective July 2012. See also Local Arrangements adopted by the Council.	Localism Act 2011.
3	Consider dispensation requests	MO/Standards Committee	As received	Scheme of dispensations in Constitution.	Localism Act 2011.
4	Prepare annual report for presentation to full Council	Chairman	Annually	At end of municipal year.	Good practice.
5	Promotion of the role and work of the Standards Committee	Chairman/Standards Committee and MO	Ongoing	Promote the work of the SC internally through the Members Bulletin and 'Grapevine'.	Localism Act 2011.

				<p>SC to pursue programme of awareness raising within the Community.</p> <p>Promote the work of the SC through the Horsham District Council Magazine and use of the Council website to include biography pages for Independent Persons and Parish Representatives.</p> <p>Liaison with Parish Councils by regular attendance at Parish Clerks' quarterly meetings and the distribution of SC agenda and reports.</p> <p>Investigate other ways of raising profile of role and work of SC.</p>	
6	Attendance at	Chairman/Vice	As	Chairman to	Local Government Act 2000.

	Council and other meetings	Chairman Standards Committee	timetabled	regularly attend Council meetings to present minutes of the Standards Committee and to present Annual Report. Standards Committee members to attend other meetings as required.	
7	Liaison Chief Executive, Leader of Council, Leader of Opposition, Chairman of Standards on standards issues	Chairman and Monitoring Officer	Six monthly	From April 2010. To include annual attendance of Chief Executive at Standards Committee meetings and as required.	Localism Act 2011. Good practice.
8	Liaison Chief Executive and MO on standards issues	CE/MO	Monthly 121 and as required	From February 2010	Good practice.
9	Standards Training	Chairman and MO	New Code July 2012.	MO to organise training throughout the year, to include awareness training for Parish	Localism Act 2011. HDC Corporate Learning and Development Plan.

				<p>Councils.</p> <p>Dedicated training on Local Assessment, Local Determination and Hearings for the Standards Committee.</p> <p>Awareness training of the Code of Conduct for Members and Management Team of HDC to form a part of Member Development Programme.</p> <p>Use of on-line resources, DVDs etc. as training aide.</p> <p>Attendance at external training events as required.</p>	
10	Review of Register of Interests	MO	Annual	To ensure that Members of HDC and Parish Councils review the content of their	Localism Act 2011 and local Code of Conduct.

				<p>Register of Interests at least once annually.</p> <p>To ensure that updated ROI are available online at HDC website for HDC members and at parish council website for parish members.</p>	
11	Consider regular Ethical Framework update reports	MO/Standards Committee	Quarterly	<p>To ensure that the Standards Committee Members are kept up to date with issues of ethics and governance.</p> <p>Provide access to reports for all HDC members through Members Bulletin on website.</p> <p>Distribute to Parishes with the Standards Committee agenda.</p>	Localism Act 2011.
12	Consider regular Ombudsman	MO/Standards Committee	Six monthly	To ensure that the Committee has the necessary	Local Government Act 2000. Local Government Ombudsman good practice.

	update reports			<p>information to ensure that complaints can be easily made to the Council and properly responded to.</p> <p>To assist with learning lessons and improving performance following complaints made to the Local Government Ombudsman about the Council.</p> <p>To feed this information into the Performance Management Working Group report on Complaints, Compliments and Suggestions.</p>	
13	Consider regular reports on numbers of Local Assessment, review, Other	MO	Quarterly		Local Arrangements.

	Action (to include outcome of Other Action directed), investigation and determination cases undertaken				
14	Consider regular Parish Representative reports	Parish Representative advisory members of SC	Quarterly		Good Practice.
15	Preparation and revision of Work Programme and Forward reports	MO/Standards Committee	Annually		Good Practice.
16	Response to consultations	MO/Standards Committee	As required	To ensure the Committee has ability to comment and influence the evolving standards framework.	
17	Review of new standards regime under Localism Act 2011	Chairman/Standards Committee/MO	July 2013	To enable the Committee to help shape the development of the new regime.	Localism Act 2011

Guidance on Conduct of Members and Officers for County Council Elections

1. Introduction

This briefing note is intended to assist local authority members and officers in respect of the forthcoming County Council elections on 2 May 2013.

Some members, and possibly some staff, may be interested in these elections either as prospective candidates, or by providing support to prospective candidates. These individuals may therefore find this guidance useful to ensure their role as a potential candidate or supporter does not conflict with their duties as a local authority member or officer.

Other members may also be faced with situations where prospective candidates make statements with which members disagree, which threaten the reputation of the authority or which are factually incorrect. Members and staff will have received briefings in the past regarding other local or national elections and the rules that underpin them advising that particular care needs to be taken in the period leading up to the election.

2. Principles relating to election lead-in period

At any time of the year, the Local Government Act 1986 prohibits councils from publishing material which appears to be designed to affect public support for a political party. The code of recommended practice on local authority publicity (issued under the 1986 Act) sets out additional requirements for periods of “heightened sensitivity”. The relevant provisions are as follows:

- (i) Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during the period to avoid breaching any legal restrictions.
- (ii) During the pre-election period between the notice of an election and the election itself [previously known as “purdah”], local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual

members or groups of members. Publicity relating to individuals directly involved in the election should not be published by local authorities during the period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names and parties of candidates at elections.

In the case of County Council elections, the Notice of Election was given on 25 March 2013. The pre-election period therefore runs from 25 March to 2 May 2013.

The timing of a publication is an important factor. The nearer the publication to the election, the more likely it is to be controversial and be perceived as designed to affect support for a particular party. Where possible, therefore, it is advisable to avoid publishing any controversial material near the elections.

Members and officers are advised to observe the following principles to ensure they do not breach any election rules now that the pre-election period [formally known as “purdah”] has formally begun:

- (i) The local authority should continue to conduct their normal business;
- (ii) Briefings for candidates should be even-handed, such as providing common information to all candidates, briefing candidates all together, agreeing that the chief executive does not provide individual briefings to candidates, providing FAQ's electronically. The key point is that contact with candidates must not favour one over another, as regards information or public profile.
- (iii) In the interests of transparency, members who intend to stand as, or actively and publicly support, a candidate should declare an interest at council or other public meetings where an item relating to county matters is under consideration.
- (iv) Members who are prospective candidates should be particularly careful not to do or say anything in their capacity as a member which could be construed as conferring an improper advantage on themselves or disadvantage on others;
- (v) Officers must avoid any action which is or might reasonably be perceived as being supportive of any party, candidate or opinion;
- (vi) Officers must avoid putting themselves in a position or situation which could be used by a party or candidate in support of their campaign;

- (vii) It would be appropriate for the authority to respond when claims about county matters involve the authority and are based on factually incorrect information or where it is necessary to correct misunderstandings that would seriously undermine confidence in the authority.
- (viii) Members standing as candidates and other members of the authority who are supporting them need to take care to ensure that, when they are acting as a member, they do not use that role or activity to promote their candidature or to support a candidate. They need to have regard to this not only in respect to council decisions but also in meetings with partners and during public engagement duties.

3. Council Facilities

The council's code of conduct for members prohibits members from using council resources improperly for political purposes.

The effect of such a provision is that any services or facilities provided for members should be used exclusively for the purposes of council business or to enable the member concerned to discharge their function as a councillor. This applies to all facilities, including: -

- Council stationery (letterheads, envelopes, compliment slips)
- Telephones
- Fax machines
- Transport
- Photocopiers
- Officer time
- IT equipment

Subject to the paragraph below on use of council premises during the election period, no election candidate or a person associated with a political party is entitled to access council premises. Members and officers need to take extra care to ensure that election candidates or other persons associated with political parties, who are not serving councillors, are not seen to have unauthorised access to council offices or facilities.

Members should not use IT equipment for party political purposes. For example, Members sending messages to chat rooms or forums will need to consider whether to use their councillor e-mail address or a personal address. The former could be appropriate for simply sending information as a councillor, but the latter will be appropriate if engaging in political debate.

By way of illustration, the following are examples of cases where the use of council facilities would **NOT** be appropriate: -

- The use of the internal/external council postal service to distribute election campaign material;
- Using council supplied letterheads or compliment slips in sending out election material or as part of election campaigning;
- Including election messages, strap-lines or slogans in letters which are otherwise being legitimately sent (e.g. for information purposes) on council supplied letterheads to local residents;
- Sending out election material using a council e-mail address;
- Using council telephones or fax machines for canvassing.

4. Use of e-mails

A member's council e-mail address should not be used for political purposes, such as electioneering.

It is recognised that a local resident may contact their ward Member about an election issue via that member's council e-mail address. As long as the use of the council e-mail for political purposes was not initiated or promoted by the member, it would be perfectly acceptable to reply to the e-mail although it may be political in nature. Members should not, however, initiate political discussions using a council provided e-mail facility. If the exchange becomes extensive, members should consider using their own e-mail.

5. Use of telephone

In line with the position on e-mails, members may use council supplied telephones for non-party-political purposes or where the call is not initiated by a member.

Council e-mail addresses and telephone numbers are better avoided for any party-political literature. If Members wish to refer to the facility for purposes of constituency work, it should be made clear that it is for ward casework only and it is better kept in a discrete part of the document, for example in a box at the back saying "If you want to Contact your ward Councillors about ward issues, you may contact them on...."

The council's code of conduct prohibits members from using staff resources in support of political or personal ends, this would include using council staff to research matters which they intend to use as part of their campaign.

Members should also take care before disclosing matters which are not in the public domain or where they have had access to the information solely as a member of the authority.

6. *Use of Council premises during the election period*

Between the Notice of Election being published and the day before the election, a candidate in the election is entitled to use council meeting rooms for furtherance of his/her candidature. This includes committee rooms and rooms in schools in the candidate's electoral area. The use of these rooms is free of hire charge.

7. *Special rules relating to Officers*

Officers at all levels should not engage in party political activity that compromises their neutrality and objectivity at work. Officers who hold politically restricted posts (generally senior officers and those who advise members or speak on behalf of the council) are subject to additional restrictions.

If an officer attends a political group meeting to brief members on council business, members should ensure that the officer is not present when political business is discussed. Attendance at such meetings should normally be limited to directors or other senior officers.

Political assistants are specifically appointed to assist political groups and the above rules do not therefore apply to them. They are subject to slightly different restrictions.

8. *General*

If you have any queries about this guidance, please contact any of the following:

Sandra Herbert Monitoring Officer and Principal Solicitor sandra.herbert@horsham.gov.uk 01403 215482

Selena Saroy Senior Solicitor Monitoring and Standards selena.saroy@horsham.gov.uk 01403 215507

20 March 2013

Report to Standards Committee

20 March 2013

By the Monitoring Officer

INFORMATION REPORT

Not exempt



**Horsham
District
Council**

The Local Government Ombudsman Update 2012-2013

Executive Summary

This report is to update Members on the number of complaints and nature of complaints against the Council that were made to the Local Government Ombudsman (the "LGO"), and provide details on the changes to the LGO's complaints processes.

Recommendations

The Committee is recommended to note the contents of the report.

Reasons for Recommendations

- i) To ensure that the Committee has the necessary information to ensure that complaints can be made to the Council with ease and complaints are dealt with appropriately.
- ii) To assist with establishing learning lessons so that the Council can improve its performance in the provision of its services.

Background Papers: None. Information on specific case files is confidential.

Consultation: None

Wards affected: All

Contact: Selena Saroy, extension 5507

File reference: CE0/157

Background Information

1 Introduction

The purpose of this report

- 1.1 The purpose of this report is to update Members on the number, nature and the current position of complaints made to the LGO. The report shall also provide details on the changes to the LGO's complaints processes.

Background/Actions taken to date

- 1.2 The LGO requires complainants to exhaust the Council's internal complaints procedure before it will investigate a complaint. Where the LGO receives a complaint that has not first been processed internally by the Council, it will normally refer the complainant to the Council's internal complaints procedure, and log such complaints as "premature complaints". In urgent circumstances, however, the LGO will inform the Council that it has opted to investigate a complaint without referral to the Council's internal complaints procedure.
- 1.3 Changes introduced in October 2012 now mean that the LGO will assess complaints in compliance with its new complaints process.
- 1.4 Details of all complaints, compliments and suggestions to the Council are considered by the Performance Management Working Group on a quarterly basis.

2 Statutory and Policy Background

Statutory background

- 2.1 The statutory background is found in the Local Government Act 1974 (as amended) and the Local Government and Public Involvement in Health Act 2007.
- 2.2 The Local Government Act 1974 (as amended) specifies the two main statutory functions for the LGO:
 - 2.2.1 To investigate complaints against councils and some other authorities; and
 - 2.2.2 To provide advice and guidance on good administrative practice.
- 2.3 The Local Government and Public Involvement in Health Act 2007, also sets out the LGO's role:
 - 2.3.1 The LGO may look at service failure in addition to maladministration;
 - 2.3.2 The LGO will have a limited power to investigate where an apparent case of maladministration comes to light even though they have received no complaint about the matter;
 - 2.3.3 Complaints about the procurement of goods and services are within its jurisdiction;
 - 2.3.4 The LGO may issue a 'statement of reasons' instead of a report if they are satisfied with the council's proposals to remedy its failures;
 - 2.3.5 There are new powers to publish the LGO's decisions other than reports; and
 - 2.3.6 Complaints no longer need to be in writing.

- 2.4 The LGO also has jurisdiction in areas that do not directly relate to the Council's services, and its jurisdiction and operations are set out within the Local Government and Public Involvement in Health Act 2007, the Health Act 2009 and the Apprenticeship, Skills, Children and Learning Act 2009.

Relevant Government policy

- 2.5 The relevant Government policy is contained within the legislation cited in paragraph 2.1 above.

Relevant Council policy

- 2.6 The Council's Complaints Procedure for handling comments, representations, criticisms of policy and formal complaints is set out within Part 5D of the Council's Constitution.

3 Details

- 3.1 Since 01 March 2012, eleven complaints were made to the LGO. The LGO considered the complaints:
- 3.1.1 Two complaints were premature complaints, and so referred to the Council to complete its internal complaints procedures (although one complaint had appeared to go through the internal complaints procedure);
 - 3.1.2 Five complaints were referred for investigation, two of which were determined as having no evidence of administrative fault by the Council and three complaints are ongoing; and
 - 3.1.3 Four complaints were received but the LGO decided not to pursue an investigation.
- 3.2 The LGO has provided a provisional view in respect of one of the investigations that are ongoing. In one case, the LGO formed a provisional view that there was fault in the way the Council dealt with an appeal process and therefore caused the complainant injustice. The LGO considers that the Council should pay the complainant £100 compensation to recognise the frustration and time and trouble.
- 3.3 In the previous reporting period 2011/2013, 13 complaints to the LGO were referred for investigation.

Changes to the LGO's processes

- 3.4 In October 2012, the Council was informed of changes to the way in which the LGO would process complaints from 01 April 2013. However, a phased approach was introduced to implement the new changes, and so the LGO has been processing recent complaints made against this Council under the new changes. The new process will be fully introduced across all LGO offices from 01 April 2013.
- 3.5 Following the changes, the LGO intends to make decisions within twenty working days from receipt of complaints. In doing so, the LGO will make prompt decisions on:
- 3.5.1 All complaints that are outside its jurisdiction;
 - 3.5.2 Complaints that can quickly be resolved;

3.5.3 Complaints that do not merit formal investigation; and

3.5.4 Only pass on complaints that merit formal investigation to the investigation teams.

- 3.6 The LGO will no longer refer premature complaints to local authorities. Instead, the LGO only advises complainants that their complaints are premature and that they need to complain directly to the Council. The exception to this is where the complainant is vulnerable or otherwise cannot reasonably be expected to progress the matter alone.
- 3.7 The LGO will no longer carry out follow-up checks with the complainants or the Council to see whether the complaint has been satisfactorily resolved.
- 3.8 Under the new process, the Council will need to respond to LGO enquiries in a timely manner. This is because, if the LGO does not receive a response, it may make judgements based on information provided by the complainant, and send a complaint for investigation, even if an investigation is not necessarily required. For this reason, the LGO has requested that the Council responds to its enquiries promptly.

Annual Review 2012-2013

- 3.9 The LGO prepares annual statistics for the period of 01 April to 31 March each year. However, following the changes at the LGO, it is unknown, at this stage, as to whether or not the LGO will issue an Annual Review letter for 2012/2013.
- 3.10 If the LGO is to provide its Annual Review Letter, it is likely to do so in or around June 2013, and may be a two stage process. Firstly, the LGO may send the Council a draft Annual Review letter for comment, and secondly, upon consideration of any Council comments, the LGO will send its final Annual Review letter.
- 3.11 The Annual Review letter normally sets out:
- 3.11.1 A general update on LGO developments;
 - 3.11.2 Details of complaints that the LGO receives about the Council's services; and
 - 3.11.3 Complaint statistics, including the average time taken to respond to the LGO's written enquiries.
- 3.12 Complainant details referred to within the LGO's Annual Letter will be anonymised before any publication, in compliance with Part 1 Schedule 12A of the Local Government Act 1972, as it forms information relating to individuals.

Complaints

- 3.13 The LGO can make recommendations to the Council in regards to remedying the complaint against its service, including an apology from the Council and compensation payments. In 2012-2013, the LGO recommended that the Council pay £100 in compensation in one of the complaint cases, and reiterate its offer of compensation of £600 in respect of another complaint case.

- 3.14 An updated schedule of cases recorded for the 2012/2013 reporting year is attached (SCD21). Complainant details recorded within the schedule of cases are anonymised, in compliance with Part 1 Schedule 12A of the Local Government Act 1972, as it forms information relating to individuals.

4 Next Steps

- 4.1 This report is based on the complaints that the LGO has investigated. It is intended that this report will assist with learning lessons and improve the Council's performance.
- 4.2 Should the LGO publish an Annual Review letter, it shall be circulated to the Standards Committee.

5 Outcome of Consultations

- 5.1 Not applicable.

6 Other Courses of Action Considered but Rejected

- 6.1 Not applicable.

7 Staffing Consequences

- 7.1 There are no staffing consequences flowing from this report.

8 Financial Consequences

- 8.1 Members should note that as the LGO can recommend compensation payments where it determines that complaints should be upheld, the Council must pay those compensation payments to the complainant(s).

9 Other Consequences of the Proposed Action

- 9.1 Other consequences of the proposed action are set out in Appendix 1.

Appendix 1

Consequences of the Proposed Action

What are the risks associated with the proposal?	The report will assist the Council with learning lessons and improving its performance.
Risk Assessment attached Yes/No	No.
How will the proposal help to reduce Crime and Disorder?	This report does not directly affect the Council's duty to reduce crime and disorder.
How will the proposal help to promote Human Rights?	Responding to complaints effectively and learning from the process, together with the adoption of the ethical framework will enhance citizens' human rights in all their aspects.
What is the impact of the proposal on Equality and Diversity?	<p>The Council is committed to the values of Equality and Diversity in relation to the provision of services and when serving residents.</p> <p>It has adopted a Single Equality Scheme as a public commitment of how the Council will meet the duties placed upon it by equality legislation.</p> <p>Having the right climate to accept and respond effectively to complaints against the Council will ensure the duties placed upon the Council by equality legislation are considered.</p>
Equalities Impact Assessment attached Yes/No/Not relevant	No.
How will the proposal help to promote Sustainability?	This report does not directly help to promote sustainability.

Reference	Nature of Complaint	Date Complaint Received	Current Position	Date Determined	Further Action	Lessons Learnt
CEO163	Planning and Development No enforcement action taken on works which allegedly did not comply with approved plans and lack of response to letters.	25.01.12	Determined: The LGO decided not to initiate an investigation.	27.04.12		
CEOP18	Planning and Development No enforcement action taken on works which allegedly did not comply with approved plans and lack of response to letters.	25.01.12	Related to complaint Reference CEO163: Believed to be a premature complaint but had been through Council's complaints procedure.			
CEOP19	Benefits and Tax	30.04.12	Referred to the Council: Complaint dealt with under Council's complaints procedure.			
CEO164	Housing Services The complainant sought help with the tenancy deposit scheme, was advised that they needed to be registered as homeless, and was advised by a Council Officer not to make an application as homeless	11.05.12	Determined: Insufficient evidence of fault by the Council causing injustice. The Council appeared to discourage the complainant's approach to it as a homeless person. The Council seemed to have come to an early view that it would not treat the complainant as homeless, but it did not issue a formal decision.	02.08.12	Processes regarding homeless applications were revised in response	Recommended that the Council does not discourage applicants who present themselves as homeless; and When the Council makes a formal decision regarding homelessness it must issue a decision letter.

Reference	Nature of Complaint	Date Complaint Received from LGO	Current Position	Date Determined	Further Action	Lesson Learnt
CEO165	Planning and Development Failure to re-consult complainants on amended plans relating to a neighbouring property planning application, giving them misleading information about the application, failing to take enforcement action when the development was not in accordance with the plans and not providing sufficient compensation.	August 2012	Determined: The LGO found no reason to investigate the complaint. The Council was evidently at fault to an extent regarding the accuracy of the information it provided to the complainants and failure to re-consult them. But the Council cannot be faulted for declining to take enforcement action. The Council already offered a suitable remedy that addresses the injustice caused at the time (a suitable remedy of £600 compensation).	06.09.12	The LGO asked the Council to reiterate its offer of compensation. If remedial works exceed £600, the LGO advised that they may wish to approach the Council to reconsider the amount of compensation given.	
CEO166	Planning and Development Failure to take effective enforcement action to a nearby property address	12.10.12	Ongoing as at 01.03.13			
CEO 167	Housing Services Housing team did not give proper consideration to whether the complainant was vulnerable or in priority need when it considered the Homelessness application	08.11.12	Determined: Discontinued the investigation. No evidence of administrative fault by the Council. LGO accepted the complaint even though internal Complaints procedures not used (considered necessary for immediate review)	19.12.12		
Reference	Nature of Complaint	Date	Current Position	Date	Further Action	Lesson Learnt

		Complaint Received from LGO		Determined		
CEO 168	Economic Development A complaint about the way in which the Council considered an appeal process	03.01.13	Ongoing as at 01.03.13 Provisional view issued - the Council caused the complainant injustice so the Council should pay £100 compensation for frustration, time and trouble			
CEO 169	Planning and Development A complaint about the way the Council has responded to the complainant's requests for information; the way it has monitored implementation of the Section 106 agreement in respect of a specific development and the way it monitors section 106 agreements generally	24.01.2013	Ongoing as at 01.03.13			
CEO 170	Legal (Standards/ Monitoring) The Council did not properly deal with the allegation that a Councillor breached the Parish Council's Members' Code of Conduct – that a Councillor who had an interest should not have taken part in the process.	11.02.13	Determined: Decision not to pursue an investigation of the complaint, as no evidence of fault by the Council.	11.02.13		

Reference	Nature of Complaint	Date Complaint Received from LGO	Current Position	Date Determined	Further Action	Lesson Learnt
CEO 171	Legal (Standards/Monitoring) The Council did not deal properly with an allegation that a Parish Councillor breached the Parish Council's Members' Code of Conduct – that the Local Assessment Sub-Committee should have reached an alternative decision.	21.01.13	Determined: Decision not to pursue an investigation of the complaint, as no evidence of fault by the Council.	21.01.13		