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Standards Committee

Wednesday, 16th June, 2021 at 10.00 am

First Floor Meeting Room, Parkside, Chart Way, Horsham

Councillors:

Alan Britten
Karen Burgess
Brian Donnelly
Lynn Lambert

Jim Sanson
David Skipp
Diana van der Klugt

Co-opted advisory members

John Donaldson
Michael Rumble
Philip Baxter
Stephen Watkins

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 the meetings of the Committee for the ensuing year**
5. **Minutes** 3 - 4

To approve as correct the minutes of the meeting held on 19 April 2021
(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.)
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. **Standards update, and review of procedure/arrangements for dealing with Standards Complaints** 5 - 8

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 19 APRIL 2021

Present: Councillors: Brian Donnelly (Chairman), Alan Britten, Karen Burgess, Philip Circus, Jim Sanson, John Donaldson, Michael Rumble, Philip Baxter and Stephen Watkins

Apologies: Councillors: Diana van der Klugt and Godfrey Newman

SC/27 MINUTES

The minutes of the meeting of the Committee held on 17 March were approved as a correct record and would be signed by the Chairman.

SC/28 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest.

SC/29 ANNOUNCEMENTS

There were no announcements.

SC/30 MODEL CODE OF CONDUCT

The Monitoring Officer introduced her report on the Local Government Association's New Model Code, which had been published following consultation with local authorities and other organisations.

The Committee had considered the Model Code at the previous meeting and agreed that it was a significant improvement on the current Members' Code of Conduct. It had also been agreed that a small number of minor amendments were necessary to improve grammar and increase clarity.

The Committee considered these proposed amendments, as highlighted in the appendix to the report.

Councillor Circus proposed two additional amendments to the Model Code:

- i) At 1.12 final paragraph concerning the right of Councillors to expect respectful behaviour from the public, the following clause (in bold) be added:

'If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the Local Authority (**you can contact the Monitoring Officer or Standards Team**) and/or the relevant social media provider or the police.

- ii) At 2.3, the word 'equalities' should be changed to 'equality', so that the revised sentence reads, 'I promote equality and do not discriminate unlawfully against any person.'

Members agreed to the proposed amendments, including the two additional amendments, and that the Model Code, thus amended, be recommended to Council for adoption.

The Legal Services Business Manager advised that a new simplified procedure for the processing of formal complaints was being developed, to run alongside and complement the Model Code. This would be brought to the Standards Committee for consideration in due course.

It was noted that Best Practice recommendation 9 in Appendix C of the Model Code recommended that Decision Notices be published and include the view of the Independent Person. In light of this, the Monitoring Officer agreed that she would investigate whether Independent Persons were covered by indemnity in the same way that Officers and Councillors were and, if necessary, take steps to ensure this was the case.

SC/31 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 10.40 am having commenced at 10.00 am

CHAIRMAN

Report to Standards Committee

16th June 2021

Sharon Evans, Monitoring Officer

INFORMATION REPORT

Not Exempt

Standards Update (June 2021) &

Review of Procedure/Arrangements dealing with Standards Complaints

Executive Summary

This report is to inform and update Members of the Council about recent developments in Local Assessment and Investigations in relation to Standards complaints. It also provides information and an update on the review of the procedures / arrangements in dealing with Standards complaints.

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 01403 215538

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 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.

3 Details

Local assessment and investigations

- 3.1 During the last financial year, from 1st April 2020 to 31st March 2021 there was a total of twenty Code of Conduct complaint cases received by the Monitoring Officer.

These were official written complaints where the required complaint form had been completed and there were allegation(s) of a breach of the code of conduct.

All complaints were made against Parish Councillors and the breakdown of the Code of Conduct complaints between the Parish Councils are detailed below:

2020 / 2021

Steyning Parish Council –	11
Nuthurst Parish Council -	6
West Grinstead Parish Council -	1
Henfield Parish Council -	1
Slinfold Parish Council -	1

Out of these twenty cases, five were referred for investigation and breaches of the code were determined in three of those cases. In one case, no breach was found, and the remaining case where an investigation was referred, has yet to be determined. The remaining fifteen cases were dealt with at the assessment stage with either local resolution or no further action.

- 3.2 The complaint figures are similar to the previous year with twenty complaint cases also received in 2019 / 2020, with twelve of those cases relating to Steyning Parish Council.

So far this year (since 1st April 2021) we have received six further cases, five of which relate to Steyning Parish Councillors.

The current position is there are four outstanding active cases to be assessed, and as detailed above, one investigation still to be determined.

Review of procedure / arrangements dealing with Standards Complaints

- 3.3 There has been an ongoing review of the procedure / arrangements in dealing with Standards complaints and with the adoption of the new Code of Conduct, it is considered the right time to introduce new arrangements and a revised process / procedure in dealing with Standards complaints.
- 3.4 Generally, due to the volume and level of detail and information within the complaints currently received and the surrounding work involved, standards complaints are taking up a large amount of the Legal Department's time and resource.
- 3.5 Whilst the current arrangements and the published process and procedure in dealing with standards complaints is comprehensive and very detailed, it is difficult to follow and can be confusing as it is spread across different guidance and documents. Currently there is a detailed complaint form which includes other information, together with guidance for potential complainants, guidance for Members and a procedure for Local Investigation of assessed complaints.
- 3.6 The aim is to introduce a streamlined approach distinguishing early, those cases where no action is necessary or where it may be dealt with by Local Resolution with those that are in the Public interest to full investigate, determine, and sanction and publish if appropriate.
- 3.7 A draft of the revised arrangements condensed as just one document and a new complaint form will be shared with Members of the Standards Committee, Independent Persons, Parish Representatives and a selection of Parish Councils. A working group can be formed to finalise the documentation, taking into account best practice and considering all representations.

4 Next Steps

- 4.1 The Committee is asked to note the contents of the report.

5 Outcome of Consultations

- 5.1 A draft of the revised arrangements and new complaint form will be shared with Members of the Standards Committee, Independent Person, Parish Representatives and a selection of Parish Councils.

6 Resource Consequences

- 6.1 Following the revision of arrangements it is anticipated that standards complaint cases will be dealt with quickly, more effectively and efficiently and with less resource implications to the Legal Department.

7 Legal Considerations and Implications

- 7.1 The Council has a statutory duty to promote and maintain high standards of conduct. The Council, under Section 28(6) and (7) must have in place “arrangements” under which allegations of failures to comply with the Code of Conduct can be investigated and decisions made on such allegations.

8 Risk Assessment

- 8.1 There is a risk that if the Council does not have appropriate and clear arrangements, then a challenge might be brought and public trust in local democracy could be undermined.

9 Procurement implications

- 9.1 There are no procurement implications stemming from this recommendation.

10. Equalities and Human Rights implications / Public Sector Equality Duty

- 10.1 There is no detrimental impact on any group, a full Equalities Impact Assessment is not needed.

11 Environmental Implications

- 11.1 There are no environmental implications from this recommendation.

12 Other Considerations

- 12.1 There are no GDPR, Data Protection or Crime & Disorder consequences foreseen from this recommendation.