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Standards Committee

Wednesday 25th September 2013 at 10.00am.

COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors: Brian Donnelly (Chairman) Sheila Matthews
David Coldwell (Vice-Chairman) Godfrey Newman
Andrew Baldwin Tricia Youtan
Philip Circus

Co-opted advisory members: Mary Jagger Independent person
Paul Byford Independent person
Valerie Court Parish Council representative
Isabel Glenister 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 19 th June 2013 | 1 |
| 3. To receive the minutes of the Local Assessment Sub-Committee held on 14th August 2013 | 5 |
| 4. To receive any declarations of interest from Members of the Committee | |
| 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 consider any Independent Person report
8. To consider any Parish Representative report
9. To receive the following reports of the Monitoring Officer:
 - (a) Ethical Framework Update **15**
 - (b) The Local Government Ombudsman six-monthly report **45**
10. 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

19th June 2013

Present: Councillors: Andrew Baldwin, Philip Circus, David Coldwell, Brian Donnelly, Sheila Matthews, Godfrey Newman, Tricia Youtan

Co-opted advisory members

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

There were no apologies.

SC/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Brian Donnelly be elected Chairman of the Committee.

SC/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor David Coldwell be appointed Vice-Chairman of the Committee.

SC/3 **TIMES OF MEETINGS OF THE COMMITTEE FOR THE ENSUING YEAR**

RESOLVED

That meetings of the Committee be held at 10.00am for the ensuing Council year.

SC/4 **MINUTES**

The minutes of the meeting of the Committee held on 20 March 2013 were approved as a correct record and signed by the Chairman.

SC/5 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/6 **ANNOUNCEMENTS**

There were no announcements.

SC/7 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/8 **ETHICAL FRAMEWORK UPDATE**

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

- Training and awareness: The Monitoring Officer had provided training for Councillors Roger Clarke and Diana van der Klugt who had been elected as District Councillors at the by-elections on 2 May. Members were supplied with a flowchart to assist with declaring interests, which they welcomed.
- Local assessment, review, other action, investigations and determinations: Since the Ethical Framework Update on 20 March 2013, the Local Review Sub-Committee and the Local Assessment Sub-Committee had not been required to meet.
- Parish Clerks' Meetings: The Monitoring Officer had attended the Society of Local Council Clerks' meeting on 30 April 2013 and provided an update on the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. A review of outstanding Register of Members Interest forms at Parish level had been provided.
- Register of Interests: The new Register of Interests forms had been sent to District and Parish Councillors in July 2012. To date 21 of the 44 District Councillors had returned their forms. Members noted that the updated guidance from DCLG stated that there was no requirement for a Councillor to differentiate their own DPIs from those of their spouse.

Six Parish Councils had yet to submit their Registers of Interests forms.

- Members requested that details of the six Parish Councils who had not submitted their forms should be supplied to the relevant District Councillors.

The Monitoring Officer reminded Members that the Register was there to protect Members and it was appropriate to declare all personal interests, including membership of charitable organisations.

- Committee on Standards in Public Life: David Prince CBE had been appointed Interim Chair of CSPL and was likely to take on the role on a permanent basis. The CSPL's Strategic Plan for 2012 – 2015 was outlined. The seven principles of public life had been given reformulated descriptions. Members noted that the CSPL would continue to monitor the implementation of the new local government standards regime.

SC/8 Ethical Framework Update (Cont.)

- Publicity guidance: The Local Authority Code of Publicity had seven principles as set out in the report at 3.26. The Secretary of State for DCLG had announced measures to strengthen the Code by making it a statutory requirement to ensure local authorities comply with these principles to guard against the use of taxpayers money to publish 'political propaganda', particularly during purdah. A new Code on Publicity had therefore recently been consulted on.
- Councillors and Lobbying: In March 2013 the Secretary of State for DCLG had written an open letter regarding Councillors conduct and lobbying emphasising that to receive any form of payment to lobby their own Council would be a clear breach of the Nolan Principles. Members noted that the Bribery Act and the Council's Code of Conduct covered these issues.
- Probity and Planning: In April 2013 the LGA published a new guide reflecting changes in the Localism Act 2011 which included a flowchart to help Councillors on a Planning Committee assess whether they had a Disclosable Pecuniary Interest.
- Predetermination, bias and advice: In a letter dated 01 May 2013 Brandon Lewis MP had clarified the distinction between predisposition and predetermination. The advice clarified that a Councillor was not to be regarded as unable to act fairly or without bias if they had participated in a decision on a matter simply because they had previously expressed a view on it. However Councillors should not have a closed mind when they made the decision as decisions taken by those with pre-determined views were vulnerable to successful legal challenge.
 - Members welcomed the clarification and it was suggested that information regarding this should be made readily available to the press and public.
- Standards cases and LGO case summaries: Case summaries were provided.
- Local Standards regime – Annual Review: Members had requested that the local standards regime be reviewed a year after its adoption.
 - The following Members volunteered to form a working group to take this forward:
Councillors Philip Circus, David Coldwell, Brian Donnelly, Sheila Matthews, Godfrey Newman; Val Court and Mary Jagger

Members would be kept informed of the working groups' progress and recommendations would be presented to a future Committee meeting.

SC/8 Ethical Framework Update (Cont.)

- Performance Management: The annual report of complaints had been submitted to the Finance & Performance Working Group in May 2013. For the period 1 April 2012 to 31 March 2013 there had been 157 complaints and 69 compliments (excluding Operational Services). The figures for the previous year had been 92 complaints and 148 compliments.
- Freedom of Information: The annual report of Freedom of Information requests had been submitted to the Finance & Performance Working Group in May 2013. The number of requests for the period 1 April 2012 to 31 March 2013 totalled 523, compared with 574 for the previous year.
- Data Protection Act 1998: The Information Commissioner had not alerted the Council to any complaints that the Council has breached the Data Protection Act 1998. Members noted the importance of using their Council e-mail address for Council business as this was covered by HDC's data notification. Information sent to the independent persons' e-mail addresses from the Council was also covered by this notification.
- Regulation of Investigatory Powers Act 2000: Changes to the legal framework restricting the Council's use of RIPA had come into force in November 2012. The Council would be required to seek permission from a Magistrates Court to use these powers but the threshold was set at a level which may make it impractical for the Council to do so. For the previous two years the Council had not authorised any use of RIPA.
- Work Programme update: Members noted the updated Work Programme.

Members of the Committee noted the matters contained within the report.

SC/9 The Monitoring Officer advised that the new Members of the Committee would be given additional Standards training prior to the next meeting on 25 September.

The meeting finished at 11.48am having commenced at 10.00am.

CHAIRMAN

STANDARDS COMMITTEE
LOCAL ASSESSMENT SUB-COMMITTEE
14 AUGUST 2013

Present: Councillors: Andrew Baldwin, Brian Donnelly, Sheila Matthews

LA/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Brian Donnelly be appointed Chairman of the Sub-Committee for the purposes of this meeting.

LA/2 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LA/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.

LA/4 **TO CONDUCT AN ASSESSMENT UNDER THE LOCALISM ACT 2011 CHAPTER 7 AND THE 'ARRANGEMENTS' WHICH THE COUNCIL HAS PUT IN PLACE FOR THE ASSESSMENT OF SUCH COMPLAINTS UNDER S 28(6) OF THE ACT IN RELATION TO THE ALLEGED CONDUCT OF A DISTRICT COUNCILLOR, WHO WAS ALSO A PARISH COUNCILLOR, AND A PARISH COUNCILLOR**

The Local Assessment Sub-Committee assessed two complaints that two Councillors had failed to comply with their respective Code of Members' Conduct (the "Code").

On 09 July 2013 allegations against the Councillors were made under section 28 (6) Localism Act 2011 and assessed in accordance with the Council's procedure for complaints against Members. It was alleged that:

1. A District Councillor, who was also a Parish Councillor, breached paragraph 5 of their Parish Council's Code of Members' Conduct and paragraph 5 of their District Council's Code of Members' Conduct; and

LA/4 To conduct an assessment under the Localism Act 2011 Chapter 7 and the 'arrangements' which the Council has put in place for the assessment of such complaints under S 28(6) of the act in relation to the alleged conduct of a District Councillor, who was also a Parish Councillor, and a Parish Councillor (cont.)

2. A Parish Councillor breached paragraph 5 of their Parish Council's Code of Members' Conduct:

'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'.

The complainant also believed that both Councillors had failed to show integrity, openness or honesty as expected from elected representatives.

Members considered the opinion of the Independent Person appointed by the Council under the Localism Act 2011, section 28(7), and considered the opinion of a Parish Representative appointed by the Council to advise on Parish matters.

Members considered the allegations against the Councillors separately and considered whether they had been acting within their official capacities on the occasions alleged by the complaint.

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 no further action should be taken on the allegations. This was because the subject matter of the allegations was not within the jurisdiction of the Local Assessment Sub-Committee.

REASON

- (i) The Local Assessment Sub-Committee is charged with determining whether there is a prima facie breach of the Code of Members' Conduct and, if so, to decide which course of action is appropriate.
- (ii) The first task is to determine whether or not the Member was acting within his official capacity or was claiming or giving the impression of acting in his official capacity on the occasions alleged by the complainant.

LA/4

To conduct an assessment under the Localism Act 2011 Chapter 7 and the 'arrangements' which the Council has put in place for the assessment of such complaints under S 28(6) of the act in relation to the alleged conduct of a District Councillor, who was also a Parish Councillor, and a Parish Councillor (cont.)

- (iii) Members considered the scope of paragraph 2 of the Code of Conduct, which states that:

"... you must comply with this Code whenever you - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or (b) act, claim to act or give the impression that you are acting as a representative of your authority, and references to your official capacity are construed accordingly ..."

- (iv) It was noted that whilst there was a general expectation that Members' conduct would be of a higher standard and subject to closer scrutiny than members of the public, a failure by a Member to meet those high standards would not result in a breach of the Code of Members' Conduct if the conduct occurred when the Member was not acting in their official capacity.
- (v) The Sub-Committee considered cases relevant to Paragraph 2 of the Code of Members' Conduct regarding official capacity, the complaint in depth and public perception generally and concluded that:
1. The District and Parish Councillor had not been acting in his official capacity or claiming or giving the impression of acting in his official capacity on the occasions alleged by the complainant and the complaint was therefore outside the jurisdiction of the Local Assessment Sub-Committee; and
 2. The Parish Councillor had not been acting in his official capacity or claiming or giving the impression of acting in his official capacity on the occasions alleged by the complainant and the complaint was therefore outside the jurisdiction of the Local Assessment Sub-Committee.
- (vi) For the above reasons, the allegations do not appear to disclose a failure by either Councillor to comply with their respective Code of Members' Conduct as they were not acting in their official capacity.

The meeting finished at 11.14am having commenced at 10.00am

CHAIRMAN

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LIST OF STANDARDS COMMITTEE REPORTS AND DOCUMENTS – July 2012 to September 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
19.06.13	Ethical Framework Update
25.09.13	Ethical framework update Local Government Ombudsman update
04.12.13	Ethical framework update Code of Conduct review report
19.3.14	Ethical framework update Local Government Ombudsman update Chairman's annual report

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/ukxi/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 1March 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
SCD29	Declaring Interests Flowchart – Questions for Members	May 2013	HDC	
SCD30	Local Assessments, Reviews and Determinations – July 2012 onwards (updated with non-personal data)	May 2013	HDC	
SCD31	Schedule of Local Assessment Sub-Committee Membership to May 2013	May 2013	HDC	

SCD32	The Committee on Standards in Public Life Annual Plan for 2013-2014	April 2013	Committee on Standards in Public Life	http://www.public-standards.gov.uk/wp-content/uploads/2013/04/Annual-plan-13-144.pdf
SCD33	The Code of Recommended Practice on Local Authority Publicity	March 2011	Department for Communities and Local Government	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf
SCD34	Secretary of State for DCLG: Councillors and Lobbying: Letter	12.03.2013	Department for Communities and Local Government	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/140313/130312_Letter_to_Hilary_Benn.pdf
SCD35	CPS' guidance on 'Misconduct in Public Office'	May 2013	Crown Prosecution Service	http://www.cps.gov.uk/legal/l_to_o/misconduct_in_public_office/
SCD36	<i>Cosford and others v R</i> (2013)		Case decision: [2013] EWCA Crim 466	http://www.bailii.org/ew/cases/EWCA/Crim/2013/466.html
SCD37	Probity in planning for councillors and officers	April 2013	Local Government Association	http://www.pas.gov.uk/pas/aio/3529687
SCD38	Local Government Ombudsman Case Summaries March 2013 – June 2013	June 2013	HDC	
SCD39	Standards case summaries March 2013 – June 2013	June 2013	HDC	
SCD40	Work Programme	June 2013	HDC	
SCD41	Letter Predetermination	June 2013	Department for Communities and Local Government	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/200496/Letter-Predetermination-March2013.pdf
SCD42	Annual Report 2012-2013	September 2013	Committee on Standards in Public Life	http://www.public-standards.gov.uk/wp-content/uploads/2013/08/Annual-report-Final-for-publication-190813.pdf
SCD43	Local Government Ombudsman Case Summaries June 2013 – September 2013	September 2013	HDC	
SCD44	Standards case summaries June 2013-September 2013	September 2013	HDC	
SCD45	Government removes 'volunteering tax' on councillors	September 2013	Department for Communities and Local Government	https://www.gov.uk/government/news/government-removes-volunteering-tax-on-councillors

SCD46	Your council's cabinet – going to its meetings, seeing how it works A guide for local people	September 2013	Department for Communities and Local Government	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207528/Your councils cabinet - going to its meetings seeing how it works.pdf
SCD47	Eric Pickles opens up planning appeals and lays down challenge	September 2013	Department for Communities and Local Government and Planning Inspectorate	https://www.gov.uk/government/news/eric-pickles-opens-up-planning-appeals-and-lays-down-challenge
SDD48	Code of Practice for datasets	September 2013	Ministry of Justice	http://www.justice.gov.uk/downloads/information-access-rights/foi/code-of-practice-datasets.pdf

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Report to Standards Committee

25 September 2013

By the Monitoring Officer

INFORMATION REPORT

Not exempt



**Horsham
District
Council**

Ethical Framework Update: September 2013

Executive Summary

This report is to:

- (i) Inform and update Members of the Council about recent 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;
 - Register of Interests;
 - Committee on Standards in Public Life;
 - Publicity Guidance;
 - Probity in Planning Guidance;
 - LGO case summaries and Standards cases;
 - Local Standards regime – Review: One year on;
 - Performance management;
 - Freedom of Information;
 - Data Protection Act 1998;
 - Regulation of Investigatory Powers Act 2000;
 - Work programme update.

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

Background Papers:**Standards Committee Documents:**

SCD 30
SCD 31
SCD 33
SCD 37
SCD 40
SCD 42
SCD 43
SCD 44
SCD 45
SCD 46
SCD 47
SCD 48

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 inform and update Members of the Council of recent developments in the ethical framework, since the preparation of the last report in June 2013.

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 can be found in the Localism Act 2011, Part 1 Chapters 6 and Chapter 7 and the Regulations made there under.

Relevant Government policy

- 2.2 The relevant Government policies, with regard to the ethical framework 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 subscribed to the Hoey Ainscough Associates' interactive website, the Standards Exchange, which allows access to the latest news on standards issues, including cases and best practice from other authorities, access

to help and support a dedicated forum and a regular standards bulletin. Learning from this resource will be provided to this Committee.

- 3.2 On 11 July 2013, the Monitoring Officer and Senior Solicitor (Monitoring/Standards) attended a Conference for Monitoring Officers “*Standards: One year on*”, which was arranged by Hoey Ainscough Associates. This Conference considered the following issues:

- 3.2.1 Interests, predetermination and bias;
- 3.2.2 Local Codes of Conduct – whether they are effective;
- 3.2.3 Dealing with the media in Standards cases; and
- 3.2.4 Handling cases under the Localism Act 2011 including reflections on the first year.

- 3.3 In general, it was clear that local authorities have not only adopted different types of Codes of Conduct but that some local authorities had interpreted the legislation differently within their “arrangements” for dealing with Member conduct. Examples were:

- 3.3.1 Most Councils have three outcomes when assessing complaints (i) no further action (ii) investigation or (iii) informal resolution, but some arrangements include a further option of finding a breach without an investigation;
- 3.3.2 Most Councils notify the subject member once a complaint is received, although only a few will tell the Member about a complaint following the assessment decision; and
- 3.3.3 Where the subject Member is notified about a complaint, some Councils do this ‘for information only’ whereas others invite comments before an assessment decision is made.

- 3.4 Further details from the Monitoring Officer Conference shall be provided to the Standards Committee Working Group when it carries out its review of Horsham District Council’s “Arrangements” for dealing with complaints against Members.

- 3.5 Hoey Ainscough Associates is also arranging a series of workshops in association with Wilkin Chapman Goolden looking at the role of the Independent Person one year on from the new Standards framework. Members may consider that both the Monitoring Officer and Independent Person attend a workshop.

- 3.6 On 16 July 2013, the Monitoring Officer provided induction training for Councillor Philip Circus, Chairman of the Council as a new member of this Committee. Training was provided on the Code of Members’ Conduct and the Council’s “arrangements” for assessing complaints against Members.

Local assessment, review, other action, investigations and determinations (SCD30)

- 3.7 Attached as Appendix 2 is the schedule of all assessment, review, other action, investigation and determination decisions since 01 July 2012.

Local Assessment

- 3.8 Since the last Ethical Framework Update was presented to this Committee, the Local Assessment Sub-Committee has met on one occasion and considered two cases. Further details are set out in CES92 and CES 93 in Appendix 2.

Local Review

- 3.9 Since the date of the last Ethical Framework Update was presented to this Committee, the Local Review Sub-Committee has not met.

Other action directed

- 3.10 Since the date of the last Ethical Framework Update was presented to this Committee, no cases have been referred to the Monitoring Officer for Other Action.

Local Investigations

- 3.11 Since the date of the last Ethical Framework Update was presented to this Committee, no Local Investigations have been carried out.

Local Determinations

- 3.12 Since the date of the last Ethical Framework Update was presented to this Committee, no Local Determinations have been carried out.
- 3.13 Attached at Appendix 3 is a schedule of forthcoming Local Assessment Sub-Committee dates. Members are asked to consider the proposed Sub-Committee membership and reserves for those meetings [SCD31].

Parish Clerk's meeting

- 3.14 On 09 July 2013 the Senior Solicitor (Monitoring/Standards) attended the Society of Local Council Clerks' meeting at Southwater Parish Council. Discussions surrounded Parish Councils' Codes of Members' Conduct and their Dispensation schemes.
- 3.15 Parish Clerks were concerned about the requirement to give up to 14 days notice to the Parish Clerk to seek a dispensation, as it is unlikely that a Member will realise that they need to seek a dispensation until dispatch of the Agenda, which is usually seven days before the Parish meetings. This means that Parish Council meetings are often rescheduled. The adoption and content of a Parish Dispensation Scheme is a matter for the Parish Council.
- 3.16 Parish Clerks stated that they continue to use the new 'Disclosable Pecuniary Interests flowchart' that was considered by this Committee in June 2013 for guidance when advising Members about DPIs.
- 3.17 The Ethical Framework Update report from June 2013 was reported to the Parish Clerks meeting for their information.
- 3.18 The Council's Senior Electoral Services Officer also attended the Parish Clerk's meeting to discuss casual vacancies and the electoral process. Parish Councils were dealing with causal vacancies differently and it was apparent that the notices

produced by parish clerks did not have all the required information on them or were out of date. The Senior Electoral Services Officer therefore created personalised vacancy notices for each parish or parish ward, which have since been circulated for use.

Register of Interests

- 3.19 In July 2013, Register of Interests Update forms were circulated to Parish Clerks and District Councillors. Members will recall that the format of the Register of Interests Update forms was amended in light of the updated DCLG guidance on 'Openness and transparency on personal interests: a guide for Councillors'. The Council's Update forms now state expressly that Councillors are not required to differentiate their own disclosable pecuniary interests which relate to them personally and those that relate to a spouse or civil partner, a person with whom a Councillor is living as husband or wife, or a person with whom a Councillor is living as if civil partners.
- 3.20 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>.
- 3.21 Annual Update forms were circulated to all Members at the Annual meeting in May 2013, many of which record new and revised interests. The update forms have also been uploaded and the majority are now available to view, only four District Councillors have not yet returned their forms.
- 3.22 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>
- 3.23 To date, four 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

- 3.24 In July 2013 Lord Bew was appointed Chair of the Committee on Standards in Public Life, replacing Sir Christopher Kelly.
- 3.25 In August 2013, the Committee on Standards in Public Life (the "Committee") published its Annual report of its activities over the course of the financial year 2012-2013.
- 3.26 In a general overview, the Committee said it had reflected on what had been achieved since its first report in 1995. It found that while many of the original 'Nolan Principles' were *widely understood and resonated with public expectations, the principles as a whole were still not being lived out everywhere in spirit as well as letter and there needed to be more active implementation and embedding within the day-to-day business of many organisations.*

- 3.27 The Committee reports that standards of behaviour in many areas of public life have improved since the Committee's first reported in 1995, but there was still much to do. This is because new situations continually arise which raise new standards issues, and responses to standards issues often come too late and only in response to public scandals, which by then have damaged public trust and confidence.
- 3.28 In its report, the Committee renewed concerns about the workings of the local government standards regime brought in under the Localism Act 2011.
- 3.29 The Committee's concerns about the new regime are:
- 3.29.1 Sanctions – it highlighted how under the previous arrangements local authorities and an independent tribunal had the power to suspend members for varying periods of time as a sanction against poor behaviour, where now, the only sanctions are censure or criminal prosecution for deliberately withholding or misrepresenting a financial interest;
 - 3.29.2 Appointment of at least one independent person whose views it will seek, and take into account, before making its decision on an allegation that it has decided to investigate, as previously, allegations about poor behaviour were determined by standards committees independently chaired by individuals who were not themselves members of the local authority; and
 - 3.29.3 The transition to the new system did not provide local authorities proper time to prepare.
- 3.30 In addition, the Committee raised concerns over lobbying and suspicions that some lobbying may be taking place in secret and some individuals or organisations have more access to policy makers, so it is not known who or what is influencing a particular decision.
- 3.31 The Committee refers to its Fourteenth Report "*Standards matter: A review of best practice in promoting good behaviour in public life*" and identified specific risks to standards in public life. In its report, the Committee states that it:
- 3.31.1 Will investigate lobbying (concerns about unequal access to decision-makers and inadequate transparency);
 - 3.31.2 Is likely to investigate matters including how best to maintain high standards as new models of delivering public services are developed and interchange between the public and private sectors (suspicions of impropriety in relation to people moving between the public and private sectors); and
 - 3.31.3 Intends to keep a watching brief, and investigate matters, if necessary, including local government standards (concerns about the impact of the regime introduced by the Localism Act 2011) and the role of the media in the public sector's promotion and maintenance of standards (including its effects on public confidence, in the light of the Leveson inquiry).
- 3.32 Members will recall that in the Committee's Strategic Plan for 2012-2015 the CSPL stated that it will continue to monitor, report and make recommendations on all issues relating to standards in public life, and set out in its Annual Plan that it will:

- 3.32.1 Set up a series of seminars to focus on Lobbying, new methods of delivering public services and addressing the ethical issues affecting new forms of education provision and Clinical Commissioning Groups;
- 3.32.2 Disseminate the results from the fifth biennial survey on the CSPL;
- 3.32.3 Publish its annual report for 2013-2014 by September 2013;
- 3.32.4 Undertake some work, potentially with other relevant bodies, on the ethical induction process for new and existing MPs; and
- 3.32.5 Throughout 2013-2014, continue to monitor the implementation of the new local government standards regime through analysis of media reports and issues of principle brought directly to its attention by members of councils and the Public.

3.33 The Committee also reported that its budget has been cut from £504,000 in 2012/13 to £400,000 in 2013-2014.

3.34 A copy of the report [**SCD 42**] can be accessed by following the attached link:

<http://www.public-standards.gov.uk/wp-content/uploads/2013/08/Annual-report-Final-for-publication-190813.pdf>

Publicity guidance (SCD33)

- 3.35 In March 2011, a revised Code of Recommended Practice on Local Authority Publicity (the 'Code') was made under the Local Government Act 1986. Members will be aware that the Code of Members' Conduct currently provides that a member must have regard to any applicable Code of Recommended Practice on Local Authority.
- 3.36 On 08 April 2013, the Secretary of State announced his intention to legislate council publicity rules, as whilst all local authorities are to comply with the Code, there were concerns that rogue authorities flouted the rules and abused taxpayers' money by publishing 'political propaganda'.
- 3.37 The Secretary of State set up an open consultation on its proposal to protect the independent Press from unfair competition, by introducing legislation that would give the Secretary of State powers to make directions requiring local authorities to comply with some or all of the Code of Recommended Practice on Local Authority Publicity's recommendations.
- 3.38 The consultation on the new Code closed on 06 May 2013, and a further update on this new Code shall be provided to the next Standards Committee. A copy of the Code of Recommended Practice on Local Authority Publicity (the 'Code') (SCD 33) can be accessed on the link below:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/18783_24.pdf

Filming of Council meetings

- 3.39 In June 2013, the Department for Communities and Local Government published new guidance "*Your council's cabinet – going to its meetings, seeing how it works: A guide for local people*" (the "Guide").

- 3.40 The Guide aims to help the public know when they can attend meetings of a council's executive (i.e. the council's cabinet) and the type of documents and information available to them. This links to new national rules to make councils more transparent and accountable to their local communities.
- 3.41 The Government believes that the earlier rules made by the last government did not provide maximum transparency because an executive was only required to hold meetings in public in certain limited circumstances.
- 3.42 The new rules have been produced to introduce greater transparency and openness into meetings of the executive, its committees and subcommittees. The new rules have also strengthened the rights of local authority councillors to access information about items to be discussed at a public or private meeting.
- 3.43 A copy of the Guide **[SCD46]** can be located at:
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207528/Your_councils_cabinet_-_going_to_its_meetings_seeing_how_it_works.pdf
- 3.44 On 22 August 2013 Communities Secretary Eric Pickles claimed that Councils that blocked filming were “abusing state powers” and warned that freedom of speech and independent journalism were under attack in local government, following local residents being threatened with arrest for filming and reporting meetings.
- 3.45 In the announcement, Communities Secretary stated that he is to publish new guidance that will formally open up planning appeal hearings “to be filmed, tweeted and reported” and laid down a challenge to councils to open up their planning committees and other meetings in return. This is to also extend to the new guidance by the Planning Inspectorate that will also make clear the rights for members of the press and public, to report, film and tweet planning appeal hearings.
- 3.46 It was reported that although the Guide was published to promote transparency, some Councils continue to oppose an independent press and prevented filming for reasons such as:
- 3.46.1 compromising “health and safety”;
 - 3.46.2 risk of “reputational damage to the authority”
 - 3.46.3 it would amount to a “breach of standing orders” and
 - 3.46.4 a ban on journalists tweeting from meetings due to the risk of them “not accurately portraying a debate”
- 3.47 A copy of the announcement **[SCD47]** can be located at:

<https://www.gov.uk/government/news/eric-pickles-opens-up-planning-appeals-and-lays-down-challenge>

Probity in Planning

- 3.48 In April 2013, the Local Government Association published a guide reflecting the changes in the Localism Act 2011, to help Councillors understand their roles and

responsibilities and avoid 'probity' difficulties. The guide has been written for officers and councillors involved in planning.

- 3.49 The guide includes a flowchart for Councillors to assess whether they hold a Disclosable Pecuniary Interest, which is specific to Planning Committee only. A copy of the guide (SCD37) can be located at:

http://www.local.gov.uk/c/document_library/get_file?uuid=e0cde66c-8cda-4f56-b784-a45cdd41f089&groupId=10180

- 3.50 The guide clarifies how Councillors can be involved in planning discussions on plan making and on applications, on behalf of their communities in a fair, impartial and transparent manner.
- 3.51 The guide refers to requirement for local Codes, the Nolan Principles, the Register of Interests and disclosure of interests. The guide also discusses Predisposition, predetermination and bias, lobbying and the Planning process generally.

Local Government Ombudsman ('LGO') Case Summaries June 2013-September 2013 (SCD 43)

- 3.52 A copy of LGO case summary for June 2013 to September 2013 is attached as Appendix 4.

Standards case summaries June 2013 – September 2013 (SCD 44)

- 3.53 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 5 to assist with members learning.

Local standards regime – Review: One year on

- 3.54 As Members will recall, Council requested that the local standards regime adopted in July 2012 be reviewed one year on from its adoption. A small working group of seven members has been created to bring forward proposals to discuss the areas to be considered under the review.
- 3.55 The first meeting of the working group took place on 11 September 2013, at which the following matters were considered:
- 3.55.1 sufficient numbers of elected and advisory members;
 - 3.55.2 the need for a right of appeal;
 - 3.55.3 new 'guidance' on DPIs;
 - 3.55.4 Revised Nolan Principles; and
 - 3.55.5 Further delegation of decision making.

- 3.56 The Monitoring Officer provided further information on different approaches by local authorities that were considered at the Monitoring Officer Conference that she attended on 11 July 2013.
- 3.57 Members should advise as to any further areas to be considered under the review.

Performance Management

- 3.58 The annual/quarterly report regarding complaints was submitted to the Finance and Performance Working Group on 15 May 2013. For the year 1 April 2012 to 31 March 2013 the Complaints & Information Officer was notified of 157 complaints and 69 compliments (excluding those regarding Operational Services which are recorded separately). For the year 1 April 2011 to 31 March 2012 the Complaints & Information Officer was notified of 92 complaints and 148 compliments (excluding refuse & recycling).

Freedom of Information

- 3.59 For the year 1 April 2012 to 31 March 2013 the Council received 523 requests for information (excluding contaminated land requests and local land charge and personal search requests). This compares to 574 for 2011/12. The reduction in numbers is attributed to the fact that Council no longer records requests for information from Personal Search Companies as requests made under the Act.
- 3.60 This year the Council has carried out 6 internal reviews of decisions to withhold information. Of these only 1 decision was amended, with partial information being disclosed

Datasets

- 3.61 In July 2013, the Secretary of State's Code of Practice (datasets) on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000 was published and took effect on 01 September 2013.
- 3.62 From 01 September 2013, the Council is to ensure that its publication scheme reflects the new open data rights as established under section 102 of the Protection of Freedoms Act 2012. These new rights allow for individuals to receive datasets in a form capable of re-use, subject to terms of a specified licence. This means that when datasets have been requested under FOIA, the Council should publish the dataset in their publication schemes and update them as and when appropriate.
- 3.63 This Code of Practice for Datasets [**SCD48**] can be located at:
<http://www.justice.gov.uk/downloads/information-access-rights/foi/code-of-practice-datasets.pdf>
- 3.64 In addition to revising its approved model publication schemes for public authorities to reflect these changes, the ICO has been working on a rolling programme of updates to sector specific definition documents, and has updated various pieces of

guidance, which the Council should implement and consider when dealing with FOI requests.

- 3.65 The Council's Complaints and Information Officer and the Data Protection Officer are currently reviewing the changes under the ICO's new model publication scheme and shall provide training to staff in due course, so as to ensure that the Council complies with its statutory obligations.

Data Protection Act 1998

- 3.66 The Information Commissioner has not alerted the Council 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. 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.
- 3.67 In order to reduce the risk of breaches of the Data Protection Act 1998, the Council's Data Protection Officer continues to work on improving data protection compliance across the Council, including updating the "Keep Information Safe and Secure" blog and circulating emails regarding good practice in handling personal and sensitive personal data. Changes to working practices, including remote access when working from home have also been implemented across the Council to reduce the risk of a data security breach.

Members' notification with the ICO

- 3.68 On 03 July 2013 the government announced that individual councillors' data protection registration fees can be paid by their Council rather than by them as individual Councillors. Currently, many Councillors individually pay a £35 annual fee (or £140 over a 4 year term) to the ICO to register as Data Controllers in order to undertake their constituency casework. Further changes from this announcement include:
- 3.68.1 A proposal that Councils can make a single registration payment on behalf of all their Councillors to cover their casework and council membership; and
- 3.68.2 Parish and town Councillors be exempted entirely from the data protection notification requirement and so would not need to pay fees.
- 3.69 Members should note that, at this stage, no further details have been made about this announcement or whether there will be specific legislation to this effect. However, this is being monitored by the Council's Data Protection Officer who shall update Members of any changes.
- 3.70 Members will recall that Horsham District Council's view on Members' registration with the ICO is that provided Members use their "@horsham.gov.uk" email address for their constituency work that they will be covered by the Council's registration.
- 3.71 A copy of the announcement (SCD45) can be located at:

<https://www.gov.uk/government/news/government-removes-volunteering-tax-on-councillors>

Regulation of Investigatory Powers Act 2000

- 3.72 The Regulation of Investigatory Powers Act 2000 ("RIPA") regulates the use of covert surveillance and the accessing of communications data.
- 3.73 On 01 November 2012, the legal framework for RIPA changed significantly. Since these changes, the Council's RIPA Corporate Policy and Procedure document was revised to comply with the legislative changes to RIPA.
- 3.74 The revised RIPA Corporate Policy and Procedure document was considered by the Scrutiny and Overview Committee on 13 May 2013 where it recommended Council to adopt the revised RIPA Corporate Policy and Procedure Document. Council adopted the revised policy and procedure document on 26 June 2013.
- 3.75 Training shall be provided to the RIPA Officers in due course to ensure that the Council complies with the new RIPA legislation.
- 3.76 The Council reports to the Business Working Group on a quarterly basis. The Council's last use of RIPA was authorised on 11 August 2007, which was then cancelled on 01 September 2007.

Work Programme update (SCD 40)

- 3.77 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 live document and Members are asked to consider any update or amendment required for 2013-2014. A copy is attached at Appendix 6.

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 and Local Review of Complaints from 1 July 2012 (SCD30)

File ref	District or Parish Council	Decision Date	Complainant	Date complaint received	Nature of complaint (Personal data removed)	Working days (receipt of complaint to assessment)	Decision	Review Requested
CES89	Parish	17.10.12	Public	20.09.12	Allegation of bringing the Parish Council into disrepute: (i) Allowing a Parish Councillor with an alleged personal interest to partake in a public meeting; (ii) Failing to make a written allegation about the conduct of the Parish Councillor with the alleged Personal interest, in speaking at a public meeting; and (iii) Allowing the publication of 'misinformation' on the Council's website and being party to a misleading planning application.	19	No further action.	Y
CES90	Parish	13.11.12	Public	19.10.12	Breach of confidentiality: Parish Councillor alleged to have used a shared personal email account with their Partner – allowing Parish business to be sent to the personal email account	17	Local resolution.	N/A

Review Requested	Decision	Working days (receipt of complaint to assessment)	Nature of complaint (Personal data removed)	Date complaint received	Complainant	Decision Date	District or Parish Council	File ref
	Referred to the Information Commissioners Office	N/A	Parish Councillor allegedly used a shared email account for council business, potentially causing a breach of the Data Protection Act 1998.	24.11.12	Public	N/A	Parish	CES91
	No Further Action	26	Allegation of bringing the Parish and District Council into disrepute by breaching a Planning condition and the permitted use of land resulting in trespass and abuse of a private road.	09.07.13	Public	14.08.13	District & Parish	CES92
	No Further Action	26	Allegation of bringing the Parish and District Council into disrepute by using land in breach of a Planning condition and the permitted use resulting in trespass and abuse of a private road.	09.07.13	Public	14.08.13	Parish	CES93

File ref	Review of	District or Parish Council	Decision Date	Complainant	Nature of complaint (Personal data removed)	Date received	Working days	Decision
CESR9	CES74	Parish	20.09.12	Public	Allegation of bringing the Parish Council into disrepute by: (i) Allowing a Parish Councillor with an alleged personal interest to partake in a public meeting; (ii) Failing to make a written allegation about the conduct of the Parish Councillor with the alleged Personal interest, in	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.

					speaking at a public meeting; and			Initial Review 08.08.12; final Review 20.09.12.
CESR17	CES82	Parish	20.09.12	Public	(iii) Allowing the publication of 'misinformation' on the Council's website and being party to a misleading planning application.	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.
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 01 July 2012, under the old standards regime.

Appendix 3

Schedule of Standards Committee Sub-Committee Membership 2013-2014

SCD 31

	PANEL				RESERVES		
Dates 2013							
19 June	DC	AB	GN		PC	BD	SM
17 July	DC	BD	SM		GN	TY	AB
14 August	GN	TY	AB		DC	BD	SM
25 September	DC	PC	SM		BD	GN	TY
16 October	TY	GN	AB		SM	DC	PC
06 November	BD	PC	SM		GN	AB	DC
04 December	TY	GN	DC		PC	BD	SM
Dates 2014							
8 January	PC	BD	SM		GN	TY	AB
12 February	GN	TY	AB		DC	SM	BD
19 March	DC	SM	BD		PC	GN	TY
16 April	PC	GN	AB		TY	DC	SM
14 May	BD	SM	TY		GN	AB	DC
11 June	GN	AB	DC		PC	BD	SM
09 July	PC	BD	SM		GN	TY	AB

Appendix 4

Ombudsman Case Update June 2013 to September 2013 [SCD 43]

London Borough of Redbridge: Fault found and recommendations agreed

Three residents complained that London Borough of Redbridge Council did not tell them about a development at a neighbouring property and denied them the opportunity to make representations by not displaying a site notice. The residents say the development has a significant adverse impact on their residential amenity and that the Council acted unreasonably by granting consent.

Agreed remedy

The Ombudsman found fault and the Council has agreed to take the following action.

- To commission the District Valuer to carry out valuations of the complainants' properties as they are now, and as they might have been if a development similar in scale to another courtyard development referred to by the Council had been erected. The Council should pay the complainants any diminution in the value of their properties.
- Pay the complainants £100 each for their time and trouble in pursuing their complaint.

<http://www.lgo.org.uk/decisions/planning/planning-applications/london-borough-redbridge-12-007-982>

London Borough of Southwark Fault found causing injustice and recommendations made

London Borough of Southwark Council failed to treat a lady as homeless due to threats of violence against her and her family and instead moved her to temporary accommodation under its personal protection policy. The Council failed to keep the lady updated and include her in any case conferences and terminated her temporary accommodation with only nine days' notice. The Council did not consider the case under the homelessness route the lady could not challenge the decision. She also complained that the Council did not deal with the complaint in a reasonable time period.

The Ombudsman found maladministration causing injustice.

Agreed remedy

The Council has agreed to:

- make a direct offer of suitable accommodation in a safe area;
- review the decision taken under the risk assessment process with up-to-date information from all interested parties including the lady and her son;
- ensure the housing application is active regardless of any rent arrears;
- pay compensation of £2000 for the excessive amount of time she spent in unsuitable temporary accommodation and the significant distress this caused her;
- write off all outstanding arrears of rent and council tax

<http://www.lgo.org.uk/decisions/housing/homelessness/london-borough-southwark-12-011-599>

Daventry District Council

Housing Fault found causing injustice and recommendations made

The Council failed to comply with its statutory duty when it received an application from a man suffering from a degenerative medical condition for adaptations to his property so he could continue to live there. The relevant criteria for the build was met but additional funding needed to be found to make up the shortfall between the cost of the build and the maximum grant allowed. The Council failed to consider alternatives means of addressing the shortfall.

The Ombudsman found maladministration causing injustice.

Recommended remedy

The Council should:

- apologise to the complainants;
- pay them £5,000;
- help make sure the build is completed within five months of this decision;
- review its procedures so that it considers all options including its own discretionary powers to grant discretionary payments to top up disabled facilities grants (DFGs) in cases such as these.

<http://www.lgo.org.uk/decisions/housing/disabled-facilities-grants/daventry-district-council>

Bristol City Council

Fault found causing injustice and remedy provided

The complainant was homeless so she approached the Council for help. The Council had a duty to investigate whether it should provide accommodation. The Council helped the complainant to try to secure private rented accommodation but it failed to issue a written decision notice even though it is required by law to do so.

The Ombudsman has found fault and agreed a remedy with the Council.

Agreed remedy

To remedy the injustice the Council has agreed to take the following action.

- To apologise to the complainant and provide a written decision on her homeless application which includes details of how she could appeal the decision.
- To pay £200 compensation to recognise the failings in this case.
- To carry out a review of its homelessness procedures.
- To seek Counsel's opinion on its revised practices.

<http://www.lgo.org.uk/decisions/housing/homelessness/bristol-city-council-12-015-826>

Wiltshire Council (12 011 081)
Fault found not causing injustice

A complaint was made about the way in which the Council dealt with a young woman who approached it for assistance with housing. In particular the complainant was aggrieved that the Council had failed to take a homelessness application when it should have done so.

The Ombudsman found that the Council was not at fault in failing to take homelessness applications from the complainant in November 2010 and on 6 April 2011. The Council was at fault in sending her a letter which incorrectly made reference to rent arrears, and in failing to send notification of delay in assessment of housing benefit to the correct address. These failings were maladministration, but they were minor and did not lead to significant injustice for the complainant requiring the recommendation of a remedy over and above the apology the Council has already provided.

<http://www.lgo.org.uk/decisions/housing/homelessness/wiltshire-council-12-011-081>

Rutland County Council

A matter regarding Councillor conduct is being dealt with by Rutland County Council, which relates to a claim of defamation by Rutland Council against three members, who formed the "Rutland Anti-Corruption Group". The matter relates to various emails and communications and statements made by the Rutland Anti-Corruption Group.

In its Special Council meeting of 10 January 2013, the Council considered the action available to it against the group, the minutes of which show it resolved the following:

- *That authority be given to take legal action to seek an injunction to prevent harassment of the Chief Executive and other officers by the Anti-Corruption Group and its members be **AGREED**;*
- *That indemnity be granted to, and support to the Chief Executive and/or officers, to take legal action in her/their own name(s) for harassment by the Anti-Corruption and its members be **AGREED**;*
- *That all communications to any part of the Council from the Anti-Corruption Group and its members be subject to Single Point of Contact, subject to periodic report back from the Chief Executive and use of GCSX be **AGREED**;*
- *That authority to take legal action in respect of the defamation of the authority by the Anti-Corruption Group and its members be **DEFERRED**;*
- *That the Chief Executive be instructed to make a complaint on behalf of the Council to the Police against the Anti-Corruption Group and its members in respect of criminal harassment of officers of the Council, and/or breach of the Malicious Communications Act 1988 and the Communications Act 2003 be **DEFERRED**;*
- *That resolution to resume a wider independent review of the impacts of the actions of the Anti-Corruption Group and its members on the Council be **DEFERRED**; and*
- *That a supplementary estimate for the purpose of resolutions 1 and 2 be **APPROVED**.*

On 29 July 2013, Rutland County Council held Special Council and within its report, set out that between January and June 2013, the three councillors continued the same pattern of conduct that had led to concerns being raised, including, but not limited to:

- *Accusations of corruption made against officers and members both internally and to external third parties without any apparent justification;*
- *Lack of engagement with appropriate methods of raising concerns; including refusal to use scrutiny panels, not taking advantage of the opportunity to raise questions and move motions at Council meetings, and recently (since becoming members of UKIP), sending apologies to all meetings which they are due to attend.*

In addition, the members concerned refused to accept the Single Point of Contact (SPOC) arrangement, and although they did send some correspondence through this route, they also continued to contact individual officers, and continued not to use the GCSX e mail system...

The Rutland Anti-Corruption Group included three Councillors, who on 20th June 2013 announced that they joined UKIP, and on or around 28th June 2013, they formally notified Rutland County Council of the disbanding of The Rutland Anti-Corruption Group and the formation of "The Rutland Group of United Kingdom Independence Party". The report

states that *the fact that the three councillors have now joined UKIP does not invalidate the January Council resolution, as there is clear continuity between their actions as the Rutland Anti-Corruption Group and their actions since they joined UKIP.*

Further details can be located at:

http://www.rutland.gov.uk/council_meetings/full_council/10_january_2013_special_counc.aspx

<http://www.rutland.gov.uk/pdf/Report%20No%20173-2013%20Update%20on%20Special%20Council%20Meeting%20January%2010%202013.pdf>

Cornwall Council Standards Committee decision

On 15 May 2013 the Monitoring Officer considered complaints from various persons concerning the alleged conduct of Councillor Brewer of Cornwall Council. A general summary of the complaint is set out below:

That following on from the comments the subject member made about disabled children at the end of 2011 and which resulted in a written apology being provided to Disability Cornwall, the subject member in an interview with a journalist with Disability News has:

- (i) repeated those comments in the same or similar form;
- (ii) sought to justify the making of those comments by reference to the Council's available budget;
- (iii) sought to justify the making of those comments by reference to the supportive comments of, in particular, a former doctor and a farmer; and
- (iv) has likened disabled children to deformed animals.

The complainants allege that by the conduct outlined above the subject member has breached a number of paragraphs of the Code of Conduct for Members of Cornwall Council.

Decision

That the complaint should be referred by the Monitoring Officer for investigation to ascertain whether there has been a breach of the Code of Conduct for members of Cornwall Council and, if so, what provisions of the Code have been breached.

A full Investigation report, together with a response to the Investigation report can be located at the following link:

<http://www.cornwall.gov.uk/default.aspx?page=34401>
<http://www.cornwall.gov.uk/default.aspx?page=34534>

Given the nature of the complaint and the outcome of the investigation, Cornwall Council issued a statement on its website on 28 June 2013 regarding the limited sanctions available to it:

The findings of Cornwall Council's investigation into the alleged breaches of the Members' code of conduct by Councillor Brewer were considered at today's meeting of the Standards Committee. In accordance with the normal procedures the item was considered in confidential session.

The Council takes its responsibilities around disability extremely seriously. Following complaints from members of the public and disability groups over the comments made by Councillor Brewer during an interview with the Disability News Network, a senior lawyer was appointed by the Council's Monitoring Officer to carry out a formal investigation into whether there has been a breach of the Members Code of Conduct and, if so, the nature and extent of that breach.

The involvement of the Standards Committee is a critical stage in the consideration of this matter. The role of the Committee is to promote and maintain high standards of conduct of Members. It is made up of eight Cornwall Councillors, five Town and Parish Councillors and five members of the public appointed as lay members.

There was a lengthy debate on the findings of the investigation at today's meeting and the views of Members have been reported to the Monitoring Officer to inform his final determination of the complaints. A copy of the confidential report has also been provided to Councillor Brewer and his response was also considered at the meeting.

The final decision on the complaints and any sanctions to be imposed will be made by the Monitoring Officer within the next few working days. Following the decision being made details will be published on the Council's website and sent to complainants.

The Council does not have the legal power to remove Collin Brewer from his position as a Councillor. The Council has never had the power to sack a councillor, although it could previously suspend councillors following the investigation and determination of Code of Conduct complaints. However, following the Government's changes to the Code of Conduct complaints process, this sanction is no longer available.

<http://www.cornwall.gov.uk/default.aspx?page=34534>

05 September 2013

Permission granted to challenge new Local Government Standards Regime

On 05 September 2013, the Administrative Court granted permission to apply for judicial review to challenge the compatibility of the new local government standards regime with Convention rights.

At an oral permission hearing, Collins J held that it was arguable that a decision by a local standards committee that a councillor had breached the Code of Conduct by disclosing confidential information was (i) irrational; (ii) incompatible with Article 10 rights to freedom of expression; and (iii) incompatible with Article 6, because the standards committee that determined the councillor's civil rights and obligations was not independent and impartial. This is because under the new local government standards regime introduced by the Localism Act 2011, the committee was not politically neutral and had a majority of members from the Council's ruling group.

Joanne Clement

<http://www.11kbw.com/knowledge-events/case/permission-granted-to-challenge-new-local-government-standards-regime>

APPENDIX 6
STANDARDS COMMITTEE WORK PROGRAMME 2013/2014 (SCD 40)

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	<p>Promote the work of the SC internally through the Members Bulletin and 'Grapevine'.</p> <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>	Localism Act 2011.

No	Activity	Who is responsible	Completion	Notes	Legislative Root
				Investigate other ways of raising profile of role and work of SC.	
6	Attendance at Council and other meetings	Chairman/Vice Chairman Standards Committee	As timetabled	Chairman to 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.	Local Government Act 2000.
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 Councils. Dedicated training on Local Assessment, Local Determination and Hearings for the Standards Committee. Awareness training of the Code of Conduct for Members and Management Team of HDC to form a part of Member Development Programme. Use of on-line resources, DVDs etc. as training aide. Attendance at external training events as required.	Localism Act 2011. HDC Corporate Learning and Development Plan.

No	Activity	Who is responsible	Completion	Notes	Legislative Root
10	Review of Register of Interests	MO	Annual	<p>To ensure that Members of HDC and Parish Councils review the content of their 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>	Localism Act 2011 and local Code of Conduct.
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 update reports	MO/Standards Committee	Six monthly	<p>To ensure that the Committee has the necessary 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>	Local Government Act 2000. Local Government Ombudsman good practice.

No	Activity	Who is responsible	Completion	Notes	Legislative Root
13	Consider regular reports on numbers of Local Assessment, review, Other Action (to include outcome of Other Action directed), investigation and determination cases undertaken	MO	Quarterly		Local Arrangements.
14	Consider regular Independent Person reports	Independent Person, advisory members of Standards Committee			
15	Consider regular Parish Representative reports	Parish Representative advisory members of Standards Committee	Quarterly		Good Practice.
16	Preparation and revision of Work Programme and Forward reports	MO/Standards Committee	Annually		Good Practice.
17	Response to consultations	MO/Standards Committee	As required	To ensure the Committee has ability to comment and influence the evolving standards framework.	
18	Review of new standards regime under Localism Act 2011	Chairman/Standards Committee/MO	Autumn 2013	To enable the Committee to help shape the development of the new regime.	Localism Act 2011

Report to Standards Committee

25 September 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 and its Annual Review letter.

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 and its Annual Review letter.

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 mean that the LGO assesses complaints in compliance with its new complaints process.
- 1.4 The LGO continues to investigate complaints following exhaustion of the Council's internal complaints procedure. The LGO has now, however, also begun to issue decisions without investigation, for example, where the details provided by the complainant appear to show that a lengthy timescale has elapsed from the date of the subject matter of the complaint.
- 1.5 Details of all complaints, compliments and suggestions advised to the Complaints & Information Officer 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 Members will recall that in its conclusion of one complaint, the LGO formed a view that there was fault in the way the Council dealt with an appeal process and therefore caused the complainant injustice. In accordance with the recommendation, the Council made payment of £100 to the complainant as compensation to recognise the frustration and time and trouble to make the complaint.
- 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. The new process was fully introduced across all LGO offices from 01 April 2013 and means that the LGO will make decisions within twenty working days from receipt of complaints. In doing so, the LGO will make prompt decisions on:
- 3.4.1 All complaints that are outside its jurisdiction;
 - 3.4.2 Complaints that can quickly be resolved;
 - 3.4.3 Complaints that do not merit formal investigation; and
 - 3.4.4 Only pass on complaints that merit formal investigation to the investigation teams.
- 3.5 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.
- 3.6 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.
- 3.7 The Council will need to continue responding 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 letter 2012-2013

- 3.8 In July 2013, the Council received the LGO's Annual Review letter, which provides annual statistics for the period of 01 April 2012 to 31 March 2013.
- 3.9 In its Annual Review letter, the LGO sets out that for this year, it has only provided the total number of complaints it received about the Council without specific detail. This is as a result of the changes to the LGO's business processed during 2012-2013.
- 3.10 The LGO has invited the Council to take part in a consultation about the future format of its Annual Review letters, after which it is likely to provide more detailed information in next year's letter.
- 3.11 The Annual Review letter states that in 2012-2013, the LGO received 11 complaints about Horsham District Council, compared to the average of 10 complaints received for District and Borough Councils.
- 3.12 The letter also sets out other changes to the LGO's processes, which include:
- 3.12.1 New governance arrangements are in place resulting in a new executive team structure for the day-to-day management of the LGO; and
 - 3.12.2 The LGO is publishing the final decision on all complaints on its website, in order to promote transparency and accountability.

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.

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	Provisional view 29.08.13: Despite promises to take enforcement and legal action over a number of years the Council has never followed through. While there has been some fault by the Council, there are insufficient grounds on which to base any further investigation by the Ombudsman.			

Reference	Nature of Complaint	Date Complaint Received from LGO	Current Position	Date Determined	Further Action	Lesson Learnt
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		
CEO 168	Economic Development A complaint about the way in which the Council considered an appeal process	03.01.13	Determined: Provisional view issued - the Council caused the complainant injustice so the Council should pay £100 compensation for frustration, time and trouble	25.03.13		
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	Provisional view 22.04.13: The Council is now taking action to check on and secure compliance. It delayed in responding to the complainant's enquiries but is now in regular contact with him. Provisional view to discontinue investigation of this complaint.		LGO file remains temporarily open at the request of the complaint, should further issues arise.	

Reference	Nature of Complaint	Date Complaint Received from LGO	Current Position	Date Determined	Further Action	Lesson Learnt
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		
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		

16 July 2013

By email

Mr Tom Crowley
Chief Executive
Horsham District Council

Dear Mr Crowley

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2013. This year we have only presented the total number of complaints received and will not be providing the more detailed information that we have offered in previous years.

The reason for this is that we changed our business processes during the course of 2012/13 and therefore would not be able to provide you with a consistent set of data for the entire year.

In 2012/13 we received 11 complaints about your local authority. This compares to the following average number (recognising considerable population variations between authorities of a similar type):

District/Borough Councils-	10 complaints
Unitary Authorities-	36 complaints
Metropolitan Councils-	49 complaints
County Councils-	54 complaints
London Boroughs-	79 complaints

Future development of annual review letters

We remain committed to sharing information about your council's performance and will be providing more detailed information in next year's letters. We want to ensure that the data we provide is relevant and helps local authorities to continuously improve the way they handle complaints from the public and have today launched a consultation on the future format of our annual letters.

I encourage you to respond and highlight how you think our data can best support local accountability and service improvements. The consultation can be found by going to www.surveymonkey.com/s/annualletters

LGO governance arrangements

As part of the work to prepare LGO for the challenges of the future we have refreshed our governance arrangements and have a new executive team structure made up of Heather Lees, the Commission Operating Officer, and our two Executive Directors Nigel Ellis and Michael King. The Executive team are responsible for the day to day management of LGO.

The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

T: 024 7682 0000
F: 024 7682 0001
W: www.lgo.org.uk

Helpline: 0300 061 0614

Since November 2012 Anne Seex, my fellow Local Government Ombudsman, has been on sick leave. We have quickly adapted to working with a single Ombudsman and we have formally taken the view that this is the appropriate structure with which to operate in the future. Our sponsor department is conducting a review to enable us to develop our future governance arrangements. Our delegations have been amended so that investigators are able to make decisions on my behalf on all local authority and adult social care complaints in England.

Publishing decisions

Last year we wrote to explain that we would be publishing the final decision on all complaints on our website. We consider this to be an important step in increasing our transparency and accountability and we are the first public sector ombudsman to do this. Publication will apply to all complaints received after the 1 April 2013 with the first decisions appearing on our website over the coming weeks. I hope that your authority will also find this development to be useful and use the decisions on complaints about all local authorities as a tool to identify potential improvement to your own service.

Assessment Code

Earlier in the year we introduced an assessment code that helps us to determine the circumstances where we will investigate a complaint. We apply this code during our initial assessment of all new complaints. Details of the code can be found at:

www.lgo.org.uk/making-a-complaint/how-we-will-deal-with-your-complaint/assessment-code

Annual Report and Accounts

Today we have also published *Raising the Standards*, our Annual Report and Accounts for 2012/13. It details what we have done over the last 12 months to improve our own performance, to drive up standards in the complaints system and to improve the performance of public services. The report can be found on our website at www.lgo.org.uk

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Martin', with a horizontal line underneath.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England