

STANDARDS COMMITTEE

4th December 2013

Present: Councillors: David Coldwell (Vice-Chairman), Andrew Baldwin,
Philip Circus, Sheila Matthews

Co-opted advisory members

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

Also present: Councillor Christian Mitchell

Apologies: Councillors: Brian Donnelly (Chairman), Godfrey Newman,
Tricia Youtan

SC/19 **MINUTES**

The minutes of the meeting of the Committee held on 25th September 2013 were approved as a correct record and signed by the Chairman.

SC/20 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/21 **MINUTES OF THE MEETING OF SUB-COMMITTEE**

The minutes of the Local Assessment Sub-Committee held on 6th November 2013 were received.

SC/22 **ANNOUNCEMENTS**

There were no announcements.

SC/23 **INDEPENDENT PERSON REPORT**

There was no report.

SC/24 **PARISH REPRESENTATIVE REPORT**

There was no report.

SC/25 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/26 **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 Council had subscribed to the Standards Exchange interactive website which gave access to latest news on Standards issues, including case studies and best practice. All Members of the Committee had been trained on the Code of Members' Conduct and the Council's arrangements for assessing complaints.
- Local assessment, review, other action, investigations and determinations: The list was noted. Since the last Committee meeting on 25th September, the Local Assessment Sub-Committee had met once to consider two cases. An appeal in relation to one of them would be considered in January 2014.
- Parish Clerks' Meetings: The Monitoring Officer had attended the Society of Local Council Clerks' meeting on 1 October and clerks were advised about the current review of the local standards regime. Parish Clerks were also provided with legal advice by the Monitoring Officer on a regular basis.
- Parish Related Matters: In September 2013 the government had published proposed changes to make it easier to create new Parish Councils. These included: reducing the number of petition signatures required from 10% of the local population to 7.5%; reducing the amount of time for the local authority to determine such applications to a maximum of one year; and making it easier for community groups who have created Neighbourhood Plans to start the process.

The government intended to amend the procedures for Parish polls, which were covered by old legislation that needed updating. It was reported that a Parish poll had taken place in Steyning on 27th November. Whilst the District Council organises any poll, the cost is borne by the Parish Council. Members discussed the potential use of Parish polls and the implications of the proposal and noted that further details would be reported to the Committee when released.

- Register of Interests: The updated guidance which had been issued by the DCLG in September 2013 was noted.

All District Councillors had completed their Register of Interests update forms. Three Parish Councils had yet to upload full registers onto their own, or the Council's, website. It was noted that failure to disclose the information could be subject to criminal sanction.

- Local Standards regime – Review one year on: The review of the local standards regime had commenced and the working group had met for the second time on 23 October 2013. The group had discussed the number of elected and advisory members; the need for a right of appeal; new guidance of DPLs; revised Nolan Principles; and further delegation of

SC/26 Ethical Framework Update (Cont.)

decision making. The arrangements of other local authorities were being gathered through an on-line questionnaire to all Monitoring Officers in West and East Sussex and Surrey. Horsham District Councillors had also been asked for their comments.

The working group would meet again on 15th January 2014 with a view to putting recommendations forward to the next meeting of the Standards Committee on 19th March.

- Probity in Planning: In April 2013 the LGA had published a new Probity in Planning guide reflecting changes in the Localism Act 2011 to help Councillors involved in planning to understand their roles and responsibilities.

Members requested that all Councillors should receive training on the guidance within 'Probity in Planning'.

The need for clear guidance regarding speaking at meetings, for both Members and the public, was also discussed.

- Committee on Standards in Public Life:

The CSPL had reported that lobbying remained a significant risk to ethical standards and had published a report on the subject in November 2013 and was reviewing how best to apply the Nolan Principles to lobbying. The CSPL had identified 15 recommendations in its report 'Strengthening Transparency Around Lobbying', which Members noted.

The CSPL's fifth Biennial Survey tracking public attitudes towards standards of conduct in public life had commenced in September. The key changes in overall perceptions over the last ten years were noted.

- Transparency Bill: The government would be publishing amendments to the 'Transparency of Lobbying, Third Party Campaigning and Trade Union Administration Bill' to address misunderstandings regarding third party campaigning. It was also intended to make the legislation clearer, whilst maintaining the reforms to electoral law.
- Publicity guidance: A further update of the revised Code of Recommended Practice on Local Authority Publicity would be provided at the next Standards Committee meeting. The Local Audit and Accountability Bill, which was in its second reading in the House of Commons, would increase the power of the Publicity Code and would include new legislation on Parish polls, publicity and filming Council meetings.
- Filming of Public Meetings: The Department for Communities and Local Government (DCLG) had published guidance to help the public know when they can attend meetings and encourage transparency. On 22 August the Communities Secretary had stated that new guidance would also be published to formally allow planning appeal hearings to be 'filmed, tweeted and reported'.

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The Local Audit and Accountability Bill would contain new requirements to permit filming and tweeting in local authority meetings. A new District Council protocol for filming at Council and Committee meetings was currently being prepared and would be considered by the Council in due course. Members discussed the principle of filming and recording meetings and the importance of transparency.

LGO case summaries and Standards cases: Three LGO case summaries were provided. In October 2013 the LGO had published a report on the use of bed and breakfast accommodation by Councils for homeless families and young people. The LGO had also recently issued two fact sheets regarding the effectiveness of publicity given to planning applications, and the consideration of Section 106 agreements.

Three Standards case summaries were provided. In particular, Members noted one case where the High Court had granted leave to apply for judicial review to challenge the compatibility of the new local government standards regime with Convention rights, on the grounds that the standards committee was not independent or impartial and politically neutral.

- Performance Management: The quarterly report of complaints had been submitted to the Finance & Performance Working Group in November 2013. For the period 1 July to 30 September 2013 there had been 31 complaints and nine compliments, with a further 51 complaints and five compliments recorded for Operational Services. The figures for the previous quarter had been 53 complaints, with a further 67 recorded for Operational Services, and a total of 35 compliments. It was noted that charging for Green Waste had been introduced during the previous quarter.
- Freedom of Information: The number of requests for the period 1 April to 30 September 2013 totalled 280. Of these requests, 77% had been responded to within the statutory 20 working days, which was below the 85% target set by the ICO. An internal audit was being carried out, with support from Crawley Borough Council's FOI team, with a view to improving response times within some departments.

Datasets: It was noted that any datasets that were published as a result of Freedom of Information requests were required to be updated and made available to the public, 'unless the Council is satisfied that it is not appropriate to do so'. Officers responsible for their department's details within the publication scheme had been advised of the need to update relevant sections of the Council's website.

- 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. In order to reduce the risk of breaches of the Act, improvements have been made by the Data Protection Officer, including information on good practice and changes to the use of remote access.

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- Members' Notification with the ICO: Changes to the way data protection registration fees could be paid to allow for the Council to make a single payment on behalf of all Councillors were noted. Parish Councillors were exempted from the additional data protection notification requirement. The Data Protection Officer had notified Members of these changes.
- Regulation of Investigatory Powers Act 2000: Changes to the legal framework restricting the use of RIPA had come into force in November 2012 and the Council's revised RIPA Corporate Policy and Procedure had been adopted by the Council in June 2013. Training would be provided to RIPA officers in due course to ensure the Council complies with the new legislation.
- Work Programme update: Members noted the updated Work Programme.

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.

The meeting finished at 11.00 having commenced at 10.00am.

CHAIRMAN