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Standards Committee

Wednesday, 25th November, 2020 at 10.00 am
via Remote Video Link

Councillors: Brian Donnelly (Chairman)
Diana van der Klugt (Vice-Chairman)
Alan Britten
Karen Burgess
Peter Burgess

Godfrey Newman
Jim Sanson

Co-opted advisory members

Philip Baxter
John Donaldson

Parish Council Representative
Independent Person

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	3 - 4
<p>To approve as correct the minutes of the meeting held on 9 September 2020 (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.)</p>	
3. Declarations of Members' Interests	
<p>To receive any declarations of interest from Members of the Committee</p>	
4. Announcements	
<p>To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer</p>	
5. Standards Update	5 - 12
<p>To receive the report from the Monitoring Officer</p>	
6. Urgent Business	
<p>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</p>	

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Standards Committee
9 SEPTEMBER 2020

Present: Councillors: Brian Donnelly (Chairman), Diana van der Klugt (Vice-Chairman), Alan Britten, Karen Burgess, Peter Burgess, Godfrey Newman, Jim Sanson, Philip Baxter and John Donaldson

SC/12 **MINUTES**

The minutes of the meeting of the Committee held on 18 June were approved as a correct record and would be signed by the Chairman at a later date.

SC/13 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SC/14 **ANNOUNCEMENTS**

The Chairman of the Committee announced that Paul Bickford, Parish Representative, had resigned from the Committee because he had stepped down as Parish Councillor on 1 September 2020. He thanked him for the opinions and guidance he had given.

The Chairman welcomed Councillor Alan Britten. He was replacing Councillor Frances Haigh on the committee because of her new role as Leader of the Liberal Democrats.

SC/15 **THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN ANNUAL REVIEW 2019/2020**

The Feedback Officer presented the report on the Local Government and Social Care Ombudsman Annual review 2019/2020. There had been 15 complaints made to the LGSCO this year, compared to 13 in 2018/19. Seven had been closed without investigation, four had not been upheld and two had been referred back to the Council for resolution. Only two complaints had been upheld. The Committee noted details of the complaints, as set out in the report.

The Chairman considered that the report reflected well on the Council.

SC/16 **STANDARDS UPDATE**

The Monitoring Officer reported that the Committee's response to the new Model Code of Conduct consultation had been submitted. The pandemic was delaying the outcome of the consultation, but it was expected that concerns regarding the current lack of sanctions would be addressed.

The Monitoring Officer updated the Committee on Code of Conduct complaints cases. Thirteen cases had been reviewed by the Monitoring officer, taking into account the opinion of the Independent Person. In each case, they had concluded that an investigation by a Standards sub-committee was not required.

Eleven of these cases were from Steyning Parish Council. The Committee discussed the history of complaints from this parish and the need for a solution to prevent persistent, often tit-for-tat, complaints by finding the underlying cause and resolving it through training or mediation.

The Chairman thanked the Monitoring Officer and her team for the thorough and time-consuming work they had undertaken. It was noted that use of social media played a significant role in a majority of the complaints.

The Committee debated the best way forward and resolved that:

- The Monitoring Officer to approach Steyning Parish Council to invite Parish Councillors to volunteer to attend an informal meeting with herself, the Legal Services Business Manager or Independent Person, as considered appropriate.
- The parish councillors to be given the option to bring a neutral companion for support.
- Potentially in the future and if appropriate and when restrictions caused by the pandemic have been reduced, the Monitoring Officer may set up a meeting with all Steyning Parish Councillors and some Committee Members and relevant officers.

With regards to the need to appoint a Parish Representative to replace Paul Bickford, Philip Baxter agreed to ensure that the appointment of a new Parish Representative be on the agenda for the next meeting of HALC (Horsham Association of Local Councils).

The Monitoring Officer would also write to HALC to request that this is the case.

The meeting closed at 11.10 am having commenced at 10.00 am

CHAIRMAN

Report to Standards Committee

25 November 2020

By the Monitoring Officer

INFORMATION REPORT



Not Exempt

Standards Update: November 2020

Executive Summary

This report is to inform and update Members of the Council about recent developments which affect the role and activities of Councillors and the Council's business. In particular this report gives details on the following matters:

- Local assessment and investigations to include progress with Steyning Parish Council
- Update on the Appointment of Independent Person
- Update on the Appointment of Parish Representative
- Update on the Model Code of Conduct

Recommendations

The Committee is recommended 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

The Localism Act 2011

Wards affected: All

Contact: Sharon Evans
Monitoring Officer
Ext. 5538

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to inform and update Members of the Council on matters of interest relating to ethical standards and the code of conduct.

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

Local assessment and investigations

- 3.1 At the last Standards Committee Meeting the Committee debated the best way forward with regard to Steyning Parish Council and resolved that:
- The Monitoring Officer approach Steyning Parish Council to invite Parish Councillors to volunteer to attend an informal meeting with herself, the Legal Services Business Manager or Independent Person, as considered appropriate.
 - The parish councillors to be given the option to bring a neutral companion for support.
 - Potentially in the future and if appropriate and when restrictions caused by the pandemic have been reduced, the Monitoring Officer may set up a meeting with all Steyning Parish Councillors and some Committee Members and relevant officers.
- 3.2 Since that Committee Meeting the Monitoring Officer and the Legal Services Business Manager have held meetings with both Clerks at Steyning Parish Council whereby they have informed them of the aims and recommendations of this Committee. The Clerks were very grateful of some intervention and keen to find out how much of Horsham District Council's officer time had been taken up dealing with Steyning Parish Council complaints to date. A report was put together and forwarded to them detailing the time taken and comparisons were made with other parish councils in our district. Please see Appendix 1 attached.
- 3.3 This was fed back and discussed with Members of the Parish Council at a meeting held on the 16th November where they were told of this Committee's determination and commitment to help which would mean attending future meetings and or specific training sessions for all councillors, to help with this process. We are

awaiting feedback from that meeting. A timetable of meetings and training events will be put together based upon the feedback received.

- 3.4 With regard to outstanding complaints; from the last financial year there were four cases that were carried over and still in the process of being dealt with. These were added to by 12 new complaint cases (9 Steyning Parish Council cases) in this financial year.
- 3.5 Out of those 12 cases 2 have been received in the last week and are going through due process, 3 have been referred for investigation and will be dealt with by a Standards Sub-Committee and the remaining 11 cases have all been dealt with and concluded.
- 3.6 The Monitoring Officer, with help of the Standards Team, will continue to advise both District Council and Parish Council Members on Conduct and the subject of Personal and Disclosable Pecuniary Interests and updating of Members' Register of Interests when and as necessary.

Update on the Appointment of Independent Person

- 3.7 The Localism Act 2011 Section 28 (7) provides that a relevant authority must appoint at least one Independent Person whose views are to be sought and taken into account by the monitoring officer before a decision is made on an code of conduct complaint allegation.
- 3.8 The Council already has in place Mr John Donaldson who assists the Monitoring Officer and who has been invaluable with the assessment of Code of Conduct complaints. Another appointment to this role will allow for the workload to be shared, it is also common practice for a Council of this size to have 2 Independent Persons.
- 3.9 As previously agreed, the Monitoring Officer advertised the Role of the Independent Person during the month of October and over 20 applications were received. Many of the applications were excellent and shortlisting was difficult. Interviews are due to take place in the next few days. The outcome of this will be reported to the Committee.

Update on the Appointment of Parish Representative

- 3.10 On 15 May 2012 Full Council resolved to establish a Standards Committee in fulfilment of the 'standards' requirements under the Localism Act 2011. Full Council resolved that membership of the Standards Committee should include two parish representatives nominated by the Horsham Association of Local Councils (HALC).
- 3.11 The two Parish Representatives are Co-Opted non-voting Members of the Standards Committee. Their role on the Committee includes, in particular, advising the Committee on Parish issues and complaints against Parish Councillors.

- 3.12 After the resignation of Parish Representative Paul Bickford, Councillor Philip Baxter of Shipley Parish Council, the remaining Parish Representative, agreed to ensure that the appointment of a new Parish Representative be on the agenda for the next meeting of HALC (Horsham Association of Local Councils).
- 3.13 This has since happened, and interest has been received. Application packs have been sent out. Further progress of this appointment will be reported to the Committee.

Update on the Model Code of Conduct

- 3.14 Back in the summer Committee Members, along with the Independent Person were consulted on their views regarding a new Model Code of Conduct and those responses were collated and submitted collectively on behalf of the Committee and Horsham District Council.
- 3.15 The consultation was open to the public and individual members and officers were also able to carry out their own submission.
- 3.16 Feedback from this consultation is expected from the LGA imminently, formal sign off is awaited with a view to launch in December of this year. Members of the Committee will be kept fully informed of the outcome. Following which a review of the existing Members Code of Conduct for Horsham will be carried out.

4 Next Steps

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

5 Resource Consequences

- 5.1 There are no specific resource consequences flowing from this report.

6 Other Considerations

- 6.1 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.
- 6.2 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'.
- 6.3 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'.

HDC STANDARDS - CODE OF CONDUCT CASES

Last financial year, from 1st April 2019 to 31st March 2020 there was a total of 20 code of conduct complaint cases received by the Monitoring Officer. These are official written complaints where the required complaint form has been completed and there are allegation(s) of a breach of the code of conduct.

All complaints have been against Parish Councillors in relation to Parish business and there has not been any formal and written code of conduct complaints against Horsham District Councillors (“HDC”), (other than one Cllr complained of within his role as a Parish Councillor as a dual hatter, so was also an HDC Councillor).

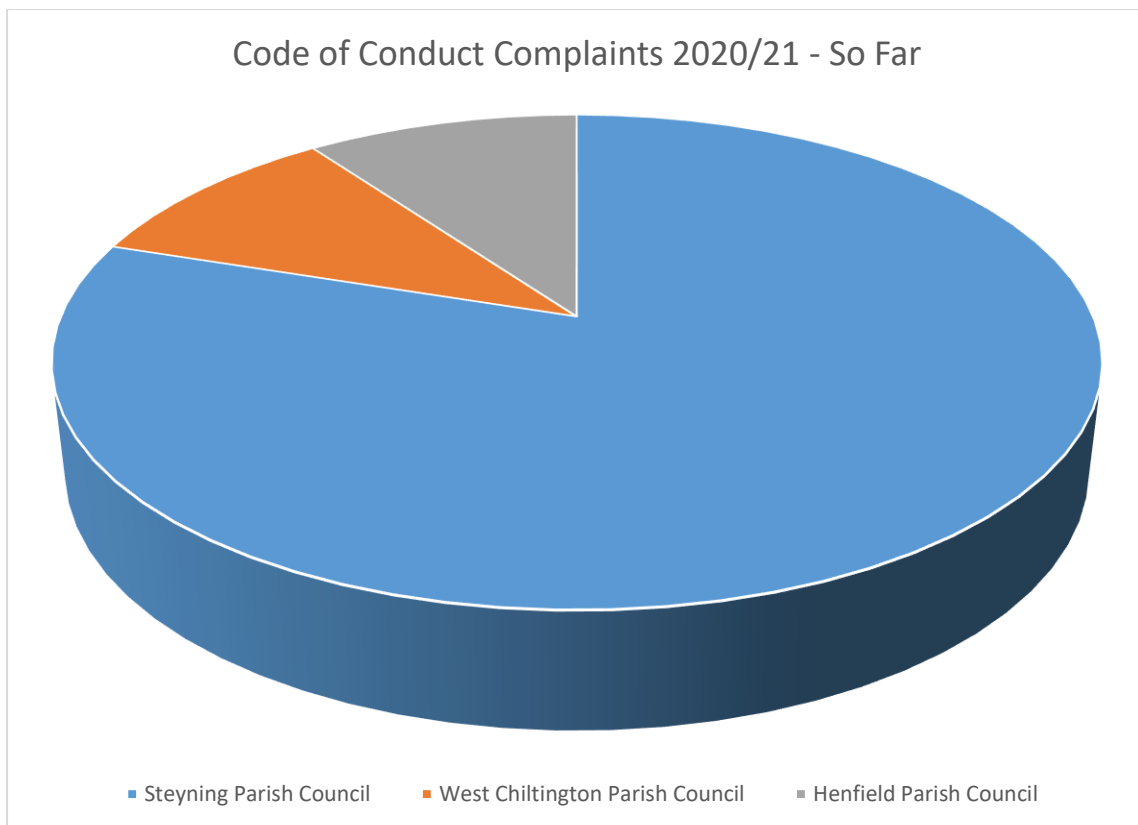
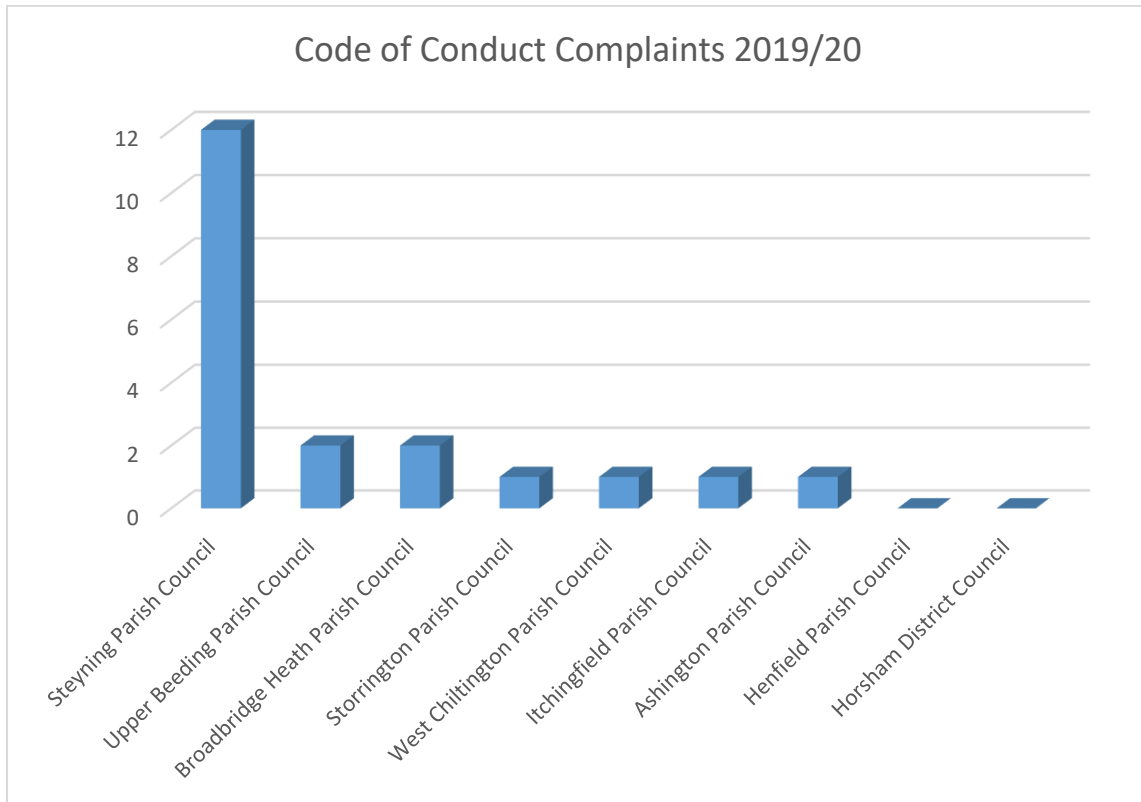
The breakdown of the code of conduct complaints received, between the Parish Councils is detailed below:

Totals	<u>2019/2020</u>	<u>2020/2021 so far</u>
	20	10
Steyning Parish Council	12	8
Upper Beeding Parish Council	2	0
Broadbridge Heath Parish Council	2	0
Storrington Parish Council	1	0
West Chiltington Parish Council	1	1
Itchingfield Parish Council	1	0
Ashington Parish Council	1	0
Henfield Parish Council	0	1
 Horsham District Council	 0	 0

HDC has x35 Parish and Neighbourhood Councils and Steyning Parish Council alone amounted to 60% of all standards complaints in 2019/20 and currently represents 80% of all complaints thus far in 2020/21.

The Monitoring Officer who is also the Head of Legal and Democratic Services for HDC also receives queries and has regular liaisons and contact with the Parish Councils, residents and Councillors regarding standards complaints and other matters that do not necessarily result in official complaints being submitted. These can be numerous and time consuming.

The time and cost of looking and dealing with these complaints and other related matters which are often detailed and run to many pages, are hundreds of hours and the real cost is thousands of pounds and include the time and expense of the Independent Person, and can include the involvement of the Parish Representative and also members of the HDC Standards Committee.



APPENDIX 1

The Monitoring Officer has received concerns from District Councillors and County Councillors who have witnessed meetings and has received direct complaints from members of the public about Steyning Parish Council with concerns over the effectiveness and efficiency of the Parish Council. One comment received from a resident after viewing a Council meeting was as follows:

I fully get they (councillors) have been elected through a democratic process, but there is very little evidence of them conducting themselves to the standards of public service and are locked in some sort of tribal battle for power that shows little respect to each other or the office. This has rendered the Council totally ineffective, at a challenging time when there is so much they could be doing to support the community.

If the time HDC spent dealing with Parish and Standards matters were split evenly across all Parish and Neighbourhood Councils then the percentage of time would be around 3% for each Council. Currently Steyning Parish Council is taking up 72% of the time of the Standards Team, who all have other responsibilities, roles and work and invariably they have to deal with either these (or other) matters in additional unpaid hours over and above their normal working week.

It is estimated that if the current levels of complaints and involvement of the Monitoring Officer and the Standards team for Steyning Parish council persisted for the remainder of this financial year, then the cost could be approximately £50k pa. Whilst this is a very rough estimate it is based on time spent and projected time and notional hourly rates for the Monitoring Officer / Solicitors / Officers within the Legal Department at HDC.

As discussed and detailed HDC, the Monitoring Officer and Standards Committee wish to help, intervene, mediate and resolve any divisions and current difficulties at Steyning Parish Council if at all possible.

We hope that Councillors will participate and work together in order that improvements can be made, which leads to better conduct, less complaints and an environment where the Parish Council can work and carry out its business in an effective manner for the benefit of the residents of Steyning.

HDC are willing to offer training, guidance and any other help and assistance as necessary. Anything that the Parish Council think will help or any suggestions for HDC will be welcome.

The idea is also to draw a line, a new beginning and for improvement in the future. HDC does not want to discourage standards complaints being made, rather they would like to remove the behaviour that might give rise to any complaints being made in the first place.

HDC are also reviewing their current process and procedures in dealing with standards complaints and any subsequent complaints made thereafter will be dealt with quickly, efficiently and fairly, but if necessary robustly. Where there are determinations that the code of conduct has been breached, these may be published and relevant sanctions applied. The time and cost relating to individual Parishes may also be released.

Standards Team at Horsham DC

10th November 2020

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