

# Standards Committee

Wednesday 2<sup>nd</sup> December 2015 at 10.00am  
Pevensey & Rye Rooms, Parkside, Chart Way, Horsham

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**Councillors:** Ian Howard (Chairman)  
David Coldwell (Vice-Chairman)  
Brian Donnelly  
Mike Morgan  
Godfrey Newman  
Brian O'Connell  
Tricia Youtan

**Co-opted advisory members:**  
John Donaldson  
Mary Jagger  
Val Court  
Kieran Diamond  
Independent Person  
Independent Person  
Parish Council Representative  
Parish Council Representative

You are summoned to attend the meeting to transact the following business

Tom Crowley  
Chief Executive

## Agenda

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|  | <b>Page<br/>No.</b> |
|--|---------------------|
| 1. Apologies for absence   |                     |
| 2. To approve as correct the minutes of the meeting of the Committee held on 16 <sup>th</sup> September 2015 (attached)                            | 3                   |
| 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 consider the following reports of the Monitoring Officer   |                     |
| a) Assessment of the effectiveness of changes to the Standards function  | 7                   |
| b) The Ethical Framework Update  | 15                  |
| c) The Local Government Ombudsman Update   | 26                  |
| 6. 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**  
**16<sup>th</sup> September 2015**

Present: Councillors: Ian Howard (Chairman), David Coldwell (Vice-Chairman), Mike Morgan, Godfrey Newman

Also in attendance: Christian Mitchell

**Advisory members**

Present: Parish Council Representatives: Val Court, Kieran Diamond  
Independent Persons: John Donaldson

Apologies: Councillors: Brian Donnelly, Brian O'Connell, Tricia Youtan  
Independent Persons: Mary Jagger

SC/9 **MINUTES**

The minutes of the meeting of the Committee held on 10<sup>th</sup> June 2015 were approved as a correct record and signed by the Chairman.

SC/10 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/11 **ANNOUNCEMENTS**

The Monitoring Officer confirmed that Council had approved the appointment of Val Court and Kieran Diamond to the Committee at the Council meeting on 9<sup>th</sup> September.

SC/12 **ETHICAL FRAMEWORK UPDATE**

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

- **Training and awareness**: The Monitoring Officer had conducted a training session for new Members in July, which had included the Constitution and the Code of Conduct.

Further to the induction events that had taken place since the elections in May, additional training sessions had provisionally been proposed on Equalities and Diversity, Media and Communications, Ethical Governance and IT surgeries. The Monitoring Officer would take this forward, and any relevant sessions arranged would be open to all members of the Standards Committee.

SC/12 Ethical Framework Update (Cont.)

The need for formal training for Parish Councillors was also discussed and it was agreed that the Monitoring Officer would contact all Parishes asking what their training needs were with a view to setting up a district wide training session for Parish Councillors.

The Independent Persons Conference, hosted by Horsham District Council, had been held at the Capitol Theatre on 17th July. This was discussed under item 5 (b) on the agenda.

- Local assessment, review, other action, investigations and determinations:

There had been one new complaint assessed by the Local Assessment Sub-Committee since the last ethical update on 18<sup>th</sup> March 2015. Whilst it had been agreed that no further action should be taken on the allegation, it was recommended that all Members be offered training in media handling, and that the Press Office introduce a protocol. The Monitoring Officer would report details of the agreed protocol at a future meeting.

Two further complaints had been received relating to Parish Councillors, which had not yet been assessed.

- Parish Clerks' Meetings: The Monitoring Officer and Deputy Monitoring Officer had attended the HALC Clerks meeting on 19<sup>th</sup> May 2015. The Development Manager had also attended and given an overview of the Planning Department.

- Register of Interests: All District Councillors had completed a new Members Interest form since the May elections. The Monitoring Officer had reviewed the forms and contacted individual Members where there was a query.

- Work Programme update: A review of the local standards regime would be required during the current municipal year, following the resolution of Council by May 2014. It was proposed that the review should commence in February or March 2016. It was therefore agreed that at the next meeting a working group would be appointed, and the Monitoring Officer would present a short report on proposed actions for the review.

- Case summaries: Members noted the two cases from other local authorities, as printed in Appendix 4 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.

SC/12 Ethical Framework Update (Cont.)

- ii) To promote and maintain high standards of conduct amongst Members.

SC/13 **REPORT ON THE SUSSEX INDEPENDENT PERSONS CONFERENCE**

A Sussex Independent Persons Conference had been hosted by Horsham District Council on 17<sup>th</sup> July. The conference had been very well attended, with every Sussex Council represented, apart from one. Its purpose had been to address the potentially isolated nature of the role of Independent Persons and there had been positive feedback about the event.

Members discussed the importance of ensuring another similar event be held in the future. Another local authority had expressed an interest in doing so, and the Monitoring Officer would follow this up.

The nature of the Parish Council Representative's role and its similarities to the Independent Persons' role were noted and the Committee discussed the importance of ensuring that both Parish Council Representatives and Independent Persons were supported through networking and training.

*The meeting finished at 11.00am having commenced at 10.00am.*

**CHAIRMAN**

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## Report to Standards Committee

2 December 2015

By the Head of Legal and Democratic Services

**DECISION REQUIRED**



**Horsham  
District  
Council**

Not Exempt

### **Assessment of the effectiveness of changes to the Standards (and associated) function**

#### **Executive Summary**

Subsequent to the Standards Committee recommendation to Council in May 2014, Council resolved that the Standards Committee conduct a review of the Standards regime after the May 2015 local elections. The review was added to the work programme of the Committee and the Committee is now invited to consider and agree how it would conduct its review. Four options are presented:

- a) that the Committee undertakes a self-assessment review in a Committee setting on 2 December 2015, or
- b) that a working group of three members of the Committee be assembled to conduct a review, or
- c) that the Monitoring Officer and his staff undertake the review and report to the Committee, or
- d) that a short survey of all members and parish councils be undertaken and the results of which be reported to the Committee.

The proposed key lines of enquiry that will focus the review (whichever method is chosen) are attached as **appendix two** to this report.

#### **Recommendations**

That the Committee is recommended:

- i) to note the options for the review methodology by which the review will proceed
- ii) to specify which of options a), b) c) or d) would be the preferred method of review
- iii) to agree a date by which the review will conclude.

#### **Reasons for Recommendations**

To enable the Standards Committee to agree the method by which it will satisfy the Council resolution of May 2014 (CO97 refers) that a review of the Standards regime at Horsham District Council be undertaken after the local elections in May 2015.

## **Background Papers**

Notes of the Standards Committee Working Group, September 2013 – January 2014  
Standards Committee Report *Review of Standards Regime*, 19 March 2014.  
Council Agenda and Minutes, May 2014.

**Wards affected:** All wards.

**Contact:** Paul Cummins, Head of Legal and Democratic Services, 01403 215453



## Background Information

### 1 Introduction and Background

1.1 In March 2014, the Standards Committee proposed changes to the Standards function to promote efficiencies in procedure without causing injustice to either complainants or subject members. Having received the recommendations of the Standards Committee, Council in May 2014 resolved as follows:

(i) That the arrangements and procedures for dealing with complaints regarding councillor behaviour be revised by: (a) removal of the internal right of review for a complainant; (b) removal of the right of appeal for a subject member; and (c) delegation of power to the Monitoring Officer to assess all Code of Conduct complaints and determine what action was appropriate, with the discretion to refer to a Standards Sub Committee, in consultation with an Independent Person and a Parish Representative.

(ii) That the Code of Members' Conduct be revised by: (a) the inclusion of 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.

(iii) That under the Council's Dispensation Scheme, a general dispensation be granted 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.

(iv) That the Monitoring Officer be authorised to make all necessary revisions to the Council's arrangements for dealing with complaints and to the Constitution to implement the above changes.

(v) That the Standards Committee undertake a further review of the local standards regime within the first year after the election of a new Council in May 2015.

1.2 Recommendation (v) above is enabled by this report to the Standards Committee.

### 2 Relevant Council policy

2.1 District Plan 2011-15 priority 2 was *Efficiency and Taxation: Delivering excellent value and high performance*. This report is part of redesigning the way we deliver services to increase efficiency and performance through effective business process improvements.

### 3 Details

3.1 An analysis of the proposed review methodologies has been prepared to assist the Committee in resolving how to conduct the review. Each option has been appraised below.

| Option   | Advantages  | Disadvantages  |
|--|---|--|
| a) that the Committee undertakes a self-assessment review in a Committee setting on 2 December 2015                            | <ul style="list-style-type: none"> <li>• Enables prompt conclusion of assessment review</li> <li>• Enables whole committee participation</li> </ul>   | <ul style="list-style-type: none"> <li>• Does not enable external assurance</li> </ul>   |
| b) that a working group of three members of the Committee be assembled to conduct a review                                     | <ul style="list-style-type: none"> <li>• Provides for more in-depth assessment</li> <li>• Allows working group of members more time to deliberate</li> <li>• Working group empowered to scope and scale the review</li> </ul> | <ul style="list-style-type: none"> <li>• The review timescale would be longer due to demand on resources</li> <li>• May not enable external assurance</li> <li>• In depth assessment review may not be required</li> </ul> |
| c) that the Monitoring Officer and his staff undertake the review and report to the Committee                                  | <ul style="list-style-type: none"> <li>• Enables prompt conclusion of the assessment</li> <li>• Offers professional assurance</li> </ul>  | <ul style="list-style-type: none"> <li>• May limit member engagement</li> </ul>  |
| d) that a short survey of all members and parish councils be undertaken and the results of which be reported to the Committee. | <ul style="list-style-type: none"> <li>• Offers external assurance</li> <li>• An electronic survey would be the proposed method</li> </ul>  | <ul style="list-style-type: none"> <li>• The assessment timescale would be longer</li> <li>• Response rate may be low</li> <li>• In depth assessment may not be required</li> </ul>  |

### 4 Next Steps

4.1 The Committee will receive the conclusions of its review at a subsequent appropriate meeting of the Committee in 2015/16.

### 5 Outcome of Consultations

5.1 The operation of the Standards function has been overseen by the Monitoring Officer who has brought feedback from external guidance, interested parties, and those involved in the function, to the attention of the Committee through the course of the work programme for the committee.

5.2 A thorough consultative schedule was reported to the Standards Committee of March 2014. Feedback from those consultations shaped the subsequent recommendations to Council.

## **6 Other Courses of Action Considered but Rejected**

- 6.1 The Committee is presented with four courses of action. The course of action it resolves to take would reject the 3 other proposed courses of action. A review must, however, be undertaken by the Committee to satisfy the resolution of Council in May 2014.

## **7 Financial Consequences**

- 7.1 The four options presented to the Committee for its review of the effectiveness of changes to the Standards and associated functions would be met within existing skills and resources and therefore have no financial consequences.

## **8 Legal Consequences**

- 8.1 Part 5A of the Council's constitution provides the Code of Members' Conduct and associated provisions made under made under section 27(2) of the Localism Act 2011 as adopted by Horsham District Council on 1 July 2012. There are no legal matters consequential to this report.

## **9 Staffing Consequences**

- 9.1 Staffing is a matter reserved to the Head of Paid Service. There are no staffing matters consequential to this report.

## **10 Risk Assessment**

- 10.1 Corporate Risk CRR08 as stated on the Corporate Risk Register pertains to the council's decision making process and the council's constitution. Regular assessment of the fitness for purpose of the council's governance arrangements with regard to the Standards function are part of the mitigation of such a risk.

## Appendix 1

### Consequences of the Proposed Action

|   |   |
|---|---|
| How will the proposal help to reduce Crime and Disorder?      | Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. There are no crime and disorder implications as a result of this report as the report seeks to propose options for a review of the effectiveness of a function. Creating the right climate for decision-making and ensuring adequate probity measures are in place will ensure that the Council's duty to seek to reduce crime and disorder is properly taken into account. |
| How will the proposal help to promote Human Rights?           | There is a positive obligation on the Council under the Human Rights Act 1998 to have regard for human rights. The Convention rights are scheduled in the Act. The creation of the right climate for decision-making and adequate probity measures will ensure that human rights are regarded and in some cases enhanced.   |
| What is the impact of the proposal on Equality and Diversity? | The current code of conduct includes the expectation of respect for others defined in the General Principles as: "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". 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. |
| How will the proposal help to promote Sustainability?         | Where possible electronic means of communication are used in the discharge of the Standards function.   |

## Appendix Two

### Review Criteria

| Key line of enquiry  | Opinion |               |            |             |
|--|---------|---------------|------------|-------------|
|  | Fully   | Substantially | Moderately | Ineffective |
| How effective has the Standards' Committee been in promoting and maintaining high standards of conduct and its membership?   |         |               |            |             |
| How effective has the appointment of 2 Independent Persons and 2 Parish Representatives been?  |         |               |            |             |
| Are you aware of the arrangements and procedures for dealing with misconduct complaints in relation to both district and parish councillors?   |         |               |            |             |
| How effective were the changes to the Register of Interests in reflecting the new disclosable pecuniary interest created as a consequence of the Localism Act and associated regulations?  |         |               |            |             |
| How effective was the Council's revised procedure for dealing with complaints regarding councillor behaviour?  |         |               |            |             |
| In particular, how effective was<br>a) removing the internal right of review for a complainant,  |         |               |            |             |
| In particular, how effective was<br>b) removal of the right of appeal for a subject members and  |         |               |            |             |
| In particular, how effective was<br>(c) delegation of power to the Monitoring Officer to assess all Code of Conduct complaints and determine what action was appropriate, with the discretion to refer to a Standards Sub Committee, in consultation with an Independent Person and a Parish Representative. |         |               |            |             |

|   |              |                      |                   |                    |
|---|--------------|----------------------|-------------------|--------------------|
| Are you aware of the Code of Conduct including the updated Nolan Principles?  | <b>Fully</b> | <b>Substantially</b> | <b>Moderately</b> | <b>Ineffective</b> |
| Has the requirement to declare a Disclosable Prejudicial Interest (DPI) been effective?   | <b>Fully</b> | <b>Substantially</b> | <b>Moderately</b> | <b>Ineffective</b> |
| Has it been effective that a general dispensation be granted 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. | <b>Fully</b> | <b>Substantially</b> | <b>Moderately</b> | <b>Ineffective</b> |
| Have the necessary changes to the constitution be made by the Monitoring Officer to enact the revisions agreed in 2014?   | <b>Fully</b> | <b>Substantially</b> | <b>Moderately</b> | <b>Ineffective</b> |

# Report to Standards Committee

2 December 2015

By the Monitoring Officer

## INFORMATION REPORT

Not exempt



Horsham  
District  
Council

Ethical Framework Update: December 2015

## 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, other action, investigations and determinations;
  - Register of Interests;
  - Work programme update.
  - Standards case summaries

## 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

Relevant Legislation

**Wards affected:** All

**Contact:** Paul Cummins  
Monitoring Officer  
Ext. 5435

## **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 September 2015.

#### **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 under that Act.

#### **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 The Monitoring Officer has arranged an Ethical Governance training session for Members of the Council on 3 February 2016. This session is part of the ongoing Induction Programme announced following the Election in May 2015. There are also sessions planned on Equality and Diversity on 20 January 2016 and Media and Communications on 23 February 2016.

### **Local assessment, other action, investigations and determinations**

- 3.3 Attached as Appendix 2 is the schedule of all assessment, other action, investigation and determination decisions since September 2015.
- 3.4 Two new complaints have been received and are currently being considered.

### **Register of Interests**

- 3.5 A review of Register of Interest forms has been carried out by the Monitoring Officer.

### **Work Programme update**

- 3.6 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 2015-2016. A copy is attached at Appendix 3.

## **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 The delegation to the Monitoring Officer of the initial assessment of complaints does represent a reduction in cost of this part of the process.

## **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 may 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>   |

## APPENDIX 2 Local Assessment schedule

### Local Assessment of Complaints from Sept 2015

| 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) | Monitoring Officer or Local Assessment Sub-Committee Decision | Decision          |
|----------|----------------------------|---------------|----------------------|-------------------------|--|---|---|-------------------|
| CES112   | Parish                     | 12 Nov 2015   | Member of the Public | 10 Aug 2015             | The Complainant alleged that the Subject Member had breached the Code of Conduct by acting contrary to the Nolan Principles of objectivity and selflessness. The Monitoring Officer found that whilst the Code of Conduct is based on the Nolan Principles they are not part of the Code itself. In any event the Monitoring Officer found there was no evidence that the Subject Member had acted to the principles of objectivity and selflessness.  | 69  | MO  | No Further Action |
| CES114   | Parish                     | 23 Nov 2015   | Parish Councillor    | 4 Sept 2015             | The Complainant alleged that the Subject Member had breached the Code of Conduct by failing to treat the Complainant with respect in respect of emails sent. The complainant also raises other matters which are not part of the Code of Conduct. The Monitoring Officer noted that there was a high threshold for the paragraph of the Code dealing with respect as it had formed the basis of many of the complaints dealt with by the Standards Board for England (who had applied such a high threshold). Whilst the | 55  | MO  | No Further Action |

|  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  | Monitoring Officer considered the emails could have been interpreted as being forceful they would not be considered a breach of the Code of Conduct. |  |  |  |
|--|--|--|--|--|--|--|--|--|

## APPENDIX 3

### 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     | <p>Promote the work of the SC internally through the Members Bulletin and 'Grapevine'. SC to pursue programme of awareness raising within the Community.</p> <p>Promote the work of the SC through the Horsham District Council Magazine and use of the Council website to include biography pages for Independent Persons and Parish Representatives.</p> <p>Liaison with Parish Councils by regular attendance at Parish Clerks' quarterly meetings and the distribution of SC agenda and reports.</p> <p>Investigate other ways of raising profile of role and work of SC.</p> | Localism Act 2011 |

| <b>No</b> | <b>Activity</b>   | <b>Who is responsible</b>       | <b>Completion</b>   | <b>Notes</b>   | <b>Legislative Root</b>  |
|-----------|---|---------------------------------|---|--|--|
| 6         | Liaison Chief Executive, Leader of Council, Leader of Opposition, Chairman of Standards on standards issues | Chairman and Monitoring Officer | Six monthly   | From April 2010.<br>To include annual attendance of Chief Executive at Standards Committee meetings and as required.   | Localism Act 2011<br><br>Good practice                               |
| 7         | Liaison Chief Executive and MO on standards issues  | CE/MO                           | Monthly 121 and as required   | From February 2010   | Good practice  |
| 8         | 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.<br>Dedicated training on Local Assessment, Local Determination and Hearings for the Standards Committee, Independent Persons and Parish Representatives.<br>Awareness training of the Code of Conduct for Members and Management Team of HDC to form a part of Member Development Programme.<br>Use of on-line resources, DVDs etc. as training aide. Attendance at external training events as required.<br>Ethical Governance training arranged for 3 February 2016. | Localism Act 2011<br><br>HDC Corporate Learning and Development Plan |

| <b>No</b> | <b>Activity</b>                                   | <b>Who is responsible</b> | <b>Completion</b>   | <b>Notes</b>   | <b>Legislative Root</b>   |
|-----------|---|---------------------------|---|--|---|
| 9         | 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.<br>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                               |
| 10        | 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.<br>Provide access to reports for all HDC members through Members Bulletin on website.<br>Distribute to Parishes with the Standards Committee agenda.  | Localism Act 2011   |
| 11        | 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.<br>To assist with learning lessons and improving performance following complaints made to the Local Government Ombudsman about the Council.<br>To feed this information into the Performance Management Working Group report on Complaints, Compliments and Suggestions. | Local Government Act 2000<br><br>Local Government Ombudsman good practice |
| 12        | 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   |



## **APPENDIX 4**

### **Standards Case Reported on Tuesday, 24 November 2015**

#### **Shropshire Leader apologises for code breach over conflict of interest**

The Leader of Shropshire Council has apologised for breaching its code of conduct, after he failed to formally disclose a conflict of interest at board meetings for the authority's wholly-owned trading business IP & E.

The breach was revealed following a meeting of Shropshire's Standards Sub-Committee last week (20 November 2015).

The committee considered a report from the council's monitoring officer regarding the outcome of an investigation into allegations against Cllr Keith Barrow.

Shropshire said members of the committee had had regard to the acceptance by Cllr Barrow of the findings that he had offended against the principles of integrity, honesty and leadership set out in the council's code of conduct.

Cllr Barrow had agreed a proposed apology with the monitoring officer in consultation with the Independent Person in the following terms:

"Councillor Keith Barrow apologises to the Council for failing to formally declare a conflict of interest when making a decision at IP & E Ltd.

"An investigation into an allegation about the conduct of Councillor Keith Barrow has concluded that he failed to comply with the Code of Conduct of Shropshire Council by failing to formally disclose a conflict of interest at meetings of the Board IP & E Ltd.

"Councillor Barrow apologises to the Council for failing to disclose at those Board meetings his personal and business relationship with a director of the company eventually appointed as accountants and auditors of IP & E Ltd. Councillor Barrow accepts with hindsight that he should have formally disclosed the nature and extent of his interest at the meetings and confirms that he will attend training to make sure he is fully aware of his responsibilities on such matters under the Council's Code of Conduct and to ensure such oversight is avoided in the future.

"Councillor Barrow would also like to add that he has resigned from his position as Director of IP & E Ltd in order to prevent any future risk of such conflicts of interests arising and because it is the right time for the appointment of a Chairman independent of the Council."

The Standards Sub-Committee noted also that the complainant considered the proposed apology to be an acceptable outcome.

According to Shropshire, members of the committee "expressed concern regarding the seriousness of the matters which were highlighted during the investigation. They considered that Councillor Barrow ought to have been aware of the need to disclose his interests in all matters whilst conducting the business of the authority."

However, the members also decided that they were satisfied that the proposed apology and commitment of Cllr Barrow to undertake training represented a reasonable outcome without the need to hold a formal hearing.

“Members considered also that the public interest in maintaining the exemption of the report from public inspection was no longer greater than the public interest in publishing the report. This was considered to be of great importance in order to reassure the public that the matter had been the subject of a detailed and thorough investigation and that the process was open and transparent,” the council said.

**The Local Government Ombudsman Update 2015-2016**

**Executive Summary**

This report is to update Members on the number of complaints and nature of complaints received by the Council that were made to the Local Government Ombudsman (the "LGO"), and provide details of 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:** [SCD 12] - LGO Focus Report  
[SCD 13] - LGO Publication

**Consultation:** None

**Wards affected:** All

**Contact:** David Plank, Customer Services Manager, extension 5371

## **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 of 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. However it also 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.
- 1.4 Details of all complaints, compliments and suggestions advised to the Complaints and Feedback Officer are considered by the Finance & Performance 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 The LGO may publish 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 can now be found on the Council's website via the following link: <http://www.horsham.gov.uk/contact/comments-and-complaints>. It was decided that it should be removed from Part 5D of the Constitution at the meeting of the full Council on 25 February 2015.

## **3 Complaints**

Since the last Local Government Ombudsman Update to the Standards Committee in March 2015, there have been four complaints about Horsham District Council to the LGO; anonymised details of these complaints can be found in Appendix 2.

Three of the complaints are regards planning and allegations that proper procedure was not adhered to. These were not upheld for various reasons. One of the complaints was regards housing benefit; this was not investigated as the customer needed to apply to a different appeal authority.

In 1974, the first year of the Local Government Ombudsman it received more complaints about planning than any other area. Over forty years later planning is still one of the most complained about matters. In response to requests from local authorities, councillors and MPs to share more information from its investigations the LGO produced a focus report about learning lessons from planning complaints. The report published in December 2014 called - ***Not in my back yard: Local people and the planning process [SCD 12]*** can be accessed via the following link: <http://www.lgo.org.uk/publications/advice-and-guidance#focus>

The LGO indicated that the main aims of the report are to

- Help local people understand more about the planning process and the impact they can have on planning decisions
- Help explain the role and powers of the LGO in providing redress and supporting independent scrutiny of decisions

- Encourage greater transparency in the way councils reach decisions through sharing the lessons from complaints.

The middle section of the report details the personal stories of complainants and the redress they were given. The final part of the report covers feedback from complainants and includes a check list of good practice for councils to follow.

- 4 In January 2015 the LGO published findings from a roundtable event about ensuring effective local accountability. The report Local Accountability in a multi-agency environment [SCD13] can be accessed via the following link: <http://www.lgo.org.uk/news/2015/jan/lgo-leads-debate-local-accountability/>. It looks at the need for local services to remain accountable to the people that use them where services are provided by a number of agencies pooling their resources in joint venture. As the role of public authorities' changes they will have less direct control of provision of services but retain influence as commissioners of services on behalf of local people, so there need to be clear methods of redress for citizens who receive the services.

## 5 Next Steps

- 5.1 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. In its Annual Review letter 2015 the LGO recognised that that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. So in the coming year they will be gathering more comprehensive information about the way complaints are being remedied. This will assist the Council in improving its performance in the future.

## 6 Outcome of Consultations

- 6.1 Not applicable.

## 7 Other Courses of Action Considered but Rejected

- 7.1 Not applicable.

## 8 Staffing Consequences

- 8.1 There are no staffing consequences resulting from this report.

## 9 Financial Consequences

- 9.1 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). No such recommendations have been made in 2015-16 to date.

## 10 Other Consequences of the Proposed Action

- 10.1 Other consequences of the proposed action are set out in Appendix 1.

## Appendix 1

### Consequences of the Proposed Action

|  |   |
|--|---|
| What are the risks associated with the proposal?<br><br>Risk Assessment attached Yes/No  | The report will assist the Council with learning lessons and improving its performance.<br><br>No.  |
| How will the proposal help to reduce Crime and Disorder?   | This report does not directly affect the Council's duty to reduce crime and disorder.   |
| How will the proposal help to promote Human Rights?  | Responding to complaints effectively and learning from the process, together with the adoption of the ethical framework will enhance citizens' human rights in all their aspects.   |
| What is the impact of the proposal on Equality and Diversity?<br><br>Equalities Impact Assessment attached Yes/No/Not relevant | The Council is committed to the values of Equality and Diversity in relation to the provision of services and when serving residents.<br><br>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.<br><br>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.<br><br>No. |
| How will the proposal help to promote Sustainability?  | This report does not directly help to promote sustainability.   |

## Appendix 2: Ombudsman Complaints 2015-16

| Ref     | Nature of Complaint  | Current Position   | Date Determined | Further Action | Lesson Learnt |
|---------|--|--|-----------------|----------------|---------------|
| LGO 001 | The complainant said that the Council has deliberately tried to ruin his business, particularly by approving planning applications made by one of his competitors for a nearby site. He says this is part of a history of attempts by the Council to make his business suffer, and believes the Council has put him under surveillance. He said he is now unable to pay his business rates and the Council is taking enforcement action against him. | Closed after initial enquiries. It is reasonable to expect the complainant to have complained to the Ombudsman sooner, and there is insufficient evidence of fault by the Council.                                       | 27.5.15         | N/A            | N/A           |
| LGO 002 | Customer complains about the Council's failure to award housing benefit to her for a time she was unemployed.  | Closed after initial enquiries. The Ombudsman will not investigate this complaint because all disputes about entitlement to housing benefit are for the Social Security Appeal Tribunal. The matter is also out of time. | 17.06.15        | N/A            | N/A           |
| LGO 003 | Allegation that the Council approved and processed a planning application which contained incorrect information.   | Closed after initial enquiries. There is not enough evidence of fault with the actions taken by the Council to warrant and   | 20.07.15        | N/A            | N/A           |



|         |  |  |          |     |     |
|---------|--|--|----------|-----|-----|
|         | Complainant also said she asked for specific information under the Data Protection Act, which the Council refused to give.   | investigation. It was suggested that the complainant ask the ICO to consider her request for information.  |          |     |     |
| LGO 004 | Complaint that the Council failed to properly consider his objections against a planning application for an extension to a neighbouring property. Also that the Council made inaccurate comments in its response to his concerns and failed to respond to his emails about this. | Not upheld. The Council properly considered the complainant's amenity in reaching its decision to approve a planning application for an extension to an adjacent property. Its view that any impact on the complainant was not enough to refuse the application was one the Council was entitled to reach, having considered all the relevant facts. | 22.07.15 | N/A | N/A |