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Standards Committee

Wednesday, 6th June, 2018 at 10.00 am
Conference Room, Parkside, Chartway, Horsham

Councillors:

Peter Burgess
David Coldwell
Brian Donnelly
Paul Marshall

Mike Morgan
Godfrey Newman
Michael Willett

Co-opted advisory members

John Donaldson
Mary Jagger
Philip Baxter
Val Court

Independent Person
Independent Person
Parish Council Representative
Parish Council Representative

You are summoned to the meeting to transact the following business

Glen Chipp
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. Minutes	3 - 6
<i>To approve as correct the minutes of the meeting held on 29 March 2018 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
6. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
7. Announcements	
To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer	

To consider the following report of the Monitoring Officer:

8. **Ethical Framework Update**

7 - 12

9. **Urgent Business**

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
29 MARCH 2018

Present: **Councillors:** David Coldwell (Chairman), Mike Morgan (Vice-Chairman), Brian Donnelly, Godfrey Newman, Michael Willett, John Donaldson, Mary Jagger, Philip Baxter and Val Court

Apologies: Councillor Roy Cornell

SC/23 **MINUTES**

The minutes of the meeting of the Committee held on 29 November 2017 were approved as a correct record and signed by the Chairman.

SC/24 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SC/25 **ANNOUNCEMENTS**

The Chairman announced that Ann Maria Brown, Interim Monitoring Officer, would be leaving her role when the new Monitoring Officer, Sharon Evans, joins the Council on 9 April. The Chairman thanked Ann Maria for her support, guidance and assistance over the months. The Interim Monitoring Officer said she had enjoyed working with the Chairman and Members of the Committee.

SC/26 **REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS**

The Interim Monitoring Officer presented the report on the Local Government Ethical Standards Stakeholder Consultation, which was being carried out by the Committee on Standards in Public Life. The Consultation ran from 29 January to 18 May 2018 and Members were invited to consider if it wished to respond. This review of Local Government Ethical Standards would be an opportunity for the Committee to submit its concerns regarding the current Standards Regime, in particular the lack of sanctions.

The report also updated the Committee on the DCLG Consultation on the Disqualification Criteria for Councillors and Mayors, which had been discussed at the previous meeting (Minute No. SC/21 (29.11.18) refers). Members noted the Consultation response submitted by the LGA (Local Government Association) on behalf of all local authorities.

Members also noted the new Ministerial Code, introduced by the Cabinet Office in January 2018, which set out the standards of conduct expected of Members of Parliament.

The Interim Monitoring Officer reminded Members of the background to the current Standards Regime, which had been established after the introduction of the Localism Act 2011. Significant changes had resulted in the abolition of the Standards Board for England, local authorities developing their own standards of conduct as well setting up their own regimes, together with a reduction in the number of sanctions available.

Members noted the terms of reference of the Local Government Ethical Standards Stakeholder Consultation and the Chairman invited comments and suggestions in response to the Consultation Questions as set out in Appendix 2 of the report as summarised below:

- a) The existing structures, processes and practices were satisfactory.
- c) **Codes of Conduct** – the current Code of Conduct used by HDC was considered satisfactory. The Committee noted that there was some variation in codes of conduct across the District and commented that having one County-wide Code would ensure clarity and consistency.
- e) **Investigations and decisions on allegations** – the Committee concluded that the processes in place were satisfactory and complaints dealt with fairly.

The Committee concluded that Monitoring Officers were protected from risks relating to conflicts of interest, particularly as a Monitoring Officer from a different local authority could be called upon if necessary.

- f) **Sanctions** – the Committee compared existing sanctions to those available prior to the Localism Act 2011 and concluded that the current sanctions were insufficient and recommended that all previous sanctions should be reinstated. It was also recommended that an additional sanction regarding the removal of allowances or remuneration should be considered.
- g) **Declaring interests and conflicts of interest** – the Committee discussed the need for clarity regarding personal, prejudicial and pecuniary interests, particular at Parish level, but concluded this was a training matter and not relevant to the current consultation response.
- h) **Whistleblowing** – the Chairman confirmed that the Council had a satisfactory policy. There was no comment in response to the consultation.
- i) **Improving standards** – the Committee discussed the need for good training at District and Parish level, and noted that opportunities were already available through the Association of Local Councils (HALC and SALC) and at District level.
- j) The Committee asked whether training could be made a statutory requirement, and suggested that training and refresher on-line training should be readily available for all levels of local Government.
- k) **Intimidation of local councillors** – the Committee noted the recent report on intimidation issued by the Government and noted that some Horsham District Councillors had experienced some on-line abuse.

With regards to the conduct of candidates during an election campaign, the Committee recommended that all candidates, whether they have held office before or not, should have access to training and guidance on the Code of Conduct to maintain standards during elections.

Members concluded that the Committee should provide a response to the Consultation paper, to be initially drafted by the Interim Monitoring Office and finalised by the Monitoring Officer, in consultation with the Chairman and Vice-Chairman. It was agreed that a draft response would be circulated to all members of the Committee for comment before submission.

RESOLVED

- (i) That the LGA response to the DCLG Consultation – Disqualification criteria for Councillors and Mayors – be noted.
- (ii) That the introduction of a new Ministerial Code issued in January 2018 be noted.
- (iii) That the Committee’s views on an appropriate response to the Consultation issued by the Committee on Standards in Public Life be noted as outlined above.
- (iv) That the preparation of the final Consultation response to the Committee on Standards in Public Life be delegated to the Head of Legal and Democratic Services (Monitoring Officer) in consultation with the Chairman and Vice-Chairman of the Committee.

SC/27 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 11.15 am having commenced at 10.00 am

CHAIRMAN

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Report to Standards Committee

6 June 2018

By the Monitoring Officer

INFORMATION REPORT

Not exempt



Horsham
District
Council

Ethical Framework Update: June 2018

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.

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: Sharon Evans
Monitoring Officer
Ext. 5538

BACKGROUND INFORMATION

1 Introduction and Background

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 June 2017.
- 1.2 Members regularly receive reports on developments in the ethical framework and this report continues that approach. Members of this Committee are also reminded of the following helpful websites:
 - Department for Communities and Local Government:
<http://www.communities.gov.uk/>
 - Local Government Ombudsman:
www.lgo.org.uk

2 Relevant Council and Government Policy

- 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. 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.
- 2.2 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 is keen to undertake District and Parish Councillor Training on the subject of Ethical Governance and Code of Conduct. This is due to commence in September 2018.
- 3.3 The Monitoring Officer will continue with the Training given to parish clerks on the subject of disclosable pecuniary interests and updating of members' register of interests. The plan is to run further sessions to those that missed the Training or need a refresher.

Local assessment, other action, investigations and determinations

- 4.1 Attached as Appendix 1 is the schedule of all assessment, other action, investigation and determination decisions since June 2017.
- 4.2 The Monitoring Officer will give a verbal update on current District and Parish issues.

Work Programme update

- 5.1 The Committee is invited to consider whether there are any areas of interest they would like to discuss and place on the Work Programme other than those that remain our Key Responsibilities of the Standards Committee as set out in in the Councils Constitution and found in Chapter 7 of the Localism Act 2011.

6 Next Steps

- 6.1 The Committee is asked to note the matters contained in this report.

7 Staffing Consequences

- 7.1 There are no specific staffing consequences flowing from this report.

8 Other Considerations

- 9.1 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 on some cases enhanced.

The current Code of Conduct includes the expectation of the 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 cause your authority to breach any of the equality enactments'.

Appendix 1 Local Assessment schedule (Complaints which have been determined)

File ref	District or Parish Council	Decision Date	Complainant	Date complaint received	Nature of complaint (Personal data removed) Paragraphs of the Code of Conduct breached	Monitoring Officer or Local Assessment Sub-Committee Decision	Decision
CES 144	Steyning Parish	23/08/17	2 Members of Public / Parish Councillor	02/06/17	Breach of 3(1); 4(a)	LASC 23/08/17	No Breach
CES 145	Steyning Parish	23/08/17	Member of Public	05/06/17	Breach of 2(4); 13(1)	LASC 23/08/17	No Breach
CES 146	Steyning Parish	23/08/17	2 Members of Public	06/06/17	Breach of 4(b); 5; mention of Nolan Principles (integrity, accountability, openness, honesty, public confidence)	LASC 23/08/17	No Breach
CES 147	Steyning Parish	23/08/17	3 Parish Councillors	11/06/17	Breach of 3(2); 5; 6	LASC 23/08/17	No Breach
CES 150	Steyning Parish	27/09/17	2 Parish Councillors	22/08/17	Breach of 8; 9; 10; 5; 6	LASC 27/09/17	No Breach

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