

STANDARDS COMMITTEE
25th September 2013

Present: Councillors: Brian Donnelly (Chairman), David Coldwell (Vice-Chairman), Andrew Baldwin, Sheila Matthews, Godfrey Newman

Co-opted advisory members

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

Apologies: Councillors: Philip Circus, Tricia Youtan

SC/10 **MINUTES**

The minutes of the meeting of the Committee held on 19th June 2013 were approved as a correct record and signed by the Chairman.

SC/11 **MINUTES OF THE MEETING OF SUB-COMMITTEE**

The minutes of the Local Assessment Sub-Committee held on 14th August 2013 were received.

SC/12 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/13 **ANNOUNCEMENTS**

There were no announcements.

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

The list was noted.

SC/15 **INDEPENDENT PERSON REPORT**

Paul Byford, Independent Person, raised concerns regarding the Committee's inability to take action in relation to complaints where a member is not found to be acting in his or her official capacity and the effect that the member's alleged conduct can nevertheless have on public perception. He had expressed his concerns in a side letter following consultation concerning the case which had been considered on 14 August. Parish Representative Val Court agreed with his concerns. Councillor Sheila Matthews also spoke in support of Paul Byford's views.

SC/15 Independent Person Report (Cont.)

The Chairman of the Committee, who had also been Chairman of the Local Assessment Sub-Committee which sat on 14 August, agreed that the covering letter sending out the decision notice should include reference to the Sub-Committee's personal views on public perception.

SC/16 PARISH REPRESENTATIVE REPORT

There was no report.

SC/17 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 and Senior Solicitor had attended a conference for Monitoring Officers regarding the new Standards Regime. There had been no uniformity of procedure amongst Councils as they had each adopted their own individual Codes of Conduct. Information gained at the conference would help to inform the current review of the Council's local standards regime.

Hoey Ainscough Associates, who had organised the conference, were organising workshops regarding the role of the Independent Person.

- The Monitoring Officer agreed to enquire whether these workshops could be extended to include Parish Council Representatives.
- Local assessment, review, other action, investigations and determinations: Since the Ethical Framework Update on 19 June 2013, the Local Assessment Sub-Committee had met once and considered two cases.
- Parish Clerks' Meetings: The Senior Solicitor had attended the Society of Local Council Clerks' meeting on 9 July and had provided advice to Parish Councillors regarding dispensations. The Senior Electoral Services Officer had also attended to provide information regarding forthcoming elections.
- Register of Interests: Register of Interests forms had been sent to District and Parish Councillors in July 2012. Update forms had also been sent out in July 2013.

All District Councillors had completed their full registers. To date three of the 44 District Councillors had not yet returned their update forms.

- A further reminder letter would be sent to the three remaining Members. The Chairman requested that the relevant Party Leaders should be informed.

Four Parish Councils had yet to upload full registers onto their own, or the Council's, website.

SC/17 Ethical Framework Update: Register of Interests (Cont.)

- The Chairman requested that the relevant Local Members should be advised in an effort to assist parishes.
 - Committee on Standards in Public Life: The CSPL's Annual report had been published in August. It included a number of areas of concern about the new regime regarding: sanctions; independent chairing; and inadequate time for transition to the new regime.
 - Publicity guidance: The Secretary of State had set up a consultation regarding proposals to require local authorities to comply with the Code of Recommended Practice on Local Authority Publicity's recommendations. The outcome of the consultation was awaited. Members were advised that the Monitoring Officer had sent publicity guidance in relation to the pre-election period to all Councillors and the Corporate Management Team in connection with the West Sussex County Council by-elections at Storrington and Warnham & Rusper divisions to be held on 26 September and 24 October respectively.
 - Filming of Public Meetings: The Department for Communities and Local Government (DCLG) had published guidance to help the public attend meetings and encourage transparency. On 22 August the Communities Secretary had stated that new guidance regarding filming, tweeting and reporting planning appeals would be published. The Committee discussed public involvement at meetings and the possible consequences of filming meetings in addition to recording them. It was noted that the Chairman should hold authority during a meeting in respect of disruptive behaviour.
 - Probity in Planning guidance: In April 2013 the LGA published a new guide reflecting changes in the Localism Act 2011 to help Councillors involved in planning to understand their roles and responsibilities. The Monitoring Officer had recently issued advice on predetermination and predisposition regarding member involvement in the Preferred Strategy consultation. She reported that a new transparency guide had been issued by the DCLG which related to the need to declare membership of any trade union. The Monitoring Officer advised that the current Code of Conduct adopted by the Council had retained a requirement to declare trade union membership.
- LGO case summaries and Standards cases: Case summaries were provided. The limited number of sanctions available under the new regime was noted.
- Local Standards regime – Review one year on: The review of the local standards regime had commenced and the working group had met on 11 September. The group had discussed the number of elected and advisory members; it had been suggested that a panel of trained Members could be established which could be drawn upon should the need arise.

SC/17 Ethical Framework Update:
Local Standards regime – Review one year on (Cont.)

With regards to the need for the right to a review for the complainant, a right of appeal for the Member and further delegation of decision making, it was noted that information from other local authorities had been requested and would help to inform the decisions and recommendations made by the working group. The working group would meet again, with a provisional date of 23 October, and its recommendations would be presented to a future Committee meeting prior to consideration by Council.

- Performance Management: The annual report of complaints had been submitted to the Finance & Performance Working Group in May 2013 for scrutiny. 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.
 - The Monitoring Officer would circulate the report to members of the Committee.
- 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. The Monitoring Officer advised that there had been approximately 70 requests in the last month.

Datasets: 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 took effect from 1 September 2013. Should datasets be requested under the FOIA, the Council would be required to publish the data and update it as appropriate.

- Data Protection Act 1998: The Information Commissioner had not alerted the Council to any complaints that the Council had breached the Data Protection Act 1998.
- Members' Notification with the ICO: The information set out in the report was noted. Members noted that Parish Councillors were to be exempted from the additional data protection notification requirement and discussed the importance of using designated email addresses for Council business.
- 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 had not used RIPA since 2007.
- Work Programme update: Members noted the updated Work Programme.

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

SC/17 Ethical Framework Update (Cont.)

RESOLVED

That the contents of the report be noted.

REASONS

- i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework.
- ii) To promote and maintain high standards of conduct amongst Members.

SC/18 LOCAL GOVERNMENT OMBUDSMAN UPDATE 2012 - 2013

The Monitoring Officer reported on the number and nature of complaints about the Council made to the Local Government Ombudsman (LGO), and provided details on the changes to the LGO's complaints process and the contents of its Annual Review letter.

Members noted the cases recorded for the 2012 -2013 reporting year.

The Monitoring Officer reported that the significant changes to the structure at the LGO, which had been implemented on a phased basis since October 2012, had been fully introduced since 1 April 2013. Under the new structure, the LGO would make decisions within twenty working days from receipt of complaints. Prompt decisions would be made on:

- All complaints that were outside its jurisdiction;
- Complaints that could quickly be resolved;
- Complaints that did not merit formal investigation; and
- Only pass on complaints that merited formal investigation to the investigation teams.

The LGO would no longer refer premature complaints to the Council. Instead, the LGO would inform complainants that they should direct their complaints to the Council, except where the complainant was vulnerable or otherwise could not reasonably be expected to progress the matter alone.

The LGO would no longer carry out follow-up checks with the complainants or the Council to see whether the complaint has been satisfactorily resolved.

The Monitoring Officer advised that the LGO's Annual Review letter had been received in July 2013, which provided annual statistics for the period from 1 April 2012 to 31 March 2013.

SC/18 Local Government Ombudsman Update 2012 – 2013 (Cont.)

The letter had stated that for this year only a total number of complaints received, without specific detail, had been provided in line with the LGO's new processes.

The LGO had invited the Council to take part in a consultation about the future format of its Annual Review letters, after which it was likely to provide more detailed information in next year's letter.

The Annual Review letter stated that in 2012-2013, the LGO had received 11 complaints about Horsham District Council, compared to the average of 10 complaints received for District and Borough Councils.

Members were advised of other changes to the LGO process which had been set out in the letter, including: a new team structure for the day-to-day management of the LGO; and the publication on its website of the final decision on all complaints in order to promote transparency and accountability.

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

RESOLVED

That the contents of the report be noted.

REASONS

- 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.

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

CHAIRMAN