



E-mail: CommitteeServices@horsham.gov.uk

Direct line: 01403 215465

Monitoring Officer standards@horsham.gov.uk

E-mail:

Direct line: 01403 215478

Standards Committee

Wednesday 10th June 2015 at 10.00am

PEVENSEY & RYE ROOMS, PARKSIDE, CHART WAY, HORSHAM

Councillors:

Philip Circus
David Coldwell
Brian Donnelly
Ian Howard

Godfrey Newman
Brian O'Connell
Tricia Youtan

Co-opted advisory members:

Mary Jagger
John Donaldson
To be advised
To be advised

Independent person
Independent person
Parish Council representative
Parish Council representative

You are summoned to the meeting to transact the following business

TOM CROWLEY
Chief Executive

AGENDA

- | | Page
No. |
|-------------------------------------------------------------------------------------------------------------------|-------------|
| 1. Election of Chairman | |
| 2. Apologies for absence | |
| 3. Appointment of Vice-Chairman | |
| 4. To approve the time of meetings of the Committee for the ensuing year | |
| 5. To approve as correct the minutes of the meeting of the Committee held on 18 th March 2015 | 1 |
| 6. To receive any declarations of interest from Members of the Committee | |
| 7. To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer | |

8. To receive the minutes of the meeting of the Local Assessment Sub-Committee held on 15th April 2015 **3**
9. To receive from the Monitoring Officer the Standards Committee Work Programme **7**
10. Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

STANDARDS COMMITTEE
18th March 2015

Present: Councillors: Brian Donnelly (Chairman), David Coldwell (Vice-Chairman), Andrew Baldwin,

Advisory Members

Present: Parish Council representative: Val Court
Independent persons: John Donaldson, Mary Jagger

Apologies: Councillors: Sheila Matthews, Godfrey Newman, Brian O'Connell, Tricia Youtan

SC/22 **MINUTES**

The minutes of the meeting of the Committee held on 3rd December 2014 were approved as a correct record and signed by the Chairman.

SC/23 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/24 **MINUTES OF THE MEETING OF SUB-COMMITTEES**

The minutes of the meeting of the Local Assessment Sub-Committee held on 11th February 2015 were received.

SC/25 **TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COMMITTEE, THE CHIEF EXECUTIVE OR THE MONITORING OFFICER**

The Chairman and Committee Members welcomed the new Independent Person, John Donaldson, to the Committee. He had been appointed for a term of four years. As this was the last meeting of the Committee for the Council Year and Sheila Matthews was not standing for re-election, the Chairman thanked her for the many years of valuable service to the Committee. He also thanked Isabel Glenister, who had stepped down from her role as Parish Council Representative, for the work she had undertaken for the Committee.

The Committee considered that recruitment for a new Parish Representative should take place after the May election. It was agreed that the Monitoring Officer would write to HALC (Horsham Association of Local Councillors) to advise them of this.

The Monitoring Officer agreed that Councillor training sessions scheduled for after the election should be extended to include Independent Persons and Parish Representatives.

SC/26 **ETHICAL FRAMEWORK UPDATE**

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

- Training and awareness: Members were advised that ethical governance would be included in training for new Councillors.
- Local assessment, review, other action, investigations and determinations: There had been one new complaint assessed by the Monitoring Officer, and one new complaint assessed by the Local Assessment Sub-Committee since the last ethical update on 3rd December 2014. Members agreed that the new standards regime was proving effective.
- Parish Clerks' Meetings: The Monitoring Officer had attended the HALC Clerks meeting on 27th January 2015. The meeting had been well attended.
- Register of Interests: After the May election all Councillors would be required to complete a new Members Interest form within 28 days. The Monitoring Officer would chase up those District and Parish Councillors who did not do so.
- Work Programme update: Members noted that the annual report for presentation to full Council was being drafted and it was anticipated that it would be finalised at the next meeting of the Committee in June.
- Case summaries : Members noted the Ombudsman cases, and cases from other local authorities, as printed in Appendices 4 and 5 of the report.

RESOLVED

That the contents of the report be noted.

REASONS

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

The meeting finished at 11.00 having commenced at 10.00am.

CHAIRMAN

STANDARDS COMMITTEE
LOCAL ASSESSMENT SUB-COMMITTEE
15 APRIL 2015

Present: Councillors: Andrew Baldwin, David Coldwell, Godfrey Newman

LA/1 **ELECTION OF CHAIRMAN**

RESOLVED

That David Coldwell be appointed Chairman of the Sub-Committee for the purposes of this meeting.

LA/2 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

RESOLVED

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

LA/4 **TO CONDUCT AN ASSESSMENT UNDER THE LOCALISM ACT 2011 CHAPTER 7 AND THE 'ARRANGEMENTS' WHICH THE COUNCIL HAS PUT IN PLACE FOR THE ASSESSMENT OF SUCH COMPLAINTS UNDER S 28(6) OF THE ACT IN RELATION TO THE ALLEGED CONDUCT OF A DISTRICT COUNCILLOR (CASE REFERENCE CES 107)**

The Local Assessment Sub-Committee assessed a complaint that a District Councillor had failed to comply with the Council's Code of Members' Conduct ("the Code").

On 12 March 2015 an allegation against the Councillor had been received under section 28 (6) Localism Act 2011. It was alleged that the Councillor was in breach of paragraph 6 of the Code of Members' Conduct:

LA/4 To conduct an assessment under the Localism Act 2011 Chapter 7 and the 'Arrangements' which the Council has put in place for the assessment of such complaints under S 28(6) of the Act in relation to the alleged conduct of a District Councillor (Case Reference CES107) (Cont.)

- 6(b) You must, when using or authorising the use by others of the resources of your authority –
- (i) act in accordance with your authority's reasonable requirements:
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes)

Members of the Sub-Committee considered the view of the Independent Person appointed by the Council under the Localism Act 28(7), and considered the advice of the Monitoring Officer.

Members considered that the subject matter of the allegation was within the jurisdiction of the Local Assessment Sub-Committee, and therefore considered whether the allegation appeared to disclose a potential failure by the Member to comply with the Code of Members' Conduct.

The Sub-Committee agreed that no further action should be taken on the allegation because the allegation did not appear to disclose a failure by the District Councillor to comply with the Code of Members' Conduct when acting in that capacity.

Members also suggested that the Council's procedures for dealing with personal statements from Members should be reviewed.

Whilst the Sub-Committee agreed that no further action should be taken on the allegation, it was suggested that all Members be offered training in media handling and protocols. It was noted that a good opportunity to deliver this training would be as part of the training programme for new Councillors after the election on 7th May.

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 Assessment Sub-Committee decided that no action should be taken on the allegation.

LA/4 To conduct an assessment under the Localism Act 2011 Chapter 7 and the 'Arrangements' which the Council has put in place for the assessment of such complaints under S 28(6) of the Act in relation to the alleged conduct of a District Councillor (Case Reference CES107) (Cont.)

REASON

- (i) The Sub-Committee considered the information supplied by the Complainant and other information including emails from third parties.
- (ii) The Sub-Committee considered that the District Councillor had acted innocently when dealing with an enquiry on behalf of another District Councillor.
- (iii) The Sub-Committee therefore concluded that the allegation does not appear to disclose a failure by the Member to comply with the Code of Members' Conduct when acting in that capacity.
- (iv) Sub-Committee suggested that, whilst no further action should be taken on the allegation, all Members should be offered training in media handling and protocols. Members also suggested that the Council's procedures for dealing with personal statements from Members be reviewed.
- (v) The action directed is a proportionate response to the allegations.
- (vi) The Independent Person appointed by the Council under the Localism Act S28(7) has been consulted and agrees that this is an appropriate course.

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

STANDARDS COMMITTEE WORK PROGRAMME 2014/15

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 role and work of SC.	Localism Act 2011

No	Activity	Who is responsible	Completion	Notes	Legislative Root
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.	Monitoring Officer to advise
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 2015.	Localism Act 2011 HDC Corporate Learning and Development Plan

No	Activity	Who is responsible	Completion	Notes	Legislative Root
10	Review of Register of Interests	MO	Annual	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 Suggestions.	Local Government Act 2000 Local Government Ombudsman good practice
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

