



E-mail: [CommitteeServices@horsham.gov.uk](mailto:CommitteeServices@horsham.gov.uk)

Direct line: 01403 215465

Monitoring Officer [standards@horsham.gov.uk](mailto:standards@horsham.gov.uk)

E-mail:

Direct line: 01403 215478

## Standards Committee

Wednesday 10<sup>th</sup> September 2014 at 10.00am

**COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM**

**Councillors:** Brian Donnelly (Chairman) Godfrey Newman  
David Coldwell (Vice-Chairman) Brian O'Connell  
Andrew Baldwin Tricia Youtan  
Sheila Matthews

**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. To approve as correct the minutes of the meeting of the Committee held on 11 <sup>th</sup> June 2014           | 1        |
| 2. Apologies for absence  |          |
| 3. To receive any declarations of interest from Members of the Committee  |          |
| 4. To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer |          |
| 5. To receive the minutes of the meetings of the Local Review Sub-Committees held on 30 <sup>th</sup> July 2014   | 3<br>7   |
| 6. To note the list of Standards Committee Reports and Documents available for inspection                         | 11       |

7. To receive the following reports of the Monitoring Officer:
  - (a) Ethical Framework Update – September 2014 **19**
  - (b) Local Government Ombudsman Update – 2013-14 **51**
8. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

**STANDARDS COMMITTEE**

**11<sup>th</sup> June 2014**

Present: Councillors: Andrew Baldwin, David Coldwell, Brian Donnelly,  
Godfrey Newman, Brian O'Connell

Co-opted advisory members

Present: Parish Council representative: Val Court,  
Independent persons: Paul Byford, Mary Jagger

Apologies: Councillors: Sheila Matthews, Tricia Youtan  
Parish Council representative: Isabel Glenister

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 19 March 2014 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 **MINUTES OF THE MEETINGS OF SUB-COMMITTEES**

The minutes of the meetings of the Local Assessment Sub-Committee held on 16 April and 14 May 2014 were received, and the minutes of the Local Review Sub-Committee held on 16 April 2014 were received.

SC/8 **MATTERS ARISING**

Members discussed the composition of the Committee and the role of the Standards' Committee in the context of the Localism Act 2011.

Paul Byford advised the Committee that he proposed to resign from his position as Independent Person and co-opted advisory member to the Committee at the end of the year. Members of the Committee thanked him for the outstanding service he had provided and commented that his views on individual cases had been greatly valued.

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

**CHAIRMAN**

**STANDARDS COMMITTEE**  
**LOCAL REVIEW SUB-COMMITTEE**  
**30 JULY 2014**

Present: Councillors: Jack Callaghan (Co-opted), Godfrey Newman,  
Tricia Youtan

LR/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Godfrey Newman be appointed Chairman  
of the Sub-Committee for the purposes of this meeting.

LR/2 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

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

LR/3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LR/4 **REVIEW UNDER CHAPTER 7 OF THE LOCALISM ACT 2011 AND THE ARRANGEMENTS ADOPTED BY THE DISTRICT COUNCIL UNDER THE LOCALISM ACT 2011 SECTION 28(6) IN RELATION TO ALLEGATIONS MADE THAT A CERTAIN DISTRICT COUNCILLOR HAD FAILED TO COMPLY WITH THE COUNCIL'S CODE OF MEMBERS' CONDUCT (CESR/27)**

On 13 March 2014, an allegation was made under the Localism Act 2011 in relation to a District Councillor. The matter was assessed by the Local Assessment Sub-Committee under the Localism Act 2011 Chapter 7 and the 'arrangements' which the council has adopted under the Localism Act 2011 s 28(6) to assess complaints that a member has failed to comply with the relevant code of members' conduct.

On 16 April 2014 a decision was made under the Localism Act 2011 Chapter 7 by the Local Assessment Sub-Committee that no action should be taken in respect of this allegation. On 13 May 2014, the complainant made a request that this decision be reviewed.

LR/4 Review under Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council under the Localism Act 2011 Section 28(6) in relation to allegations made that a certain District Councillor had failed to comply with the Council's Code Of Members' Conduct (CESR/27) (Cont.)

The review which was requested was independent of the original decision, and members of the original Local Assessment Sub-Committee took no part in the review of the decision. A different Independent Person was consulted on the review decision.

The Local Review Sub-Committee considered the further comments submitted by the complainant.

### **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 the Local Review Sub-Committee decided that:

- (i) the decision of the Local Assessment Sub-Committee was reasonable and was reached in accordance with the proper procedures and that the new information did not materially alter the original decision made;
- (ii) the decision of the Local Assessment Sub-Committee to take no further action on the allegation be upheld;
- (iii) the new information submitted by the complainant at the time of the review was not materially different from that originally assessed, and therefore no further action needs to be taken.

### **REASONS FOR DECISION**

- (i) In reviewing the complaint the Local Review Sub-Committee considered whether the original decision was unreasonable in law. This would be if the decision were flawed because of the irregular way in which the Local Assessment Sub-Committee processed the allegation, or because the Local Assessment Sub-Committee made an irrational judgement on the reported facts.
- (ii) The Local Review Sub-Committee also considered whether the new information submitted materially altered the original decision.

LR/4 Review under Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council under the Localism Act 2011 Section 28(6) in relation to allegations made that a certain District Councillor had failed to comply with the Council's Code Of Members' Conduct (CESR/27) (Cont.)

- (iii) The Local Review Sub-Committee also considered the views of the Independent Person and the advice of the Deputy Monitoring Officer.
- (iv) The Local Review Sub-Committee considered the complainant's comments, as submitted in his statement to support the request for a review, and decided that:
  - The allegations were considered in a clear and concise manner;
  - The Local Assessment Sub-Committee considered the seriousness of the complaint;
  - The Local Assessment Sub-Committee considered its jurisdiction to process the complaint about political group matters;
  - The Local Assessment Sub-Committee had set out its reasons for not taking any action on the complaint; and
  - The Local Assessment Sub-Committee decision for taking no further action on the complaints was reasonably made and a proportionate response to the allegations.
- (v) The Local Review Sub-Committee also considered the complainant's new information.
- (vi) The Local Review Sub-Committee, however, determined that the information provided by the Complainant formed additional information to expand upon the original complaint, rather than new information that was materially different to that originally assessed by the Local Assessment Sub-Committee.
- (vii) The Independent Person appointed by the Council under the Localism Act s 28(7) has been consulted and agrees that this is an appropriate course.

LR/4 Review under Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council under the Localism Act 2011 Section 28(6) in relation to allegations made that a certain District Councillor had failed to comply with the Council's Code Of Members' Conduct (CESR/27) (Cont.)

RESOLVED

- (viii) In all the circumstances the Local Review Sub-Committee considered that the original decision was reasonable and was reached in accordance with our procedures; and
- (ix) The new material did not materially alter the original decision made. It has been decided to uphold the decision not to take any action on the complaint.

*The meeting finished at 10.48pm having commenced at 10.00am*

**STANDARDS COMMITTEE**  
**LOCAL REVIEW SUB-COMMITTEE**  
**30 JULY 2014**

Present: Councillors: Godfrey Newman, Brian O'Connell, Tricia Youtan

LR/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Godfrey Newman be appointed Chairman of the Sub-Committee for the purposes of this meeting.

LR/2 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

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

LR/3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

On 24 March 2014, an allegation was made under the Localism Act 2011 in relation to a District Councillor. The matter was assessed by the Local Assessment Sub-Committee under the Localism Act 2011 Chapter 7 and the 'arrangements' which the council has adopted under the Localism Act 2011 s 28(6) to assess complaints that a member has failed to comply with the relevant code of members' conduct.

On 14 May 2014 a decision was made under the Localism Act 2011 Chapter 7 by the Local Assessment Sub-Committee that no action should be taken in respect of this allegation. On 29 May 2014, the complainant made a request that this decision be reviewed.

LR/4 Review under Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council under the Localism Act 2011 Section 28(6) in relation to allegations made that a certain District Councillor had failed to comply with the Council's Code of Members' Conduct (CESR/28)

The review which was requested was independent of the original decision, and members of the original Local Assessment Sub-Committee took no part in the review of the decision. A different Independent Person was consulted on the review decision.

The Local Review Sub-Committee considered the further comments submitted by the complainant.

### **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 the Local Review Sub-Committee decided that:

- (i) the decision of the Local Assessment Sub-Committee was reasonable and was reached in accordance with the proper procedures and that the new information did not materially alter the original decision made;
- (ii) the decision of the Local Assessment Sub-Committee to take no further action on the allegation against the District Councillor be upheld;
- (iii) the new information submitted by the complainant at the time of the review was not materially different from that originally assessed, and therefore no further action needs to be taken.

### **REASONS FOR DECISION**

- (i) In reviewing the complaint the Local Review Sub-Committee considered whether the original decision was unreasonable in law. This would be if the decision were flawed because of the irregular way in which the Local Assessment Sub-Committee processed the allegation, or because the Local Assessment Sub-Committee made an irrational judgement on the reported facts.
- (ii) The Local Review Sub-Committee also considered whether the new information submitted materially altered the original decision.

LR/4 Review under Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council under the Localism Act 2011 Section 28(6) in relation to allegations made that a certain District Councillor had failed to comply with the Council's Code of Members' Conduct (CESR/28)

- (iii) The Local Review Sub-Committee considered the views of the Independent Person and the advice of the Deputy Monitoring Officer.
- (iv) The Local Review Sub-Committee considered the complainant's comments, as submitted in his statement to support the request for a review, and decided that:
  - § The Local Assessment Sub-Committee considered the seriousness of the complaint;
  - § The Local Assessment Sub-Committee considered its jurisdiction to process the complaint;
  - § The Local Assessment considered the date on which the complainant became aware of the alleged breach of the Code, so to assess whether the complaint was made in time;
  - § The Local Assessment Sub-Committee had set out its reasons for not taking any action on the complaint; and
  - § The Local Assessment Sub-Committee decision for taking no further action on the complaints was reasonably made and a proportionate response to the allegations.
- (iv) The Local Review Sub-Committee also considered the complainant's new information.
- (v) The Local Review Sub-Committee, however, determined that the information formed additional information to expand upon and make reinforcing statements on the original complaint, rather than new information that was materially different to that originally assessed by the Local Assessment Sub-Committee.
- (vi) The Independent Person appointed by the Council under the Localism Act s 28(7) has been consulted and agrees that this is an appropriate course.

LR/4 Review under Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council under the Localism Act 2011 Section 28(6) in relation to allegations made that a certain District Councillor had failed to comply with the Council's Code of Members' Conduct (CESR/28)

RESOLVED

- (vii) In all the circumstances the Local Review Sub-Committee considered that the original decision was reasonable and was reached in accordance with our procedures; and
- (viii) The new material did not materially alter the original decision made. It has been decided to uphold the decision not to take any action on the complaint.

*The meeting finished at 11.35pm having commenced at 11.00am*

## LIST OF STANDARDS COMMITTEE REPORTS AND DOCUMENTS – May 2012 to September 2014

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	
11.6.14	No reports Election of Chairman and appointment of Vice Chairman
10.9.14	Ethical Framework update Local Government Ombudsman update
3.12.14	Ethical Framework update
18.3.15	Ethical framework update Local Government Ombudsman update

### PART B – DOCUMENTS

	Description	Date	Publisher	Internet Links
SCD1	Comments from ACSeS: Draft Disclosable Pecuniary Interests Regulations	30.05.2012	ACSeS	
SCD2	Ombudsman Complaints 2012/13 Reporting Year to 29 February 2013	27.06.2012	HDC	
SCD3	The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012	08.06.2012	Parliament	<a href="http://www.legislation.gov.uk/uksi/2012/1463/contents/made">http://www.legislation.gov.uk/uksi/2012/1463/contents/made</a>
SCD4	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012	08.06.2012	Parliament	<a href="http://www.legislation.gov.uk/uksi/2012/1464/contents/made">http://www.legislation.gov.uk/uksi/2012/1464/contents/made</a>
SCD5	The Local Elections (Declaration of Acceptance of Office) Order 2012	15.06.2012	Parliament	<a href="http://www.legislation.gov.uk/uksi/2012/1500/contents/made">http://www.legislation.gov.uk/uksi/2012/1500/contents/made</a>

SCD6	Can You See What it is Yet?	15.06.2012	LGL	<a href="http://localgovernmentlawyer.co.uk/index.php?option=com_content&amp;view=article&amp;id=10692:can-you-see-what-it-is-yet&amp;catid=181:editors-blog">http://localgovernmentlawyer.co.uk/index.php?option=com_content&amp;view=article&amp;id=10692:can-you-see-what-it-is-yet&amp;catid=181:editors-blog</a>
SCD7	Advice from Jonathan Goolden on Standards Transitional Arrangements	22.06.2012	ACSeS	<a href="http://www.acses.org.uk/doc/filename/1652/Advice_from_Jonathan_Goolden_on_the_Standards_Transitional_Arrangements.doc">http://www.acses.org.uk/doc/filename/1652/Advice_from_Jonathan_Goolden_on_the_Standards_Transitional_Arrangements.doc</a>
SCD8	The Art of Complaining	22.06.2012	LGL	<a href="http://localgovernmentlawyer.co.uk/index.php?option=com_content&amp;view=article&amp;id=10753%3Athe-art-of-complaining&amp;catid=181%3Aeditors-blog&amp;Itemid=27">http://localgovernmentlawyer.co.uk/index.php?option=com_content&amp;view=article&amp;id=10753%3Athe-art-of-complaining&amp;catid=181%3Aeditors-blog&amp;Itemid=27</a>
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	<a href="http://www.acses.org.uk/doc/filename/1663/Intro_and_Guide_to_Codes_of_Conduct.doc">http://www.acses.org.uk/doc/filename/1663/Intro_and_Guide_to_Codes_of_Conduct.doc</a>
SCD11	Protocol between Nottinghamshire Monitoring Officers and Nottinghamshire Police	01.07.2012	ACSeS	<a href="http://www.acses.org.uk/doc/filename/1684/Protocol_Between_Notts_MOs_Notts_Police_-_July_2012.doc">http://www.acses.org.uk/doc/filename/1684/Protocol_Between_Notts_MOs_Notts_Police_-_July_2012.doc</a>
SCD12	Openness and Transparency on Personal Interests	01.08.2012	DCLG	<a href="http://www.communities.gov.uk/documents/localgovernment/pdf/2193362.pdf">http://www.communities.gov.uk/documents/localgovernment/pdf/2193362.pdf</a>
SCD13	Hampshire County Council Brief to Counsel – Disclosure of Pecuniary Interests	19.10.2012	ACSeS	<a href="http://www.acses.org.uk/doc/filename/1699/Brief_to_Counsel_-_Phillip_Coppel_HF000003712585_.doc">http://www.acses.org.uk/doc/filename/1699/Brief_to_Counsel_-_Phillip_Coppel_HF000003712585_.doc</a>
SCD14	Hampshire County Council Opinion of Philip Coppel QC – Disclosure of Pecuniary Interests	19.10.2012	ACSeS	<a href="http://www.acses.org.uk/doc/filename/1700/SCAN-bbk4wcskg_HF000003749708_.pdf">http://www.acses.org.uk/doc/filename/1700/SCAN-bbk4wcskg_HF000003749708_.pdf</a>
SCD15	The Localism Act 2011 - Disclosable Pecuniary Interests And Co-Opted Members – Simon Bird Qc	26.10.2012	ACSeS	<a href="http://www.acses.org.uk/doc/filename/1703/The_Localism_Act_2011_-_Disclosable_Pecuniary_Interests_and_Co-opted_Member.doc">http://www.acses.org.uk/doc/filename/1703/The_Localism_Act_2011_-_Disclosable_Pecuniary_Interests_and_Co-opted_Member.doc</a>
SCD16	Making It Easier To Set Up New Town And Parish Councils – Discussion Paper	31.10.2012	DCLG	<a href="http://www.communities.gov.uk/documents/localgovernment/pdf/2246057.pdf">http://www.communities.gov.uk/documents/localgovernment/pdf/2246057.pdf</a>
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	<a href="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-says-york-council-misled-elderly-woman-roof-works/</a> <a href="http://www.lgo.org.uk/news/2013/feb/ombudsman-criticises-bolton-council-failure-protect-neighbour-development/">http://www.lgo.org.uk/news/2013/feb/ombudsman-criticises-bolton-council-failure-protect-neighbour-development/</a> <a href="http://www.lgo.org.uk/news/2013/jan/ombudsman-criticises-kettering-council-family-housing-error/">http://www.lgo.org.uk/news/2013/jan/ombudsman-criticises-kettering-council-family-housing-error/</a>
SCD 23	National Standards Case Summaries	06.03.13	Various council websites	<a href="http://www.norfolk.gov.uk/view/stand010213item6pdf">http://www.norfolk.gov.uk/view/stand010213item6pdf</a>
SCD 24	DCLG Letter Brandon Lewis	27.12.12	DCLG	<a href="https://www.gov.uk/government/publications/council-tax-freeze-2013-to-2014">https://www.gov.uk/government/publications/council-tax-freeze-2013-to-2014</a>
SCD 25	DCLG Letter Brandon Lewis	05.02.13	DCLG	<a href="http://localgovernmentlawyer.co.uk/index.php?option=com_content&amp;view=article&amp;id=13128:standards-rules-of-the-local-authority-road&amp;catid=59:governance-a-risk-articles">http://localgovernmentlawyer.co.uk/index.php?option=com_content&amp;view=article&amp;id=13128:standards-rules-of-the-local-authority-road&amp;catid=59:governance-a-risk-articles</a>
SCD 26	Paul Hoey Article on Disclosable Pecuniary Interests	19.02.13	Local Government Lawyer	<a href="http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&amp;view=article&amp;id=13301:disclosable-pecuniary-interests--what-did-the-government-intend-to-capture&amp;catid=63:planning-articles">http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&amp;view=article&amp;id=13301:disclosable-pecuniary-interests--what-did-the-government-intend-to-capture&amp;catid=63:planning-articles</a>
SCD 27	Committee on Standards in Public Life 14 <sup>th</sup> Report	Jan 13		<a href="http://www.public-standards.gov.uk/wp-content/uploads/2013/01/Standards_Matter.pdf">http://www.public-standards.gov.uk/wp-content/uploads/2013/01/Standards_Matter.pdf</a>
SCD 28	Publicity Guidance for Councillors for County Council Elections	20.03.13	HDC	<a href="https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity">https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity</a> <a href="http://www.horsham.gov.uk/files/Part_5G_Issue_22(1).pdf">http://www.horsham.gov.uk/files/Part_5G_Issue_22(1).pdf</a>
SCD29	Declaring Interests Flowchart – Questions for Members	May 2013	HDC	
SCD30	Local Assessments, Reviews and Determinations – July 2012 onwards (updated with non-personal data)	March 2014	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	<a href="http://www.public-standards.gov.uk/wp-content/uploads/2013/04/Annual-plan-13-144.pdf">http://www.public-standards.gov.uk/wp-content/uploads/2013/04/Annual-plan-13-144.pdf</a>
SCD33	The Code of Recommended Practice on Local Authority Publicity	March 2011	Department for Communities and Local Government	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf</a>
SCD34	Secretary of State for DCLG: Councillors and Lobbying: Letter	12.03.2013	Department for Communities and Local Government	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/140313/130312_Letter_to_Hilary_Benn.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/140313/130312_Letter_to_Hilary_Benn.pdf</a>
SCD35	CPS' guidance on 'Misconduct in Public Office'	May 2013	Crown Prosecution Service	<a href="http://www.cps.gov.uk/legal/l_to_o/misconduct_in_public_office/">http://www.cps.gov.uk/legal/l_to_o/misconduct_in_public_office/</a>
SCD36	<i>Cosford and others v R</i> (2013)	April 2013	Case decision: [2013] EWCA Crim 466	<a href="http://www.bailii.org/ew/cases/EWCA/Crim/2013/466.html">http://www.bailii.org/ew/cases/EWCA/Crim/2013/466.html</a>
SCD37	Probity in planning for councillors and officers	April 2013	Local Government Association	<a href="http://www.local.gov.uk/c/document_library/get_file?uuid=e0cde66c-8cda-4f56-b784-a45cdd41f089&amp;groupId=10180">http://www.local.gov.uk/c/document_library/get_file?uuid=e0cde66c-8cda-4f56-b784-a45cdd41f089&amp;groupId=10180</a>
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	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/200496/Letter-Predetermination-March2013.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/200496/Letter-Predetermination-March2013.pdf</a>
SCD42	Annual Report 2012-2013	September 2013	Committee on Standards in Public Life	<a href="http://www.public-standards.gov.uk/wp-content/uploads/2013/08/Annual-report-Final-for-publication-190813.pdf">http://www.public-standards.gov.uk/wp-content/uploads/2013/08/Annual-report-Final-for-publication-190813.pdf</a>
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	<a href="https://www.gov.uk/government/news/government-removes-volunteering-tax-on-councillors">https://www.gov.uk/government/news/government-removes-volunteering-tax-on-councillors</a>

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	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207528/Your_councils_cabinet_-_going_to_its_meetings_seeing_how_it_works.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207528/Your_councils_cabinet_-_going_to_its_meetings_seeing_how_it_works.pdf</a>
SCD47	Eric Pickles opens up planning appeals and lays down challenge	September 2013	Department for Communities and Local Government and Planning Inspectorate	<a href="https://www.gov.uk/government/news/eric-pickles-opens-up-planning-appeals-and-lays-down-challenge">https://www.gov.uk/government/news/eric-pickles-opens-up-planning-appeals-and-lays-down-challenge</a>
SCD48	Code of Practice for datasets	September 2013	Ministry of Justice	<a href="http://www.justice.gov.uk/downloads/information-access-rights/foi/code-of-practice-datasets.pdf">http://www.justice.gov.uk/downloads/information-access-rights/foi/code-of-practice-datasets.pdf</a>
SCD49	Guidance on Conduct of Members and Officers for County Council By Elections Storrington Division	September 2013	HDC	
SCD50	Guidance on Conduct of Members and Officers for County Council By Election Warnham and Rusper	September 2013	HDC	
SCD51	General Advice to Members Lobbying-Predetermination	September 2013	HDC	
SCD52	Openness and transparency on personal interests	September 2013	Department for Communities and Local Government	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf</a>
SCD53	Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity	April 2012	Department for Communities and Local Government	<a href="https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2">https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2</a>
SCD54	Push for greater town hall transparency on trade union interests	September 2013	Department for Communities and Local Government	<a href="https://www.gov.uk/government/news/push-for-greater-town-hall-transparency-on-trade-union-interests">https://www.gov.uk/government/news/push-for-greater-town-hall-transparency-on-trade-union-interests</a>
SCD55	Government's response to consultation on making it easier to set up new town and parish councils	September 2013	Department for Communities and Local Government	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/238996/Government_response_to_consultation_on_making_it_easier_to_set_up_new_town_and_parish_councils.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/238996/Government_response_to_consultation_on_making_it_easier_to_set_up_new_town_and_parish_councils.pdf</a>
SCD56	Updated DCLG guidance on 'Openness and transparency on personal interests: a guide for Councillors'	September 2013	Department for Communities and Local Government	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf</a>
SCD57	Updated Illustrative text for local Codes of Conduct	September 2013	Department for Communities and Local Government	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240161/120906_Illustrative_Code_of_Conduct_2_.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240161/120906_Illustrative_Code_of_Conduct_2_.pdf</a>

SCD58	Press release by Brandon Lewis MP stating that Council's Codes of Conduct should specify a requirement to register personal trade union interests	September 2013	Department for Communities and Local Government	<a href="https://www.gov.uk/government/news/push-for-greater-town-hall-transparency-on-trade-union-interests">https://www.gov.uk/government/news/push-for-greater-town-hall-transparency-on-trade-union-interests</a>
SCD59	Standards matter: A review of best practice in promoting good behaviour in public life	November 2013	Committee on Standards in Public Life	<a href="http://www.public-standards.gov.uk/lobbying-2/">http://www.public-standards.gov.uk/lobbying-2/</a>
SCD60	Fifth Biennial Survey at the Institute for Government - tracking public attitudes towards standards of conduct in public life	September 2013	Committee on Standards in Public Life	<a href="http://www.public-standards.gov.uk/wp-content/uploads/2013/11/CSPL-survey-2012.pdf">http://www.public-standards.gov.uk/wp-content/uploads/2013/11/CSPL-survey-2012.pdf</a>
SCD61	Statement on amendments to the Transparency Bill	September 2013	Department for Communities and Local Government	<a href="https://www.gov.uk/government/news/statement-on-amendments-to-the-transparency-bill">https://www.gov.uk/government/news/statement-on-amendments-to-the-transparency-bill</a>
SCD62	Local Government Ombudsman Case Summaries	November 2013	HDC	
SCD63	Local Government Ombudsman report: "No place like home: Councils' use of unsuitable bed and breakfast accommodation for homeless families and young people"	October 2013	Local Government Ombudsman	<a href="http://www.lgo.org.uk/news/2013/oct/councils-use-bed-breakfast-accommodation-failing-young-people-families-says-ombudsman/">http://www.lgo.org.uk/news/2013/oct/councils-use-bed-breakfast-accommodation-failing-young-people-families-says-ombudsman/</a>
SCD64	Local Government Ombudsman factsheet: Complaints about publicity given to a Planning application	September 2013	Local Government Ombudsman	<a href="http://www.lgo.org.uk/publications/fact-sheets/complaints-about-publicity-planning-application/">http://www.lgo.org.uk/publications/fact-sheets/complaints-about-publicity-planning-application/</a>
SCD65	Local Government Ombudsman factsheet: Complaints about section 106 agreements/planning obligations	September 2013	Local Government Ombudsman	<a href="http://www.lgo.org.uk/publications/fact-sheets/complaints-about-section-106-agreements/">http://www.lgo.org.uk/publications/fact-sheets/complaints-about-section-106-agreements/</a>
SCD66	Standards Case Summaries	November 2013	HDC	
SCD67	Ombudsman Complaints 2013-2014	November 2013	HDC	
SCD68	Local Government Lawyer: Localism Act: 2 Years On	December 2013	Local Government Lawyer	<a href="http://www.localgovernmentlawyer.co.uk/images/Localism%20Act%20Survey.pdf">http://www.localgovernmentlawyer.co.uk/images/Localism%20Act%20Survey.pdf</a>
SCD69	Committee on Standards in Public Life – work programme for 2014-15	January 2014	Committee on Standards in Public Life	<a href="http://www.public-standards.gov.uk/wp-content/uploads/2014/01/CSPL-WORK-PLAN-220114-updated-letterhead.doc">http://www.public-standards.gov.uk/wp-content/uploads/2014/01/CSPL-WORK-PLAN-220114-updated-letterhead.doc</a>

SCD70	Survey of public attitudes towards conduct in public life 2012	September 2013	Committee on Standards in Public Life	<a href="http://www.public-standards.gov.uk/wp-content/uploads/2014/02/CSPL-survey-2012-WEB-VERSION.pdf">http://www.public-standards.gov.uk/wp-content/uploads/2014/02/CSPL-survey-2012-WEB-VERSION.pdf</a>
SCD71	Transcript of debate on Survey of public attitudes towards conduct in public life 2012	4 <sup>th</sup> February 2014	Parliament	<a href="http://www.public-standards.gov.uk/wp-content/uploads/2014/02/Hansard-Extract-CSPL-Survey-20140204.doc">http://www.public-standards.gov.uk/wp-content/uploads/2014/02/Hansard-Extract-CSPL-Survey-20140204.doc</a>
SCD72	Code of Recommended Practice for Local Authorities on Data Transparency	December 2013	Department for Communities and Local Government	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266815/Transparency_Code_Government_Response.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266815/Transparency_Code_Government_Response.pdf</a>
SCD73	Recorded Votes at Budget Meetings	4 <sup>th</sup> February 2014	Department for Communities and Local Government	Copy in SCD post 2012
SCD74	LGO Guidance on remedying complaints	December 2013	Local Government Ombudsman	<a href="http://www.lgo.org.uk/publications/advice-and-guidance/#guidance">http://www.lgo.org.uk/publications/advice-and-guidance/#guidance</a>
SCD75	Ombudsman Cases Update December 2013 to March 2014	March 2014	HDC	
SCD76	Standards Cases Update December 2013 to March 2013	March 2014	HDC	
SCD77	Ombudsman Complaints 1 March 2013 to 1 March 2014	March 2014	HDC	
SCD78	Schedule of Standards Committee Sub-Committee Membership 2014-15	May 2014	HDC	
SCD79	Local Government Transparency Code 2014	May 2014	Department for Communities and Local Government	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308185/Local_Government_Transparency_Code_2014_Final.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308185/Local_Government_Transparency_Code_2014_Final.pdf</a>
SCD80	Local Government Transparency Code 2014 – Frequently Asked Questions	May 2014	Department for Communities and Local Government	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308186/Local_Government_Transparency_Code_2014_Frequently_Asked_Questions_Final.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308186/Local_Government_Transparency_Code_2014_Frequently_Asked_Questions_Final.pdf</a>
SCD81	Local Government Lawyer - Address Seven Principles of Public Life in contracts, says standards watchdog	June 2014	Committee on Standards in Public Life	<a href="http://www.public-standards.gov.uk/wp-content/uploads/2014/06/CSPL_EthicalStandards_web.pdf">http://www.public-standards.gov.uk/wp-content/uploads/2014/06/CSPL_EthicalStandards_web.pdf</a>
SCD82	Ethics in Practice: Promoting Ethical Standards in Public Life	July 2014	Committee on Standards in Public Life	<a href="https://www.gov.uk/government/publications/ethics-in-practice-promoting-ethical-standards-in-public-life">https://www.gov.uk/government/publications/ethics-in-practice-promoting-ethical-standards-in-public-life</a>

SCD83	Open and accountable local government A guide for the press and public on attending and reporting meetings of local government	August 2014	Department for Communities and Local Government	<a href="https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide">https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide</a>
SCD84	Local Government Ombudsman Case Summaries March 2014-September 2014	August 2014	HDC	
SCD85	Standards Case Summaries March 2014 to September 2014	August 2014	HDC	
SCD86	Ombudsman Complaints 2013/14 reporting year case schedule from 22 August 2013	August 2014	HDC	

# Report to Standards Committee

10 September 2014

By the Monitoring Officer

## INFORMATION REPORT

Not exempt



Horsham  
District  
Council

Ethical Framework Update: September 2014

## 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' Meeting;
  - Register of Interests;
  - Local Standards regime review;
  - Committee on Standards in Public Life;
  - Data transparency;
  - Filming of Council meetings;
  - Recorded Votes at Budget Meetings;
  - Local Government Ombudsman Case Summaries;
  - National Standards case summaries December 2013 to March 2014; and
  - 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 40 SCD 73 SCD 75 SCD 76 SCD 79 SCD 82 SCD 83 SCD  
84 SCD 85

**Consultation:** SLT

**Wards affected:** All

**Contact:** Sandra Herbert  
Deputy 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 March 2014.

#### **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](http://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 is provided to this Committee.

- 3.2 All members on the Standards Committee have received training on the Code of Members' Conduct and the Council's "arrangements" for assessing complaints against Members. In particular training has recently been provided by the Deputy Monitoring Officer for the Chairman of the Council as a new member of this committee.

### **Local assessment, review, other action, investigations and determinations [SCD30]**

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

### **Local Assessment**

- 3.4 Since the last Ethical Framework Update was presented to this Committee in March 2014, the Local Assessment Sub-Committee has met on three occasions, and heard four cases. One new complaint has been received which will be assessed by the Monitoring Officer under the revised standards procedure. Further details are set out in Appendix 2.

### **Local Review**

- 3.5 Since the date the last Ethical Framework Update was presented to this Committee in March 2014, the Local Review Sub-Committee has met on three occasions, and heard four cases.

### **Other action directed**

- 3.6 Since the date the last Ethical Framework Update was presented to this Committee in March 2014, no cases have been referred to the Monitoring Officer for Other Action.

### **Local Investigations**

- 3.7 Since the date the last Ethical Framework Update was presented to this Committee in March 2014, no Local Investigations have been carried out.

### **Local Determinations**

- 3.8 Since the date the last Ethical Framework Update was presented to this Committee in March 2014, no Local Determinations have been carried out.

- 3.9 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]**.

- 3.10 Members will be aware that following the recent review of the standards regime all decision making on the assessment of complaints against councillors has now been delegated to the Monitoring Officer. However, there is still discretion for the Monitoring Officer to refer to the matter to the sub-committee and so the schedule

has been produced to cover this situation. Members may consider whether going forward there is a need to continue with the advance allocation of membership and reserves to the sub-committee in this way.

### **Parish Clerks' meeting**

- 3.11 On 1 July 2014 the Society of Local Council Clerks met at Southwater Parish Council for their quarterly meeting. The Deputy Monitoring Officer provided an update on the outcome of the full Council meeting on 14 May 2014 and the changes to the locally agreed standards regime which were approved by Council. Clerks were also advised about the outcome of the Standards Committee meeting on 11 June 2014 and in particular the election and appointment of Chairman and Vice-chairman of this committee. An update on the Local Audit and Accountability Act 2014 section 40 was also presented regarding the filming and reporting of council meetings. Details of the new gypsy and traveller procedures agreed between the district council and West Sussex County Council were also provided.

### **Register of Interests**

- 3.12 In June 2014, Register of Interests Update forms were circulated to Parish Clerks and District Councillors. Members will recall that the 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.
- 3.13 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>.
- 3.14 Annual Update forms received from District Councillors have been uploaded and are now available to view.
- 3.15 Parish Councils with websites have uploaded their Councillors' Register of Interest forms to their websites; these can be accessed via links on the District Council website. The Register of Interest forms for Parish Councils without websites have been uploaded to the District Council website: <http://www.horsham.gov.uk/council/15041.aspx>
- 3.16 The Monitoring Officer is currently liaising with Parish Clerks to ensure that their websites are updated with current Register of Interest forms.

### **Local standards regime review**

- 3.17 As Members will recall, Council requested that the local standards regime adopted in July 2012 be reviewed one year on from its adoption. The following changes to the regime were approved by full Council on 14 May 2014:
- Removal of the internal right of review for a complainant where a NFA decision is reached following assessment of a complaint;

- Removal of the right of appeal for a subject member where following an investigation and a hearing a member is found to be in breach of the code of conduct;
- Delegation of all decision making to the Monitoring Officer to assess all Code of Conduct complaints and determine what action is appropriate in consultation with an Independent Person and a Parish Representative, with the discretion to refer to a Standards Sub- Committee;
- Revision of the Code of Members' Conduct to include:
  - (a) The updated Nolan Principles in line with the latest recommendation from the Committee on Standards in Public Life; and
  - (b) The inclusion of a requirement to declare a Disclosable Pecuniary Interest (DPI) at meetings in the same way as a personal and prejudicial interest; and
- Grant of a general dispensation under the Council's Dispensation Scheme to all Members who have a DPI in any business of the authority in relation to themselves or their partners where it relates to category 1 of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 namely '*any employment, office, trade, profession or vocation carried on for profit or gain*' by virtue of being a dual hatted member in receipt of an allowance from either a Parish or County Council to enable them to speak but not to vote where a member of the public has similar rights on the ground that it would be in the interests of persons living in the authority's area; and
- Further review of the local standards regime to be undertaken within the first year after the election of a new Council in May 2015.

3.17 Full Council authorised the Monitoring Officer to make all necessary revisions to implement the above changes. Members are advised that the Deputy Monitoring Officer has made all necessary changes to the Council's Arrangements for dealing with complaints and to the Constitution. Work is continuing to update internal processes and procedure documentation to complete the review.

### **Committee on Standards in Public Life**

3.18 On 14 July 2014 the Committee on Standards in Public Life (the "Committee") published its report on Ethics in Practice: Promoting Ethical Standards in Public Life. The report focusses on ethics in induction. The report discusses good practice, highlights areas where standards are at risk, and identifies where improvements could be made to embed ethical standards more effectively. The Committee reports that induction is an effective means of heightening that awareness and building a real understanding of what the Seven Principle of Public Life and codes of conduct mean in practice, and leadership is key to the effectiveness of induction processes, so as to ensure that public office holders are aware of the standards expected of them.

3.19 A copy of the report **[SCD82]** can be located at:

<https://www.gov.uk/government/publications/ethics-in-practice-promoting-ethical-standards-in-public-life>

## Data Transparency

- 3.20 On 01 May 2014, the Government published the Code of Recommended Practice for Local Authorities on Data Transparency (the “Code”).
- 3.21 The Code has been issued to meet the Government’s desire to place more power into citizens’ hands to increase democratic accountability and make it easier for local people to contribute to the local decision making process and help shape public services.
- 3.22 The Code is mandatory and sets out the type of information that the Council must publish and the frequency of publication.
- 3.23 The Council is required to publish the following information quarterly, not later than one month after the quarter to which the data and information is available:
- 3.23.1 Expenditure exceeding £500;
  - 3.23.2 Government Procurement Card transactions; and
  - 3.23.3 Procurement information
- 3.24 The Council is required to publish the following information annually, not later than one month after the year to which the data and information is applicable:
- 3.24.1 Local authority land;
  - 3.24.2 Grants to voluntary, community and social enterprise organisations;
  - 3.24.3 Organisation chart;
  - 3.24.4 Trade union facility time;
  - 3.24.5 Parking revenues;
  - 3.24.6 Controlled parking spaces;
  - 3.24.7 Senior salaries;
  - 3.24.8 Constitution; and
  - 3.24.9 The pay multiple.
- 3.25 The Code also sets out how the method of publication and states that public data should be published in a format and under a licence that allows open re-use, including for commercial and research activities, in order to maximise value to the public. Whilst the Code sets out the minimum data that local authorities must publish, the Government believes that in principle all data held and managed by local authorities should be made available to local people unless there are specific sensitivities to doing so, and so encourages local authorities to go much further in publishing the data they hold. It is also recommended that parish councils with a gross annual income or expenditure (whichever is the higher) does not exceed £6.5 million should also publish the information set out in the Code.
- 3.26 A copy of the Code can be located at:
- [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/308185/Local\\_Government\\_Transparency\\_Code\\_2014\\_Final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/308185/Local_Government_Transparency_Code_2014_Final.pdf)

### **Filming of Council meetings**

- 3.27 On 06 August 2014, the Openness of Local Government Bodies Regulations 2014 came into effect. The new Regulations apply to all public meetings, including those held by town and parish councils.
- 3.28 Under the regulations, the press and the public would have the right to:
- 3.28.1 Use modern technology and communication methods such as filming, audio-recording, blogging and tweeting to report the proceedings of the meetings of their councils and other local government bodies; and
  - 3.28.2 See information relating to significant decisions made outside meetings by officers acting under a general or specific delegated power.
- 3.29 On 06 August 2014, the DCLG also published a plain English guide to the 'right to report', which replaces its previous guide "*Your council's cabinet: going to its meetings, seeing how it works*". A copy of this guide [SCD83] can be located at:

<https://www.gov.uk/government/publications/open-and-accountable-local-government-plain-english-guide>

### **Recorded Votes at Budget Meetings [SCD 73]**

- 3.30 As part of the Government's commitment to transparency and democratic accountability, 'The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014' came into force on 25 February 2014.
- 3.31 Members will recall that these Regulations make it mandatory for councils as soon as is practicable after the Regulations are in force, to amend their Standing Orders so as to include provisions requiring recorded votes at budget meetings.

### **Local Government Ombudsman ('LGO') Case Summaries March 2014 to September 2014 [SCD 84]**

- 3.32 A copy of the LGO's case summaries for March 2014 to September 2014 is attached as Appendix 4.

### **Standards case summaries March 2014 to September 2014 [SCD 85]**

- 3.33 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/extracts of some notable cases, which have been published, is attached as Appendix 5 to assist with members learning.

## **Work Programme update [SCD 40]**

- 3.34 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 2014-2015. 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 The Senior Leadership 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

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached Yes/No</p>	<p>Failure to keep Members up to date with developments in the ethical framework would lead to a diminution of ethical standards amongst Members.</p> <p>No.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>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.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>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.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Yes/No/Not relevant</p>	<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> <p>No.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>Where possible electronic means of communication are used.</p>

**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	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 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

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
CES91	Parish	N/A	Public	24.11.12	Parish Councillor allegedly used a shared email account for council business, potentially causing a breach of the Data Protection Act 1998.	N/A	Referred to the Information Commissioners Office	
CES92	District & Parish	14.08.13	Public	09.07.13	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.	26	No Further Action	N
CES93	Parish	14.08.13	Public	09.07.13	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.	26	No Further Action	N

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
CES94	District	04.12.13	Public	19.09.13	Allegation Councillor breached Code of Conduct when answering questions from members of the public at a full council meeting. By failing to treat others with respect, attempting to bully and intimidate the complainant. Giving untrue statements, bringing office/ authority into disrepute, using position as a member to improperly secure an advantage and failing to act in accordance with authority's reasonable requirements when using resources.	31	No Further Action	N
CES95	Parish	06.11.13	Public	26.09.13	Allegation that Parish Councillor failed to treat others with respect, bullying, bringing office/ authority into disrepute. Councillor had potentially committed a criminal offence by taking part in discussions & voting at meeting where he had a DPI. Failing to withdraw from a meeting where he had an interest.	29	No Further Action	Y

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
CES96	Parish	06.11.13	Public	26.09.13	Allegation that Parish Councillor failed to treat others with respect, bullying, bringing office/ authority into disrepute.	29	No Further Action	N
CES97	Parish	12.02.14	Parish Council	19.12.13	Allegation that a Parish Councillor: failed to treat others with respect, compromised impartiality, bringing the authority into disrepute, attempted to use position to as a member to improperly secure an advantage, disclosed confidential information.	36	No Further Action	Y
CES98	District	16.04.14	Public	26.02.14	Allegation that District Councillor brought the office/authority into disrepute by sending an email to another member of the public which contained untrue allegations about the complainant.	34	No Further Action	Y

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
CES99	District	16.04.14	Public	13.03.14	Allegation that a District Councillor had used the political whip to influence the outcome of a vote for the next candidate who is to be Chairman of the Council	23	No Further Action	Y
CES100	District	14.05.14	Public	24.03.14	Complainant made an official complaint to the Council about possible inappropriate pressures (whipping) being put on Members to vote for the draft Preferred Strategy. Allegation that a District Councillor knowingly misled the chief executive to produce a misleading response to the public. The Councillor therefore brought the Council and its members into disrepute.	34	No Further Action	Y

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
CES101	Parish	11.06.14	Public	16.04.14	Allegation that councillor breached paragraph 5 of Code of Conduct, and that there is a lack of openness at the Parish Council, for example: -the failure to consult with residents about the inclusion of a hexapath access path in a planning application for a skate park; -restricting questions from the floor in a council meeting; -refusing to have an open transparent meeting with complainant to discuss concerns; -inaccuracy of parish council minutes	36	No further Action	Y
CES102	Parish		Company Directors	12.08.14	Allegation that a parish councillor jeopardised the public perception and reputation of the parish council by making comments on a public Facebook thread, after stating that they were a parish councillor. Earlier comments on the Facebook thread were allegedly abusive towards the Company.			

File ref	Review of	District or Parish Council	Decision Date	Complainant	Nature of complaint (Personal data removed)	Date received	Working days	Decision
<b>CESR9</b>	CES74	Parish	20.09.12	Public	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 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.	08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR10</b>	CES75	Parish	20.09.12	Public		08.07.12	53	Refer to new Local Assessment Sub-Committee
<b>CESR11</b>	CES76	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR12</b>	CES77	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR13</b>	CES78	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR14</b>	CES79	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR15</b>	CES80	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR16</b>	CES81	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.

File ref	Review of	District or Parish Council	Decision Date	Complainant	Nature of complaint (Personal data removed)	Date received	Working days	Decision
<b>CESR17</b>	CES82	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR18</b>	CES83	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR19</b>	CES84	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR20</b>	CES85	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR21</b>	CES86	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
<b>CESR22</b>	CES87	Parish	20.09.12	Public		08.07.12	53	No Further Action. Initial Review 08.08.12; final Review 20.09.12.
File ref	Review of	District or Parish Council	Decision Date	Complainant	Nature of complaint (Personal data removed)	Date received	Working days	Decision
<b>CESR23</b>	CES89	Parish	30.01.13	Public	Bringing the Parish Council	17.11.12	53	No Further action

File ref	Review of	District or Parish Council	Decision Date	Complainant	Nature of complaint (Personal data removed)	Working days	Decision	
<b>CESR24</b>	CES95	Parish	12.02.14	Public	<p>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.</p> <p>Allegation that Parish Councillor failed to treat others with respect, bullying, bringing office/ authority into disrepute. Councillor had potentially committed a criminal offence by taking part in</p>	24.11.13	54	No Further Action

					discussions & voting at meeting where he had a DPI. Failing to withdraw from a meeting where he had an interest.			
<b>CESR25</b>	CES97	Parish	16.04.14	Parish Council	Allegation that a Parish Councillor: failed to treat others with respect, compromised impartiality, bringing the authority into disrepute and attempted to use position to as a member to improperly secure an advantage, disclosed confidential information.	12.02.14	45	No Further Action
<b>File ref</b>	<b>Review of</b>	<b>District or Parish Council</b>	<b>Decision Date</b>	<b>Complainant</b>	<b>Nature of complaint (Personal data removed)</b>	<b>Date received</b>	<b>Working days</b>	<b>Decision</b>
<b>CESR26</b>	CES98	District	11.06.14	Public	Allegation that District Councillor brought the office/authority into disrepute by sending an email to another member of the public which contained untrue allegations about the complainant.	29.04.14	29	No Further action
<b>CESR27</b>	CES99	District	30.07.14	Public	Allegation that a District Councillor had used the	10.05.14	57	No Further Action

File ref	Review of	District or Parish Council	Decision Date	Complainant	Nature of complaint (Personal data removed)	Date received	Working days	Decision
CESR28	CES100	District	30.07.14	Public	Complainant made an official complaint to the Council about possible inappropriate pressures (whipping) being put on Members to vote for the draft Preferred Strategy. Allegation that a District Councillor knowingly misled the chief executive to produce a misleading response to the public. The Councillor therefore brought the Council and its members into disrepute.	29.05.14	44	No Further Action

<b>CESR29</b>	CES101	Parish		Public	Complainant feels the LASC was selective in the evidence it chose to look at when considering the complaint. Key written evidence supplied in the complaint was not considered. Complainant felt decision notice distorted the facts.	24.06.2014		
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\*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**

**[SCD31]**

**Schedule of Standards Committee Sub-Committee Membership 2014-15**

	<b>PANEL</b>				<b>RESERVES</b>		
Dates 2014							
9 July	SM	DC	BD		GN	AB	BO'C
6 August	GN	BO'C	AB		SM	BD	TY
10 September	SM	TY	BD		GN	AB	BO'C
15 October	GN	DC	BO'C		SM	BD	TY
12 November	SM	TY	AB		GN	BD	DC
3 December	GN	DC	BD		SM	AB	BO'C
Dates 2015							
January 7	SM	DC	TY		GN	AB	BO'C
February 11	GN	AB	BD		SM	DC	TY
18 March	SM	BO'C	TY		GN	BD	DC
15 April	GN	DC	AB		SM	BO'C	TY

**Ombudsman Case Update from March 2014 to September 2014****London Borough of Newham  
Homelessness****17 March 2014**

A solicitor acting for a lady complained that the council did not respond properly to her client's request for housing assistance when she and her family were threatened with homelessness and later became homeless. In particular, she alleged the council:

- delayed in taking a homelessness application;
- did not offer the lady and her family suitable interim accommodation when they first became homeless;
- later placed them in bed and breakfast accommodation that was unsuitable because of her client's disabilities;
- failed to notify her client of its homelessness decision; and
- failed to reply to her complaint about these matters.

The Ombudsman found fault causing injustice.

**Recommended remedy**

To remedy the injustice, the Ombudsman recommend the council:

- pay the lady £750 to recognise the distress and hardship she and her family suffered;
- remind caseworkers of the requirement to issue decision letters to applicants and their solicitors and undertake a random sampling of cases to make sure this is done;
- consider offering a pre-booked appointment to applicants who are elderly or severely disabled and who have a confirmed eviction date to minimise the time they spend in reception waiting to be seen on the day of the eviction; and
- review the procedure for assessing the suitability of temporary accommodation where a member of the applicant's household has a disability. It should report back to me in three months' time to tell me what it has done to expedite the assessment process.

<http://www.lgo.org.uk/decisions/housing/homelessness/london-borough-newham-13-005-484/>

**Cornwall Council  
Planning enforcement****28 April 2014**

Complaint from a woman that the council did not reach appropriate planning enforcement decisions when her neighbour put horses and equestrian development on her agricultural land without planning permission.

The investigation found that members of the council's planning committee decided that the women's neighbour could keep horses on the land but ownership and use should be restricted, to prevent commercial use. Members of the committee were not given the legal advice available, or told of officers concerns about the decision, so they could weight up differing views. The council did not properly record subsequent decisions, especially whether enforcement action should be less restrictive than that authorised by the planning committee.

The council served an enforcement notice on the neighbour but this was not as restrictive as members had intended as it did not restrict who owned and used horses on the land. The neighbour let the equestrian facilities to tenants who used them more intensively than she had done.

The Ombudsman upheld the complaint and found fault causing injustice.

### **Remedy**

To remedy the injustice caused, the council was required to:

- review all of the planning enforcement issues complained about for the site;
- within three months of the date of this report prepare a report for the planning committee members to consider the options available for enforcement action;
- review its process to make sure members receive copies of earlier reports and decisions for planning enforcement matters when decisions are deferred and that the updating report refers to them;
- ensure that recorded decisions properly reflect the report recommendations they are referring to;
- amend its legal services referral forms to require copies of relevant committee decisions;
- apologise to the women; and
- pay her £400 for her uncertainty that enforcement action could have been different and avoided significant disturbance to her, and for the undue time and trouble she was put to in trying to understand the position and complaining about the events on site.

<http://www.lgo.org.uk/decisions/planning/enforcement/cornwall-council-12-000-843/>

**Hinckley & Bosworth Borough Council**  
**Planning enforcement & noise**

**5 March 2014**

Complaint from two couples about the failure by the council to take action when the operators of a motor racing track near to their homes breached a notice specifying the permitted frequency and noise levels of events at the track. One of the couples was acting on behalf of 47 other residents.

Because of the delay in the council taking enforcement action for repeated breaches of the notice, the complainants and the villagers they represent have suffered because of the additional noise nuisance.

The Ombudsman has found fault causing injustice.

## **Recommended remedy**

To remedy the complaint, the council has agreed to instruct a barrister to provide legal advice on the contents of a new Notice. Any new Notice will have to be served on the new track operators (who have operated the track since November 2013) once they start activities.

The Ombudsman also recommends the council:

- Consider how to address the outstanding queries over the impact the spectator bunds and track alterations have had on noise levels. And how to address the outstanding planning matters and unapproved alterations to the track. The council should advise the complainants and the Ombudsman how it intends to address these issues within three months of the date of this report;
- pay £2,500 to couple 1 for their avoidable loss of amenity from March 2011 to February 2013 when the council took formal enforcement action;
- pay £5,000 to couple 2 as a contribution towards their receipted expenses for legal advice and noise reports; and
- donate £1,000 to the village schoolroom committee to use as it sees fit for the benefit of the residents who have joined the complaint.

<http://www.lgo.org.uk/decisions/planning/enforcement/hinckley-amp-bosworth-borough-council-12-001-338-a/>

**Standards Case Update from March 2014 to September 2014****Local authority appoints lawyer amid claims of bullying by councillors**

02 July 2014

Portsmouth City Council has appointed a solicitor to investigate allegations of bullying by councillors.

Council leader Donna Jones named lawyer Richard Lingard to lead the investigation, and he will interview senior figures regarding claims made against elected members, and invite staff to anonymously voice concerns.

Cllr Jones said: "We recognise that staff may feel uncomfortable coming forward and speaking out about bullying, so our approach in hiring an independent person to investigate will ensure their anonymity, and give them an avenue to talk about their experiences."

She described Mr Lingard, a former head of legal services at Guildford Borough council, as "the perfect man for the job", and added "we have strong policies to address issues of bullying and harassment and our staff understand the importance of treating one another with respect and dignity. It's vital that members also follow these policies."

[http://www.localgovernmentlawyer.co.uk/index.php?option=com\\_content&view=article&id=19132%3Alocal-authority-appoints-lawyer-amid-claims-of-bullying-by-councillors&catid=59%3Agovernance-a-risk-articles&Itemid=27](http://www.localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=19132%3Alocal-authority-appoints-lawyer-amid-claims-of-bullying-by-councillors&catid=59%3Agovernance-a-risk-articles&Itemid=27)

**Wigan County Council Minutes (extracts)****25 March 2014**

The Committee considered a report of the Assistant Director – Legal (Monitoring Officer), which informed the Committee of the Annual Report on the work of the Standards Committee for 2013/14.

It was reported, that whilst generally the conduct of the majority of Members was still considered to be good, there were still areas of concern. Most complaints concerned a small number of Members from across the political spectrum and highlighted an ongoing need for training, particularly in the area of Member/Officer relations and in equipping them with the skills to be an effective Councillor. The Assistant Director– Legal proposed, that in future, all Members of the Standards Committee would need to undertake mandatory training prior to sitting on the Committee in order for them to fully understand their role and what was required of them as a Committee Member.

The Committee was advised that in 2013/14 the number of complaints received in comparison to previous years was as follows:-

09/10	16 (4 made by a member)
10/11	20 (8 made by a member)
11/12	10 (1 made by a member)
12/13	17 (8 made by a member)
13/14	27 (7 made by a member)

The costs incurred for dealing with code of conduct complaints over the 2013/14 year up to January 2014 was in the region of £78,000. This included both closed and currently open cases. It was acknowledged that the local arrangements for dealing with complaints tried to achieve a more cost effective balance between ensuring complaints were dealt with effectively and ensuring the cost was kept to a minimum, but due to the increasing number and complexity of some the cases it was still proving a costly process.

A full copy of the Report and Minutes can be located at:

<http://democracy.wigan.gov.uk/documents/s14569/Annual%20Report%20of%20the%20Standards%20Committee.pdf?a=1>

<http://democracy.wigan.gov.uk/mgAi.aspx?ID=10890&a=1>

## 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	MO/Standards Committee	Ongoing	Effective July 2012. See also Local Arrangements adopted by the Council July 2012 and revised May 2014.	Localism Act 2011.
2	Undertake investigations and Local determination hearings as necessary	MO/Standards Committee	Ongoing	Effective July 2012. See also Local Arrangements adopted by the Council.	Localism Act 2011.
3	Consider dispensation requests	MO/Standards Committee	As received	Scheme of dispensations in Constitution.	Localism Act 2011.
4	Prepare annual report for presentation to full Council	Chairman	Annually	At end of municipal year.	Good practice.
5	Promotion of the role and work of the Standards Committee	Chairman/Standards Committee and MO	Ongoing	Promote the work of the SC internally through the Members Bulletin and 'Grapevine'. SC to pursue programme of awareness raising within the Community. 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. Liaison with Parish Councils by regular attendance at Parish Clerks' quarterly meetings and the distribution of SC agenda and reports. Investigate other ways of raising profile of	Localism Act 2011.

<b>No</b>	<b>Activity</b>	<b>Who is responsible</b>	<b>Completion</b>	<b>Notes</b>	<b>Legislative Root</b>
				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 and as required. Member induction training May 2015.	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, Independent Persons and Parish Representatives. 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. Ethics and governance training to be incorporated in member induction May	Localism Act 2011. HDC Corporate Learning and Development Plan.

				2015.	
<b>No</b>	<b>Activity</b>	<b>Who is responsible</b>	<b>Completion</b>	<b>Notes</b>	<b>Legislative Root</b>
10	Review of Register of Interests	MO	Annual	To ensure that Members of HDC and Parish Councils review the content of their Register of Interests at least once annually. To ensure that updated ROI are available online at HDC website for HDC members and at parish council website for parish members.	Localism Act 2011 and local Code of Conduct.
11	Consider regular Ethical Framework update reports	MO/Standards Committee	Quarterly	To ensure that the Standards Committee Members are kept up to date with issues of ethics and governance. Provide access to reports for all HDC members through Members Bulletin on website. Distribute to Parishes with the Standards Committee agenda.	Localism Act 2011.
12	Consider regular Ombudsman update reports	MO/Standards Committee	Six monthly	To ensure that the Committee has the necessary information to ensure that complaints can be easily made to the Council and properly responded to. To assist with learning lessons and improving performance following complaints made to the Local Government Ombudsman about the Council. To feed this information into the Performance Management Working Group report on Complaints, Compliments and	Local Government Act 2000. Local Government Ombudsman good practice.

				Suggestions.	
13	Review of local standards regime	MO/Standards Committee	Within first year after election of new Council in May 2015.	Council resolution 14 May 2014.	Localism Act 2011

## Report to Standards Committee

10 September 2014

By the Monitoring Officer

### INFORMATION REPORT

Not exempt



Horsham  
District  
Council

## The Local Government Ombudsman Update 2013-2014

### 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 The LGO continues to investigate complaints following exhaustion of the Council's internal complaints procedure. The LGO now, however, issues 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 and 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**

### **Ombudsman publishes local authority complaint statistics in new report**

3.1 In July 2014, the LGO also published its review of local government complaints for 2013-2014. During this period, the LGO registered a total of 20,306 complaints specifically about local authorities.

3.2 The Review of Local Government Complaints 2013-2014 supplements the LGO Annual Report and Accounts, which gives more information specifically about the LGO's performance.

3.3 A full copy of the LGO's findings can be located at:

<http://www.lgo.org.uk/publications/annual-report/>

### **Annual Review letter 2013-2014**

3.4 In July 2014, the Council received the LGO's Annual Review letter, which provides annual statistics for the period of 01 April 2013 to 31 March 2014. A copy of this letter is attached as Appendix Two.

3.5 The format for recording statistics is now based on the LGO's new business model and so the figures are not directly comparable to previous years. The LGO now records decisions as either 'upheld' or 'not upheld' in order to bring it closer in practice to how other Ombudsman schemes and local authorities describe their decisions.

3.6 Changes to how the LGO describes its decisions were made in February 2014 and 1 April 2014:

<b>Decision Reasons from 1 April 2013</b>	<b>What changed in February 2014</b>	<b>Decision Reasons from 1 April 2014</b>
<i>Not in jurisdiction (OJ) and no discretion</i>	<i>No Change</i>	<i>Closed after initial enquiries – out of jurisdiction</i>
<i>Not in jurisdiction (OJ) and discretion not exercised</i>		
<i>Not investigated</i>		<i>Closed after initial enquiries – no further action</i>
<i>To discontinue investigation</i>		<i>Not upheld: No further action</i>
<i>Investigation complete and satisfied with authority actions or proposed actions and not appropriate to issue report S30(1B)</i>	<i>Investigation complete: Maladministration and Injustice</i>	<i>Upheld: Maladministration and Injustice</i>
	<i>Investigation complete: Maladministration, No Injustice</i>	<i>Upheld: Maladministration, No Injustice</i>
	<i>Investigation complete: No Maladministration</i>	<i>Not upheld: No Maladministration</i>
<i>Investigation complete and appropriate to issue a report S30(1)</i>	<i>Investigation complete and report issued: Maladministration and Injustice</i>	<i>Report issued: Upheld; maladministration and injustice</i>
	<i>Investigation complete and report issued: Maladministration, No Injustice</i>	<i>Report issued: Upheld; maladministration, no injustice</i>
	<i>Investigation complete and report issued: No Maladministration</i>	<i>Report issued: Not upheld; no maladministration</i>

### **Complaints**

3.7 The Annual Review letter states that between 2013 and 2014, the LGO received 20 complaints about Horsham District Council, although details on the average number of complaints received for District and Borough Councils were not provided.

3.8 Since 01 March 2013, twenty complaints and enquiries were made to the LGO. The LGO considered the complaints and enquiries, of which:

3.8.1 Ten related Planning and Development;

3.8.2 Four related to Benefits and tax;

3.8.3 Three related to Environmental services and public protection and regulation;

3.8.4 Two related to Housing; and

3.8.5 One related to Corporate and other services.

- 3.9 The LGO also reported that upon concluding investigations:
- 3.9.1 Five complaints were upheld; and
  - 3.9.2 One complaint was not upheld.
- 3.10 Since 01 March 2013, the LGO made a decision on twenty-two complaints. It is possible that two of these complaints were made in the previous reporting year but determined in this reporting year.
- 3.11 The letter also sets out other changes to the LGO's processes, which include sending a copy of each Annual Review letter to the Leader and the Chief Executive of the Council to support democratic scrutiny of local complaint handling and ensure effective local accountability of public services.
- 3.12 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.
- 3.13 Members will recall that in its conclusion of a complaint about Housing Services about the suitability of temporary accommodation, the LGO recommended that the Council pay the complainant £250 to compensate for the lost opportunity to request a review of the suitability of the temporary accommodation, which should be offset against the outstanding rent arrears. The Council was also asked to amend its standard letters about reviewing the suitability of any temporary accommodation offered when the council discharges its homelessness duty.
- 3.14 An updated schedule of cases recorded for the 2013-2014 reporting year is attached SCD86. 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

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached Yes/No</p>	<p>The report will assist the Council with learning lessons and improving its performance.</p> <p>No.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>This report does not directly affect the Council's duty to reduce crime and disorder.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>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.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Yes/No/Not relevant</p>	<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> <p>No.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>This report does not directly help to promote sustainability.</p>

**Ombudsman Complaints 2013/14 reporting year case schedule from 01 March 2013**

<b>Reference</b>	<b>Nature of Complaint</b>	<b>Date Complaint Received</b>	<b>Current Position</b>	<b>Date Determined</b>	<b>Further Action</b>	<b>Lessons Learnt</b>
<b>CEO166</b>	<b>Planning and Development</b> Failure to take effective enforcement action to a nearby property address	12.10.12	<b>Provisional view 28.08.13:</b> While there has been some fault by the Council, there are insufficient grounds on which to base any further investigation by the Ombudsman. <b>Final Decision 01.10.13</b> No change from provisional view above.	01.10.2013	<b>None</b>	
<b>CEO 169</b>	<b>Planning and Development</b> 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 development and the way it monitors section 106 agreements generally	24.01.2013	<b>Provisional view 22.04.13 – To discontinue the investigation of this complaint</b> The Council's planning permission for a new estate included conditions and agreements the developer had to comply with. 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 the complainant.	30.09.2013	The Council is now in regular contact with the Complainant and is involving him in discussions with the developer	Since the complaint was first made, the council now has a Section 106 database which records key obligations and helps in checking their implementation. This should avoid similar problems occurring in the future.
<b>CEO172</b>	<b>Planning and Development</b> The Council did not properly consider and determine a planning application for a rear and first floor extension to a neighbouring property.	24.05.13	<b>Determined:</b> Decision to close the complaint without investigating matters. Whilst the Council had made errors in the early stages in respect of measurements, it drew these matters to Members' attention before a decision was made.	24.05.2013	<b>None</b>	

Reference	Nature of Complaint	Date Complaint Received from LGO	Current Position	Date Determined	Further Action	Lesson Learnt
CEO173	The Council granted conditional planning consent for a neighbour to extend their property. The complainant stated that other applications in the same street were refused and so the Council was wrong to grant consent for the applicant.	10.06.13	<b>Determined:</b> The LGO will not investigate the complaint as she saw no significant administrative fault in the way the Council made its decision.	10.06.2013	<b>None</b>	
CEO 174	<b>Planning and Development</b> The Council did not properly consider and determine an outline planning application for 103 dwellings and open space in February 2012. The complaint was made on behalf of other residents.	10.06.13	<b>Determined:</b> Events complained of took place too long ago for the LGO to investigate now. If the LGO was to investigate, it would need to assess the degree of injustice caused to the complainant i.e. loss of her residential amenity, but the complainant did not indicate that she suffered any personal injustice of this kind, No written authorisation from other residents for the complainant to complain on their behalf,	10.06.13	<b>None</b>	

Reference	Nature of Complaint	Date Complaint Received from LGO	Current Position	Date Determined	Further Action	Lesson Learnt
CEO175	<p><b>Housing Services</b></p> <p>The Council placed the tenant in unsuitable temporary accommodation which resulted in the loss of her job as she was unable to travel to work. This led to rent arrears. Later the Complainant's housing benefit claim was mishandled and a self employment form was sent to the wrong address. There was an incorrect overpayment decision for housing benefit and eviction.</p>	19.07.13	<p><b>Determined:</b></p> <p>Council to pay complainant £250 to compensate for the lost opportunity to request a review of the suitability of the temporary accommodation. The £250 should be offset against the outstanding rent arrears.</p>	06.12.13	Council has been asked to amend its standard letters to include an applicant's right to request a review of the suitability of any temporary accommodation offered when the council discharges its homelessness duty.	There is no statutory requirement to notify a person of their right to request a review of the suitability of temporary accommodation; but the <b>Homeless Code of Guidance</b> says housing authorities should advise applicants of this right. Councils are required to have good reasons for departing from the guidance.
CEO176	<p><b>Planning and Development</b></p> <p>Complainant states</p> <p>(i) They received ambiguous and misleading information from the Council about the need for planning consent for fencing they wished to erect in 2004;</p> <p>(ii) There was unreasonable delay in the way the Council dealt with the planning applications from 2006 to</p>	12.08.13	<p><b>Decision to close the complaint without investigating matters.</b></p> <p>The complaint is outside the jurisdiction of the Ombudsman because it was not made to her in time and there is no good reason to accept it as a late complaint.</p>	12.08.13	<b>None</b>	

Reference	Nature of Complaint	Date Complaint Received from LGO	Current Position	Date Determined	Further Action	Lesson Learnt
	2010; and (iii) Investigations carried out by the Council's compliance team in April 2012 involving trespass on their property.					
<b>CEO177</b> <b>CEO178</b>	<b>Planning and Development</b> The Council failed to properly respond or take appropriate and timely action in response to the reports of a planning breach. Complainant says that due to the Council's fault, they had to suffer nuisance for longer than necessary.	22.08.13	<b>Final View</b> Investigation closed, as Council accepted recommendations, which were a reasonable remedy.	<b>11.07.14</b>	Council should provide a written apology and keep the complainant informed after issuing the enforcement notice.	
<b>CEO183</b>	<b>Planning and Development</b> Complainant alleges the Council's Building Control Inspector passed seriously defective and incomplete drainage as being compliant with Building Regulations.	06.12.2013	<b>Provisional view</b> The Council did not cause the complainant injustice through fault in the way in which Building Control Officers inspected building work for which he was acting as the home owner's agent.			
<b>CEO184</b>	<b>Planning and Development</b> Complainant says the Council failed to: a) ensure works to a drainage system by his neighbour in 2009 complied with building regulations; and b) take enforcement action about the works. Complainant says because of the Council's fault he suffers from surface water flooding	18.03.2014	<b>Final view</b> In June 2012 Complainant contacted the District Council about the issue and did not complain to the LGO until February 2014. The complaint should not be investigated because a)the events happened too long ago; b)the issue of liability is best decided by the courts; and c) the Ombudsman will not normally investigate issues	<b>26.03.2014</b>	None	

	across his access.		about a Council's handling of a complaint if it is not investigating the underlying and substantive issue.			
<b>Reference</b>	<b>Nature of Complaint</b>	<b>Date Complaint Received from LGO</b>	<b>Current Position</b>	<b>Date Determined</b>	<b>Further Action</b>	<b>Lesson Learnt</b>
<b>CEOP/21</b>	<b>Benefits and Tax</b> Complainant had Housing and Council tax Benefits stopped because Census believed she had a wage increase. Complainant did not immediately advise Census when she left 1 of her jobs. She has now given information to Census, but had is difficulty getting through as phones not answered. When she got through was told her information had sat on a desk for 8 days.	08.04.2014	<b>Referred to the Council:</b> Complaint currently being dealt with by Council's internal complaints process.			
<b>CEO/185</b>	<b>Benefits and Tax</b> Complainant complained about the Council's decision to recover an overpayment of housing benefit from her. Complainant alleges the Council contributed to error.	22.05.2014	<b>Final View</b> The LGO will not investigate this complaint because the matter should be dealt with by the Social Security Appeal Tribunal.	<b>22.05.2014</b>	None	
<b>CEO/186</b>	<b>Standards: Councillor Conduct</b> A complaint was made that HDC failed to investigate a complaint made by the parish council about one of its parish councillors.	02.06.2014	<b>Final View</b> Outside of jurisdiction. The LGO cannot investigate complaints made on behalf of a public body. It can only investigate complaints from members of the public.	<b>02.06.2014</b>	None	

Reference	Nature of Complaint	Date Complaint Received from LGO	Current Position	Date Determined	Further Action	Lesson Learnt
CEO/P22	<b>Environmental Health</b> The complainant's neighbours have been having fires and smoke is impacting on the health of the complainant and husband.	13.05.2014	<b>Ongoing</b> LGO has advised complainant to allow HDC to continue their investigation, then if still dissatisfied to go through the Council's complaints procedure.			
CEO(P)23	<b>Planning and Development</b> Complainant alleges council has delayed in determining her planning application, despite her meeting all the obligations asked by the council at considerable expense.	01.07.2014	<b>Ongoing</b> Matter to be dealt with through internal complaints process first.			
CEO(P)24	<b>Planning and Development</b> The complainant and Parish Council objected to a planning application for a first floor side and rear extension.	15.07.2014	<b>Final View</b> Ombudsman could not investigate just because the complainant did not agree with the decision. There was no evidence of fault in the way the council came to the decision	<b>24.07.2014</b>		
CEO187	<b>Planning and Development</b> Complainant says council was wrong to approve a planning application for a first floor, side and rear extension as it looks hideous and is not in keeping with the building.	24.07.2014	<b>Final View</b> Ombudsman will not investigate complaint as there is no evidence of fault by the Council in the way it assessed the planning application made.	<b>24.07.2014</b>	None	

Reference	Nature of Complaint	Date Complaint Received from LGO	Current Position	Date Determined	Further Action	Lesson Learnt
CEO188	<p><b>Standards: Councillor Conduct</b>  Complainant that a councillor made an untrue statement at a full council meeting in 2013 so the Council took its decision on the basis of incorrect and misleading information.</p>	26.08.2014	<p><b>Final View</b>  The Ombudsman will not investigate a complaint that a councillor made an untrue statement. The complainant has not to date suffered sufficient significant injustice as a result of fault by the Council to justify the cost of the Ombudsman's involvement.</p>	26.08.2014	None	