



Email: committeeservices@horsham.gov.uk
Direct line: 01403 215465

Standards Committee

Wednesday, 16th March, 2016 at 10.00 am

Pevensey & Rye Rooms, Parkside, Chartway, Horsham

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	Independent Person
Mary Jagger	Independent Person
Val Court	Parish Council Representative
Kieran Diamond	Parish Council Representative

You are summoned to the meeting to transact the following business

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	1 - 4
To approve as correct the minutes of the meeting held on 2 nd December 2015	
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	
To consider the following reports of the Monitoring Officer	
5. Evaluation of the Effectiveness of Changes to the Standards (and associated) Function	5 - 10
6. The Ethical Framework Update	11 - 22
7. 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	

This page is intentionally left blank

STANDARDS COMMITTEE**2nd December 2015**

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

Advisory members

Present: Parish Council Representatives: Val Court
Independent Persons: John Donaldson, Mary Jagger

Apologies: Councillors: Brian Donnelly, Brian O'Connell, Tricia Youtan
Parish Council Representatives: Kieran Diamond

SC/14 **MINUTES**

The minutes of the meeting of the Committee held on 16th September 2015 were approved as a correct record and signed by the Chairman.

SC/15 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/16 **ANNOUNCEMENTS**

There were no announcements

SC/17 **ASSESSMENT OF THE EFFECTIVENESS OF CHANGES TO THE STANDARDS (AND ASSOCIATED) FUNCTION**

The Monitoring Officer reminded Members that when the current Standards Regime had been adopted in May 2014, Council had resolved that the regime would be reviewed during the current municipal year.

The review would look at the current function with particular regard to the changes that had been made regarding complaints about councillor behaviour: the removal of the internal right of review for a complainant; the removal of the right of appeal for the subject member; and the delegation of power to the Monitoring Officer, with the discretion to refer to a Standards Sub-Committee.

The review would also look at other aspects of the current function including: the requirements regarding the declaration of interests at meetings outlined in the Code of Members' Conduct; the Council's Dispensation Scheme and dual hatted Members; and the role of Independent Persons and Parish Council Representatives.

SC/17 Assessment of the Effectiveness of Changes to the Standards (and associated) Function (Cont.)

Members discussed the suggested review methodologies as set out in the report and concluded that the review should be undertaken by officers, with input from members of the Committee, who would submit their responses to the Review Criteria questions set out in Appendix Two of the report and any other comments on the current Standards function.

RESOLVED

- (i) That the options for the review methodology by which the review will proceed be noted.
- (ii) That the Monitoring Officer and his staff undertake the review and report to the Committee, as specified in option (b).
- (iii) That Members of the Committee contribute to the review by submitting their comments to the Monitoring Officer, including responses to the Review Criteria questions as set out in Appendix Two of the report.

SC/18 **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: As part of the ongoing Induction Programme announced following the Election in May 2015, further training sessions for Members had been arranged. Ethical Governance training would take place on 3 February 2016, followed by Equality & Diversity training on 20 January and Media & Communications training on 23 February. These sessions would be open to all Standards Committee members.
- Local assessment, other action, investigations and determinations: The Committee noted the two assessments of complaints received relating to Parish Councillors, which had been carried out by the Monitoring Officer since September 2015. Members noted that the wording of the last sentence of the description of the Nature of Complaint on Case CES112, as printed in Appendix Two of the report, was incorrect and should have read 'In any event the Monitoring Officer found there was no evidence that the Subject Member had not acted contrary to the principles of objectivity and selflessness'.

Two further complaints had been received, which were currently being considered.

SC/18 Ethical Framework Update (Cont.)

- Register of Interests: The Monitoring Officer had reviewed the Register of Interest forms and minor amendments had been made, in particular to the sponsorship section.
- Work Programme update: The list was noted.
- Case summaries: Members noted the case from Shropshire Council regarding a breach of its code of conduct, 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.
- (ii) To promote and maintain high standards of conduct amongst Members.

SC/19 **LOCAL GOVERNMENT OMBUDSMAN UPDATE 2015 – 2016**

The Customer Services Manager reported on the number and nature of complaints about the Council made to the Local Government Ombudsman (LGO). The number received since April 2014 was less than the number received during the same period the previous year. Since the last LGO update to the Committee in March 2015 there had been four complaints about HDC to the LGO. None of them had been upheld.

RESOLVED

That the contents of the report be noted.

REASONS

- 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.

The meeting finished at 10.24am having commenced at 10.00am.

CHAIRMAN

This page is intentionally left blank

Report to Standards Committee

Date of meeting 16 March 2016

By the Head of Legal and Democratic Services

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Evaluation 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 Standards Committee of 2 December 2015 received a report presenting options by which the Committee could undertake its review. Four options were presented and the Committee resolved that (i) the Monitoring Officer and his staff undertake the review and report to the Committee, and (ii) that Members of the Committee contribute to the review by submitting their comments to the Monitoring Officer, including responses to the review criteria questions attached as appendix two to the report of 2 December 2015.

The Monitoring Officer, having duly received contributions from Members of the Committee, undertook and concluded his review, in liaison with his staff, on 27 January 2016 and those conclusions are now reported to the Committee.

Recommendations

That the Committee is recommended:

- i) to note the outcome of the review of the Standards function, and that consequentially Council minute reference CO97 be satisfied.

Reasons for Recommendations

To enable the Standards Committee to note that it has satisfied 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.
Full Council Agenda and Minutes, May 2014.
Standards Committee Report 2 December 2015

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, Full Council in May 2014 resolved four specific changes to the function coupled with recommending 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 The outcome of that review is now presented to Members.

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 had been presented to assist the Committee in resolving how to conduct the review. Each option was appraised by the Committee and the Committee resolved that (i) the Monitoring Officer and his staff undertake the review and report to the Committee, and (ii) That Members of the Committee contribute to the review by submitting their comments to the Monitoring Officer, including responses to the review criteria questions attached as appendix two to the report of 2 December 2015.
- 3.2 The outcome of the evaluation is charted below. There was full assurance from all responders on the effectiveness of the appointment of two Independent Persons and two Parish Representatives; awareness of arrangements; and awareness of the code of conduct. Almost all responders offered assurance that the changes to the register of interests had been successful.
- 3.3 Full or substantial assurance was received from almost all responders with regard to the revised complaints procedure, the removal of the internal right of review for a complainant, the delegation of power to the Monitoring Officer and that constitutional changes had been enacted. One responder observed that he had not seen the standards of service in dealing with code of conduct complaints and this is reflected in paragraph 3.5 below.
- 3.4 Full or substantial assurance was further received from almost all responders on the removal of the internal right of review for subject members, the requirement to declare a DPI, and the granting of general dispensation relevant to category 1 of the Relevant Authorities Regulations 2012. Lastly, no responders felt that the Council was ineffective at promoting and maintaining high standards of conduct, one quarter had no view and the majority responded that the Council was effective at promoting and maintaining high standards of conduct.
- 3.5 The Monitoring Officer is of the opinion, informed by this evaluation, that no material change is required to the Standards Function at Horsham District Council. Members may have assurance that the function is operating successfully. With regard to 3.3 above, the

Monitoring Officer has subsequently identified some internal business process improvements that are required in the handling of complaints and will address those within existing resources.

4 Next Steps

- 4.1 The Standards Committee should, where appropriate reflect the outcomes of the review in its consideration of its work programme.

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.
- 5.3 The Standards Committee chose the method of consultation on the effectiveness of the function on 2 December 2015. The outcome of that consultation informs this report.

6 Other Courses of Action Considered but Rejected

- 6.1 The making of this report to the Standards Committee has satisfied the Council resolution to undertake the review.

7 Financial Consequences

- 7.1 The review of the effectiveness of changes to the Standards and associated functions was met within existing skills and resources and therefore had 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 were 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.

This page is intentionally left blank

Report to Standards Committee

16 March 2016

By the Monitoring Officer

INFORMATION REPORT

Not exempt



Horsham
District
Council

Ethical Framework Update: March 2016

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.

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 December 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

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 A Training session for District Councillors and Members of the Standards Committee has been arranged for Thursday 10 March on the subject of Ethical Governance. The Monitoring Officer will update the Committee on any feedback arising from the training session at the meeting. In addition the Monitoring Officer has agreed with the Parish Clerks to conduct the same training session for the parishes and a convenient date is currently being arranged. This is likely to take place on 21 April 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 The last fourth months has seen an increase in the number of complaints received and in addition to the complaint referred to in appendix 2 there are currently eight complaints being processed.

Register of Interests

- 3.5 The Council's Register of Interest form contains many more questions than are prescribed in the legislation. The Committee will be aware that regulations under the Localism Act (The Disclosable Pecuniary Interest Regulations 2012) require Councillors to declare certain prescribed information namely information about their (and that of their spouse/partner) employment, sponsorship, contracts, land, licences, corporate tenancies and securities. There is some evidence that because the form used by Horsham District Councillors and Parish Councillors asked for more information than is required under the legislation then this can cause confusion. The Monitoring Officer is going to review the form and bring back an option for the Committee to consider a simplified form.

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.

Standards Case Summaries

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 (Complaints which have been determined)

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
CES122	Parish	19/02/16	Member of the Public	11/02/16	The Subject Member had resigned from the Council and it was therefore explained to the Complainant that it is not possible to bring a standards complaint against someone who is no longer a Councillor.	6	DMO	No Further Action
CES108	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

CES109	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 Monitoring Officer considered the emails could have been interpreted as being forceful they would not be considered a breach of the Code of Conduct.	55	MO	No Further Action
--------	--------	-------------	-------------------	-------------	---	----	----	-------------------

APPENDIX 3

STANDARDS COMMITTEE WORK PROGRAMME 2015/16

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

No	Activity	Who is responsible	Completion	Notes	Legislative Root
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. To include annual attendance of Chief Executive at Standards Committee meetings and as required.	Localism Act 2011 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. Dedicated training on Local Assessment, Local Determination and Hearings for the Standards Committee, Independent Persons and Parish Representatives. Awareness training of the Code of Conduct for Members and Management Team of HDC to form a part of Member Development Programme. Use of on-line resources, DVDs etc. as training aide. Attendance at external training events as required. Ethical Governance training arranged for 10 March 2016.	Localism Act 2011 HDC Corporate Learning and Development Plan

No	Activity	Who is responsible	Completion	Notes	Legislative Root
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. 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. Provide access to reports for all HDC members through Members Bulletin on website. 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. To assist with learning lessons and improving performance following complaints made to the Local Government Ombudsman about the Council. To feed this information into the Performance Management Working Group report on Complaints, Compliments and Suggestions.	Local Government Act 2000 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

This page is intentionally left blank