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Standards Committee

Wednesday, 16th March, 2022 at 10.00 am
Room 14, First Floor, Parkside, Chart Way, Horsham

Councillors: Brian Donnelly (Chairman)
Diana van der Klugt (Vice-Chairman)
Karen Burgess
Lynn Lambert
David Skipp
Belinda Walters

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. Apologies for absence	
2. Minutes	3 - 6
To approve as correct the minutes of the meeting held on 1 December. (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.)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer	
5. Model Code of Conduct - Parish Council Update	7 - 10
To consider the report of the Head of Legal & Democratic Services and Monitoring Officer.	

6. **Steyning Parish Council**

11 - 20

The Standards Committee is requested to consider the report and appendix on Steyning Parish Council.

7. **Standards Update**

To receive an update from the Monitoring Officer

8. **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
1 DECEMBER 2021

Present: Councillors: Brian Donnelly (Chairman), Diana van der Klugt (Vice-Chairman), Karen Burgess, Lynn Lambert, Jim Sanson, David Skipp, John Donaldson, Michael Rumble and Philip Baxter

Apologies: Councillors: Stephen Watkins

Absent: Councillors: Alan Britten

SC/15 **MINUTES**

The minutes of the meeting held on 8 September were approved as a correct record and signed by the Chairman.

SC/16 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SC/17 **ANNOUNCEMENTS**

There were no announcements.

SC/18 **COUNCILLOR CODE OF CONDUCT**

The Legal Services Business Manager, Deputy Monitoring Officer presented the report following the Local Government Association making amendments to their previously published Model Councillor Code of Conduct which was adopted in April 2021.

Consideration was given to these further minor amendments and a decision made whether a recommendation would go to Full Council for adoption of the code incorporating the amendments.

The suggested amendments related to the 'Definitions' and 'Declaring interests' sections as set out in the appendix to the report. Further minor amendments were suggested and agreed.

Full training of the new Code of Conduct will be provided to Councillors. Members discussed the importance of training and providing a copy to each Councillor. The Committee agreed that the Guidance was an extremely useful document which should also be shared with Parish and Neighbourhood Councils. It was suggested that Members are encouraged to read the Guidance alongside the Code.

The Legal Services Business Manager, Deputy Monitoring Officer informed the Committee that Parish and Neighbourhood Councils would be made aware of the amended code of conduct, which would be available on the Council's website, and the new document would form part of the Councillor Induction process.

It was agreed to make the recommendation to full Council to adopt the Code of Conduct with the minor amendments.

SC/19 **PROCEDURE FOR DEALING WITH CODE OF CONDUCT COMPLAINTS**

The Monitoring Officer briefed the Committee on the revised draft Procedure for dealing with Code of Conduct Complaints. Consideration was given to adopting the revised Procedure and recommending this to full Council.

The Monitoring Officer reported that the Procedure had been streamlined and simplified and compiling it had involved huge work from those involved.

The current guidance involved four documents which had been condensed into one much shorter document comprising guidance, complaints form and flow charts.

Members discussed advantages and disadvantages of the guidance suggesting that a sub-committee convened to determine formal investigation could take place in public.

It was felt that holding these in public would show transparency; however the new Procedure recommended that an Independent Person attend any formal investigation to ensure impartiality.

Members considered that often complaints involved a number of complex, sensitive issues which would not benefit from being in the public domain. Details and decisions would also be published once a case is concluded.

It was therefore concluded by the Committee that the reference to formal investigations being held in public be removed.

It was agreed that the adoption of the revised procedure for dealing with Code of Conduct Complaints, as amended, would be recommended to full Council.

SC/20 **STANDARDS UPDATE**

The Legal Services Business Manager reported that work had been done on producing templates for standardisation of reports and investigation reports.

These templates would stand up to recent case law and ensure that challenges in decision making were limited.

It was advised that the highest number of complaints had been received by the Council during this financial year with only a few cases outstanding. Full details will be reported at the next meeting with number of complaints and associated costs involved.

The Chairman requested that in future as much detail as possible of complaints should be reported publicly.

SC/21 **URGENT BUSINESS**

There was no urgent business.

The meeting closed at 11.35 am having commenced at 10.03 am

CHAIRMAN

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Report to Standards Committee

Wednesday 16th March 2022

By Sharon Evans, Head of Legal & Democratic Services & Monitoring Officer



INFORMATION REPORT

Not Exempt

Uptake of Local Government Association's Model Code of Conduct by Parish and Neighbourhood Councils

Executive Summary

The purpose of this report is to update Members on the adoption of the Local Government Association's Model Code of Conduct for Parish and Neighbourhood councils within the district.

Recommendations

The Committee is recommended to note the contents of the report.

Reasons for Recommendations

- i) To ensure that the Committee is kept informed as to the position and developments in relation to Parish and Neighbourhood Council Standards matters in order to promote and maintain the high standards of conduct against members across the district.

Background Papers

The Localism Act 2011

Wards affected: All

Contact: Sharon Evans, Head of Legal & Democratic Services & Monitoring Officer
sharon.evans@horsham.gov.uk Telephone 01403 215538

Background Information

1 Introduction and Background

- 1.1 Following the Adoption of the Local Government Association's Model Code by Horsham District Council (HDC) in April 2021 and then as amended in December 2021, ('the Code'), the Parish and Neighbourhood councils within the district were invited by the Monitoring Officer to also adopt the Code.
- 1.2 By adopting a national code, across the district and across both levels of Council, it should reduce confusion as to what is and isn't covered by the relevant Council's Code of Conduct and provide a greater level of clarity, consistency, and precedence for Standards Code of Conduct cases across the district. It will also be easier to provide relevant Code of Conduct training across the district.
- 1.3 To date 30 of HDC's 32 Parish Councils have adopted the Code with only 2 Parish Councils yet to implement the Code. HDC is currently consulting with the three Neighbourhood Councils to provide a bespoke arrangement that takes into account their differing legal status to that of Parish Councils.

2 Relevant Council policy

- 2.1 The statutory background can be found in the Localism Act 2011.

3 Details

- 3.1 After HDC adopted the Code in April 2021, the Monitoring Officer sent emails on 24th of May 2021 to all Parish and Neighbourhood Council Clerks within the district detailing the Code as amended by HDC and encouraging them to adopt it.
- 3.2 Having given the Parish and Neighbourhood Councils time to consider the Code a survey was sent to all Clerks on the 29th of July 2021 to establish which Councils had considered and/or adopted the Code, follow up emails were later sent to those who had not responded in August, September and October.
- 3.3 Further correspondence followed after amendments were made by HDC to the Code in December 2021. At the time of this report 30 out of 32 Parish Councils have adopted the Code, either as previously amended by HDC, or as recently amended, or with their own bespoke minor amendments. Generally, the following Parish Councils are now operating under the Local Government Association's model Code of Conduct:

Amberley; Ashington; Ashurst; Billingshurst; Bramber; Broadbridge Heath; Coldwaltham; Colgate; Cowfold; Henfield; North Horsham; Nuthurst; Parham; Pulborough; Rudgwick; Rusper; Shermanbury; Shipley; Slinfold; Southwater; Steyning; Storrington and Sullington; Thakeham; Upper Beeding; Warnham; Washington; West Chiltington; West Grinstead; Wiston; and Woodmancote.
- 3.4 Two parish councils have yet to confirm if they have adopted the Code however both have previously confirmed they would consider it; these are:

- Itchingfield Parish Council
There is no evidence in Itchingfield's Meeting agenda or minutes of the Code being considered at the time of this report
- Lower Beeding Parish Council
It appears from meeting minutes that Lower Beeding rejected the Code in November 2021
 - Minute 171/21: "Approval of updated Code of Conduct from HDC – The Clerk had distributed the updated CoC but after discussion amongst the Councillors the update was not approved after a vote".

3.5 There has been a meeting with the three Horsham Neighbourhood councils (Denne, Forest and Trafalgar) who are in the process of amending their Code, in consultation with HDC, to better cater for their unique status..

4 Next Steps

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

5 Views of the Policy Development Advisory Group and Outcome of Consultations

5.1 Not applicable.

6 Other Courses of Action Considered but Rejected

6.1 Not applicable.

7 Resource Consequences

7.1 There are no resource or staffing consequences resulting from this report other than, the fact that the new Code has been widely adopted, together with the new arrangements in dealing with Code of Conduct complaints means that it is anticipated that standards complaint cases will be dealt with quickly, more consistently, effectively and efficiently with less resource implications to the Legal Department.

8 Legal Considerations and Implications

8.1 Under Section 28 (1) of the Localism Act 2011, a relevant authority must secure that a Code of Conduct is adopted. Under Section 28 (5) a relevant authority may revise or adopt a Code of Conduct to replace its existing Code of Conduct.

8.2 The Council has a statutory duty to promote and maintain high standards of conduct and to have arrangements in place where allegations of Code of Conduct complaints can be investigated and decisions made.

9 Risk Assessment

9.1 If there were a number of different Codes of Conduct applied throughout the district then there may be a risk of inconsistent determinations in relation to allegations

under the relevant Codes of Conduct depending on the individual wording of the codes. However, this risk is largely eliminated with the widescale adoption of generally the same code.

10 Procurement implications

10.1 There are no procurement implications stemming from this report.

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

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

12 Environmental Implications

12.1 There are no environmental implications from this report.

13 Other Considerations

13.1 There are no GDPR, Data Protection or Crime & Disorder consequences foreseen.

Report to Standards Committee

Wednesday 16th March 2022

By Sharon Evans, Head of Legal & Democratic Services & Monitoring Officer



**Horsham
District
Council**

DECISION REQUIRED

Not Exempt

Steyping Parish Council

Executive Summary

This is a report to the Standards Committee to update them following historical, current, and ongoing difficulties at Steyping Parish Council. As the Committee is already aware over a number of years there has been a vast number of code of conduct complaints received regarding Steyping Parish Council, mainly made by councillor against councillor, but also ex-councillors against current councillors and occasionally complaints received direct from members of the public against serving councillors.

The Monitoring Officer respectfully requests that the Standards Committee considers a proposal of alternative action in dealing with this ever-growing problem and to decide whether to approve the proposed action of instructing specialist experts to review and support Steyping Parish Council. The review will endeavour to deal with underlying issues and the support will provide an action plan for the future. The review report will ultimately be published.

Recommendations

That the Committee is recommended:

- i) To approve that the Monitoring Officer instructs Hoey Ainscough Associates Ltd to undertake a review of Steyping Parish Council and to provide support for Steyping Parish Council.
- ii) To approve that no further action will be taken in relation to any of the outstanding complaints pending this alternative resolution.

Reasons for recommendations

- i) To try and deal with deteriorating relations within Steyping Parish Council and to resolve issues which ultimately will result in better behaviours and less code of conduct complaints in the future.
- ii) To promote and maintain high standards of conduct amongst members across the district.

Background Papers

Localism Act 2011, HDC arrangements in dealing with code of conduct complaints

Wards affected:

Steyning Parish Council & ALL

Contact: Sharon Evans, Head of Legal & Democratic Services & Monitoring Officer
Sharon.evans@horsham.gov.uk Telephone 01403 215538

Background Information

1 Introduction and Background

- 1.1 Steyning Parish Council has taken up a disproportionate amount of time of the Monitoring Officer and Standards Team in dealing with numerous code of conduct complaints and other interconnected matters over the years.
- 1.2 The resource implication has been substantial and the situation at Steyning Parish Council continues to deteriorate, as the Monitoring Officer and Standards Team receive ever more complaints. There has been a breakdown of relations within Steyning Parish Council and there is a desire to help and improve the Council to function more effectively and to be able to concentrate on working and delivering for their residents.
- 1.3 The recommendations detailed within this report is an attempt to try and resolve underlying issues at Steyning Parish Council and to provide the direct support and assistance needed for improvements moving forward. This, together with further training, will hopefully improve behaviours and relations and ultimately lead to less complaints and a more effective and efficient Parish Council.

2 Relevant Council policy

- 2.1 The statutory background can be found in the Localism Act 2011.

3 Details

- 3.1 There has been a long history of problems and difficulties at Steyning Parish Council which has resulted in many code of conduct complaints over the years. Recent history shows 8 code of conduct complaints against Steyning Councillors in the calendar year of 2019, 15 complaints in 2020 and 26 complaints in 2021. Rather than lessening the number of complaints have increased considerably.
- 3.2 Over the last three years, behaviour has deteriorated and now over 70% of the total code of conduct complaints received by the Monitoring Officer relate to Steyning Councillors. This equates to over 80% of the time spent dealing with standards, is dedicated to dealing with these cases and the all encompassing surrounding issues. This is despite Steyning being just one Parish Council out of a total of 35 Parish and Neighbourhood Councils, which the standards regime and the Monitoring Officers jurisdiction covers.
- 3.3 It is estimated that dealing with Steyning Parish Council complaints alone, together with the surrounding issues could now cost in the region of £65,000 per annum, when considering officer, lawyer, Monitoring Officer, Independent Person, Parish Representative and Standards Committee Member's time. This figure is an estimate and is based on notional hourly rates for lawyers and projected time etc.
- 3.4 There are currently 16 outstanding code of conduct complaints, with a total of over 1600 pages of complaint documentation, counter complaints, evidence, examples of alleged bad behaviour, rebuttals etc. etc. These complaints are at different

stages of progress and much work has already been undertaken by the standards team in relation to them. There are some complaints that can be dismissed and dealt with relatively quickly, but others still need careful consideration and would need to be dealt with appropriately. However, further additional complaints continue to be received and relationships and the position at Steyning continues to get worse.

- 3.5 The proposal is to instruct Hoey Ainscough Associates Ltd which was set up in April 2012 to support local authorities in managing their arrangements for handling councillor conduct issues. The company was co-founded by Paul Hoey, who had been director of strategy at Standards for England from 2001 until its closure in 2012, and Natalie Ainscough who had worked as his deputy. They were expert advisers to the Committee on Standards in public Life 2019 review of the Localism Act and were commissioned by the Local Government Association in 2020 to produce a new model Code of Conduct and supporting guidance and are regular advisers to both NALC and SLCC on standards issues.
- 3.6 If a Parish Council is facing difficulties with working relationships, or where there have been a continued large number of standards complaints or a breakdown in governance, Hoey Ainscough Associates Ltd can work with the Parish Council directly to offer support to seek to improve the way the Parish Council operates and deal with the underlying issues. They are extremely experienced in dealing with Parish Councils facing problems and difficulties similar to those experienced at Steyning Parish Council.
- 3.7 The aim of the review and support offered includes helping the Parish Council consider how they can work more effectively and help with rebuilding relationships and their reputation through demonstrating that there is a culture of high standards and good governance. A full report by Hoey Ainscough Associates Ltd will be produced and published.
- 3.8 A letter was sent to Steyning Parish Council on 17th February 2021, which can be found at Appendix A, to gauge an initial response to the proposals. Generally, there was a positive response, to the review and support, although not necessarily an agreement to suspend the current and ongoing complaints. We have since also received other, representations, comments, and further complaints.
- 3.9 Further advice from Hoey Ainscough Associates Ltd is that with a review and support such as this, a line needs to be drawn and all existing investigations and complaints should halt, unless they were so serious that an investigation and determination was deemed necessary. The proposed intervention of seeking this review is for it to be conducted instead of completing investigations and dealing with the numerous complaints we are currently in receipt of and not in addition.
- 3.10 The proposed action is to instruct Hoey Ainscough Associates Ltd as detailed in the recommendation and conclude that no further action will be taken in relation to any of the outstanding complaints pending alternative resolution.

4 Next Steps

4.1 The Committee is asked to make the recommendations.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

5.1 Not applicable.

6 Other Courses of Action Considered but Rejected

6.1 To continue to try to deal with all existing and ongoing and new complaints and investigate them, determine them, and issue decision notices. However, it is not believed that this will improve the relations at Steyning Parish Council and indeed it could just make matters worse, resulting in further and continuing complaints.

7 Resource Consequences

7.1 There is an estimated spend of £65,000 in dealing with Steyning Parish Council complaints and the likely costs of instructing Hoey Ainscough Associates Ltd, including further training and assistance is likely to be no more than £20,000. It is hoped that future relations improve and ongoing complaints reduce, leading to less resource implications on the Legal Department.

8 Legal Considerations and Implications

8.1 The Council has a statutory duty to promote and maintain high standards of conduct and to have arrangements where allegations of code of conduct complaints can be investigated and decisions made under the Localism Act 2011.

8.2 The Localism Act 2011 together with our previous and current arrangement for dealing with Standards complaints allows the Monitoring Officer the discretion to revert to an alternative resolution when and where it is considered necessary.

8.2 .

9 Risk Assessment

9.1 There may be a risk of challenge in deciding not to deal with, investigate and determine individual complaints, however the alternative resolution is justified and considered more appropriate and more likely to achieve the desired results.

10 Procurement implications

10.1 There are no procurement implications stemming from the recommendations.

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

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

12 Environmental Implications

12.1 There are no environmental implications from this report.

13 Other Considerations

13.1 There are no GDPR, Data Protection or Crime & Disorder consequences foreseen.



Steyning Parish Council

Our ref: SE/001556
Email: standards@horsham.gov.uk
Direct Line: 01403 215482
Date: 17th February 2022

Dear Steyning Parish Council

**LOCALISM ACT 2011 – CODE OF CONDUCT COMPLAINTS
STEYNING PARISH COUNCIL**

I write in relation to the ongoing position at Steyning Parish Council and I confirm that Horsham District Council continue to receive standards code of conduct complaints against various Steyning Councillors.

I received 8 code of conduct complaints against Steyning Councillors in the calendar year of 2019, 15 complaints in 2020 and 26 complaints in 2021. Over the last three years, the position and behaviour has deteriorated and now over 70% of the total code of conduct complaints received by Horsham District Council relate to Steyning Councillors. When dealing with these and all the surrounding issues it means that over 80% of the total time spent dealing with standards matters directly or indirectly relates to Steyning. This is despite it being just one Parish Council out of a total of 35 Parish and Neighbourhood Councils, which the standards regime covers, as well as the District Council itself.

It is estimated that dealing with Steyning complaints alone, together with the all-encompassing issues could now cost in the region of £65,000.00 per annum, when considering officer, lawyer, monitoring officer, independent person, parish representative and Standards Committee Member's time. Whilst this is a rough estimate, it is based upon time spent and projected time and notional hourly rates.

Generally, these are Councillor against Councillor complaints but occasionally complaints are made by members of the public or by ex-councillors against current Councillors. The overall position, and the behaviour and the internal disputes and in-fighting between the factions has not improved and as you are aware there has been ongoing difficulties over a significant period of time.

We currently have two ongoing investigations and a total of 15 outstanding code of conduct complaints, with a total of over 1600 pages of complaint documentation, counter complaints, evidence, examples of alleged bad behaviour etc. etc. These complaints are at different stages of progress and much work has already been undertaken by the standards team and we are nearing the completion of investigations and complaints in some of the existing cases. There are also some complaints that can be dismissed and dealt with relatively quickly, but

others still need careful consideration and need to be dealt with appropriately. However, and meanwhile, the day-to-day position at the Parish Council has not improved and as stated if anything is deteriorating.

Due to the ongoing bad feeling, with the more recent and previous history surrounding this Parish Council, together with the significant resource implications for Horsham District Council and the Legal Department, when considering the total time, effort, and costs needed to deal with all of these existing and ongoing complaints I have had no alternative but to consider an alternative way forward. I have therefore approached experts in the standards code of conduct area and asked for their advice and assistance.

Hoey Ainscough Associates Ltd was set up in April 2012 to support local authorities in managing their arrangements for handling councillor conduct issues. The company was co-founded by Paul Hoey, who had been director of strategy at Standards for England from 2001 until its closure in 2012, and Natalie Ainscough who had worked as his deputy. They were expert advisers to the Committee on Standards in public Life 2019 review of the Localism Act, were commissioned by the Local Government Association in 2020 to produce a new model Code of Conduct and supporting guidance and are regular advisers to both NALC and SLCC on standards issues.

If a Parish Council is facing difficulties with working relationships, or where there have been a continued large number of standards complaints or a breakdown in governance, Hoey Ainscough Associates Ltd can work with the Parish Council directly to offer support to seek to improve the way the Parish Council operates and deal with the underlying issues. They are extremely experienced in dealing with Parish Councils facing problems and difficulties.

The aims of the review and support offered include helping the Parish Council consider how they can work more effectively and help with rebuilding their reputation through demonstrating that there is a culture of high standards and good governance.

Whilst a review of all processes, procedures and underlying issues is undertaken, the emphasis is very much on looking for better ways of working and building better relations. It is a hands-on approach, and their team will include an associate who is a recently retired chief executive of a county association of local councils who will bring with them direct experience of working in and with a Parish Council. All Councillors and the clerk will be interviewed as part of the process. Specific action plans and a formal report will then be submitted to the Parish Council and Horsham District Council and ultimately published, with potentially a wide remit as to its conclusions and recommendations.

I have already consulted with Paul Hoey and Natalie Ainscough and I have received a proposal for the review and support which could commence in March 2022. I have been advised that all current and future complaints and investigations should be suspended whilst this review is undertaken and the support provided, unless a complaint is deemed as so serious that it must be investigated immediately. In effect, what I am suggesting is an alternative way to dealing with the numerous code of conduct complaints made and surrounding issues by way of informal resolution and also by ongoing training that will be

provided. We would however reserve the right to recommence dealing with any individual complaints should the process breakdown or not improve or help resolve matters.

The support detailed may cost in the region of £12,000.00 plus VAT, and Horsham District Council will agree to pay these costs. Whilst the cost is significant, it is considered worthwhile and if it produces the desired results, it will be a saving compared with the ongoing cost of dealing with ever increasing complaints.

I confirm I have met and spoken with the Chair and Vice Chair of the Standards Committee, and I have also consulted with the Independent Person and other Standards Committee Members regarding this, and they agree to us looking into and pursuing this course of action, if ultimately considered appropriate.

There is a real desire to help Steyning Parish Council function more effectively and to be able to concentrate on working and delivering for their residents, without the internal fighting and backbiting. Undoubtedly, there are hardworking Councillors within Steyning and there is a passion for local democracy. It is hoped, by engaging these specialist experts to conduct a thorough review and offer support, this will enable you to focus on improvement and a clear way forward.

In order for this approach to have the best chance of success, it needs all Councillors and the Parish Council itself to fully engage with this process. It is hoped that this open letter will aide initial discussions between yourselves, and I can provide further information and detail if necessary.

However, I would like initial feedback as to this proposal, as soon as possible.

Yours sincerely

Signature Redacted

Sharon Evans
Monitoring Officer &
Head of Legal & Democratic Services

