



Email: committeeservices@horsham.gov.uk
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Standards Committee

Wednesday, 8th June, 2016 at 10.00 am
Pevensey & Rye, Parkside, Chartway, Horsham

Councillors:

David Coldwell
Brian Donnelly
Ian Howard
Mike Morgan

Christian Mitchell
Godfrey Newman
Tricia Youtan

Co-opted advisory members

John Donaldson
Mary Jagger
Kieran Diamond
Val Court

Independent Person
Independent Person
Parish Council Representative
Parish Council Representative

You are summoned to the meeting to transact the following business

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	1 - 4
To approve as correct the minutes of the meeting held on 16 th March 2016	
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	
8. Minutes of the Local Assessment Sub-Committee	5 - 10
To receive the minutes of the meeting of the Local Assessment Sub-Committee held on 16th March 2016	
To consider the following reports of the Monitoring Officer	
9. Review of the Register of Members' Interests Form	11 - 24

10. **The Ethical Framework Update**

25 - 36

11. **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**16th March 2016**

Present: Councillors: David Coldwell (Vice-Chairman), Brian Donnelly,
Mike Morgan, Godfrey Newman, Tricia Youtan

Advisory members

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

Apologies: Councillors: Ian Howard (Chairman), Brian O'Connell,
Parish Council Representatives: Kieran Diamond

Also Present: Councillor: Peter Burgess, Christian Mitchell

SC/20 **MINUTES**

The minutes of the meeting of the Committee held on 2nd December 2015 were approved as a correct record and signed by the Chairman.

SC/21 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/22 **ANNOUNCEMENTS**

There were no announcements

SC/23 **EVALUATION 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. At the meeting in December the Committee had agreed that the review should be carried out by the Monitoring Officer and his staff, with contributions from Members of the Committee.

The review had looked 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.

Members considered the outcome of the review and were satisfied that the current Standards Regime functioned well and no material changes were required.

SC/23 Evaluation of the Effectiveness of Changes to the Standards (and associated) Function (Cont.)

RESOLVED

That the outcome of the review of the Standards function be noted.

REASON

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.

SC/24 **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.

- Training and awareness: As part of the ongoing Induction Programme for Members, Ethical Governance training had taken place on 10th March. Members expressed disappointment at the low attendance rate at training sessions and discussed the need to encourage more Councillors to attend. It was noted that whilst it was good practice to attend training, in particular for Safeguarding and Ethical Governance, there was no legal requirement to do so.

The Monitoring Officer had arranged for Parish Councillors and Clerks to attend similar Ethical Governance training on 21st April at Parkside. Further training sessions for Parish Councillors and Clerks would be offered in a location outside Horsham to encourage those from around the District to attend. The role of Parish Clerks in supporting their Councillors was discussed, and the Monitoring Officer would raise the need for training with Clerks next month. It was noted that SLCC (Society of Local Council Clerks) training was available to Parish Clerks.

- Local assessment, other action, investigations and determinations: The Monitoring Officer advised that there had been a sharp rise in the number of complaints against Parish Councillors. Several of the cases were interrelated and the increase was considered to be an anomalous situation.
- Register of Interests: Members discussed the current Register of Interest form, which the Monitoring Officer was to review.

SC/24 Ethical Framework Update (Cont.)

It was agreed that the Monitoring Officer would produce two draft forms for the Standards Committee to consider at their next meeting: one version would be simplified and shortened; the other would be more comprehensive.

- Work Programme update: The list was noted.

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.

The meeting finished at 10.47am having commenced at 10.00am.

CHAIRMAN

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STANDARDS COMMITTEE
LOCAL ASSESSMENT SUB-COMMITTEE
16 MARCH 2016

Present: Councillors: David Coldwell, Brian Donnelly, Mike Morgan

LA/1 **ELECTION OF CHAIRMAN**

RESOLVED

That David Coldwell be appointed Chairman of the Sub-Committee for the purposes of this meeting.

LA/2 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

LA/3 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That under Section 100A of the Local Government Act 1972 as amended the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972 by virtue of the paragraph specified against the items and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

LA/4 **TO CONDUCT AN ASSESSMENT UNDER THE LOCALISM ACT 2011 CHAPTER 7 AND THE 'ARRANGEMENTS' WHICH THE COUNCIL HAS PUT IN PLACE FOR THE ASSESSMENT OF SUCH COMPLAINTS UNDER S 28(6) OF THE ACT IN RELATION TO THE ALLEGED CONDUCT OF A PARISH COUNCILLOR (CASE REFERENCE CES 116)**

The Local Assessment Sub-Committee assessed a complaint that a Parish Councillor had failed to comply with the Council's Code of Members' Conduct ("the Code"). The Parish Councillor was also a Horsham District Councillor.

On 11 December 2015 an allegation against the Councillor had been submitted under section 28 (6) Localism Act 2011. The Complainant did not specify which paragraphs of the Code had been breached, but on the basis of the allegation the sub-committee considered that the Councillor was alleged to have breached:

LA/4 To Conduct an Assessment under the Localism Act 2011 Chapter 7 and the 'Arrangements' which the Council has put in place for the Assessment of such complaints under S 28(6) of the Act in relation to the alleged conduct of a Parish Councillor (Case Reference CES 116) (Cont.)

Paragraph 5: 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.'

Paragraph 3(1) 'You must treat others with respect.'

Paragraph 3(2)(b) 'You must not – bully any person'.

Members of the sub-committee considered the view of the Parish Representative and of the Independent Person appointed by the Council under the Localism Act 28(7), and considered the advice of the Monitoring Officer.

Members considered that the subject matter of the allegation was within the jurisdiction of the Local Assessment Sub-Committee, and therefore considered whether the allegation appeared to disclose a failure by the subject Member to comply with the Code.

The sub-committee agreed that no further action should be taken on the allegation because the allegation did not appear to disclose a failure to comply with Paragraph 5 or Paragraph 3(2)(b) of the Code. The sub-committee concluded that the subject Member had 'failed to treat others with respect' (Paragraph 3(1) of the Code) but determined that no further action should be taken because the subject Member had apologised.

RESOLVED

In accordance with Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council to deal with Code of Conduct complaints regarding Councillors, the Local Assessment Sub-Committee decided that no action should be taken on the allegation.

REASON

- (i) The sub-committee considered the information supplied by the Complainant.
- (ii) The sub-committee considered the opinions of the Independent Person and Parish Representative.
- (iii) The sub-committee concluded that the circumstances as described did not amount to bullying and did not bring the subject Member's office

LA/4 To Conduct an Assessment under the Localism Act 2011 Chapter 7 and the 'Arrangements' which the Council has put in place for the Assessment of such complaints under S 28(6) of the Act in relation to the alleged conduct of a Parish Councillor (Case Reference CES 116) (Cont.)

or that of the Council into disrepute as there was no personal gain for the subject Member as a result of the incident.

- (iv) The sub-committee considered that the subject Member had not treated others with respect and would have recommended that the subject Member apologise, however having been informed that an apology had already been made the sub-committee considered it was not appropriate for any further action to be taken.
- (v) The action directed is a proportionate response to the allegations.

LA/5 **TO CONDUCT AN ASSESSMENT UNDER THE LOCALISM ACT 2011 CHAPTER 7 AND THE 'ARRANGEMENTS' WHICH THE COUNCIL HAS PUT IN PLACE FOR THE ASSESSMENT OF SUCH COMPLAINTS UNDER S 28(6) OF THE ACT IN RELATION TO THE ALLEGED CONDUCT OF A PARISH COUNCILLOR (CASE REFERENCE CES 117)**

The Local Assessment Sub-Committee assessed a complaint that a Parish Councillor had failed to comply with the Council's Code of Members' Conduct ("the Code").

On 5 January 2016 an allegation against the Councillor had been received under section 28 (6) Localism Act 2011. It was alleged that the Councillor was in breach of the following paragraph of the Code:

3(1) 'You must treat others with respect';

5: 'You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute'; and

9,10 and 11 regarding the declaration of a prejudicial interest in a matter of Council business.

Members of the sub-committee considered the view of the Parish Representative and of the Independent Person appointed by the Council under the Localism Act 28(7), and considered the advice of the Monitoring Officer.

Members considered that the subject matter of the allegation was within the jurisdiction of the Local Assessment Sub-Committee, and therefore considered whether the allegation appeared to disclose a failure by the subject Member to comply with the Code.

LA/5 To Conduct an Assessment under the Localism Act 2011 Chapter 7 and the 'Arrangements' which the Council has put in place for the Assessment of such complaints under S 28(6) of the Act in relation to the alleged conduct of a Parish Councillor (Case Reference CES 117) (Cont.)

The sub-committee considered that the circumstances as described did not amount to a breach of the Code and no further action should be taken.

RESOLVED

In accordance with Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council to deal with Code of Conduct complaints regarding Councillors, the Local Assessment Sub-Committee decided that no action should be taken on the allegation.

REASON

- (i) The sub-committee considered the information supplied by the Complainant and the subject Member's response.
- (ii) The sub-committee considered the opinions of the Independent Person and Parish Representative.
- (iii) The sub-committee concluded that the circumstances as described did not amount to a failure to treat the Complainant with respect.
- (iv) Whilst the subject Member appeared not to have been truthful in a statement, this had been corrected in a subsequent statement by the subject Member.
- (v) The sub-committee concluded that the subject Member did not bring their office or that of the Council into disrepute as there was no personal gain for the Councillor as a result of the incident.
- (vi) The subject Member had not declared a prejudicial interest at a meeting but as they had withdrawn from the meeting before the relevant item of business was transacted, the sub-committee considered that the subject Member had not breached the Code in this respect.
- (vii) The action directed is a proportionate response to the allegations.

LA/6

**TO CONDUCT AN ASSESSMENT UNDER THE LOCALISM ACT 2011
CHAPTER 7 AND THE 'ARRANGEMENTS' WHICH THE COUNCIL HAS
PUT IN PLACE FOR THE ASSESSMENT OF SUCH COMPLAINTS
UNDER S 28(6) OF THE ACT IN RELATION TO THE ALLEGED
CONDUCT OF A PARISH COUNCILLOR (CASE REFERENCE CES 118)**

The Local Assessment Sub-Committee assessed a complaint that a Parish Councillor had failed to comply with the Council's Code of Members' Conduct ("the Code"). The Parish Councillor was also a Horsham District Councillor.

On 28 January 2016 an allegation against the Councillor had been received under section 28 (6) Localism Act 2011. It was alleged that the Councillor was in breach of the following paragraphs of the Code:

3(1): 'You must treat others with respect.'

3(2)(b): 'You must not – bully any person.'

4(b): 'You must not prevent another person from gaining access to information to which that person is entitled by law.'

Allegation regarding a conflict of interest and an undeclared prejudicial interest in a matter of Council business.

Members of the sub-committee considered the view of the Parish Representative and of the Independent Person appointed by the Council under the Localism Act 28(7), and considered the advice of the Monitoring Officer.

Members considered that the subject matter of the allegation was within the jurisdiction of the Local Assessment Sub-Committee, and therefore considered whether the allegation appeared to disclose a failure by the subject Member to comply with the Code.

The sub-committee considered that the circumstances as described did not amount to a breach of the Code and no further action should be taken.

RESOLVED

In accordance with Chapter 7 of the Localism Act 2011 and the Arrangements adopted by the District Council to deal with Code of Conduct complaints regarding Councillors, the Local Assessment Sub-Committee decided that no action should be taken on the allegation.

REASON

- (i) The sub-committee considered the information supplied by the Complainant and the subject Member's response.

LA/6 To Conduct an Assessment under the Localism Act 2011 Chapter 7 and the 'Arrangements' which the Council has put in place for the Assessment of such complaints under S 28(6) of the Act in relation to the alleged conduct of a Parish Councillor (Case Reference CES 118) (Cont.)

- (ii) The sub-committee considered the opinions of the Independent Person and Parish Representative.
- (iii) The sub-committee concluded that the circumstances as described did not amount to a failure to treat others with respect.
- (iv) The sub-committee concluded that there was no evidence to show that the subject Member had withheld information from the Complainant in such a way as to amount to any breach of the Code of Members' Conduct.
- (v) With regards to an alleged conflict of interest, the sub-committee considered that there was no evidence to show that any relevant information had been omitted from council business minutes.
- (vi) The sub-committee found no evidence of any conflict of interest, pre-determination, impartiality of prejudicial interest as alleged.
- (vii) The sub-committee found no evidence of bullying by the subject Member against the Complainant.
- (viii) The action directed is a proportionate response to the allegations.

The meeting finished at 12.35pm having commenced at 11.00am.

Report to Standards Committee

8 June 2016

By the Monitoring Officer

For Decision

Not exempt



**Horsham
District
Council**

Register of Interest Form

Executive Summary

Section 29 of the Localism Act 2011 requires the Monitoring Officer to maintain a Register of Interests of Members. This report requests Members to consider alternative forms to be used to send to Members to collect information for the Register of Interests. The alternatives are the current form or an alternative form which collects the minimum of information as required by the Localism Act 2011.

Recommendations

The Committee is recommended:

- (i) To consider the alternative Register of Interest Forms.

Reasons for Recommendations

- (i) To ensure that the appropriate information is collected from Members to maintain the Register of Members Interests.

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 for the Committee to consider the format of the Register of Interest Form that Members need to complete.

Background

- 1.2 Section 29 of the Localism Act 2011 requires the Monitoring Officer to maintain a Register of Interests of Members. As such upon election Members are required to complete a Register of Interest Form detailing their interests. The completed form then becomes the register entry for that Member.
- 1.3 Following the implementation of the new Standards arrangements at Horsham under the Localism Act 2011 the format of the Register of Interest Form provided for both Disclosable Pecuniary Interests in accordance with the Localism Act 2011 and also those categories of interest that had arisen under the previous Standards regime.
- 1.4 At the March 2016 Standards Committee the Monitoring Officer highlighted that the Register of Interest Form collected more information than was necessary to strictly comply with the requirements of the Localism Act 2011. The Committee asked the Monitoring Officer to design an alternative form for consideration by the Committee.

2 Statutory and Policy Background

Statutory background

- 2.1 Section 29 of the Localism Act 2011 requires the Monitoring Officer to maintain a Register of Interests of Members

Relevant Council policy

- 2.2 The Council's policy is set out in its Constitution and through the activities of this Committee and Council.

3 Details

Consideration of Register of Interest Forms

- 3.1 The alternative forms are set out at appendix 2 and appendix 3.
- 3.2 Appendix 2 contains the current detailed form. The form collects more information than is strictly required under the Localism Act 2011 as it includes those categories of information that were relevant under the pre-Localism 'standards regime'. There has been one standards complaint alleging that a Member did not complete a particular question on the form. The question that was not completed was in one of the pre-Localism categories and was not actually required under the new

arrangements under the Localism Act. Indeed this complaint has helped to prompt this review of the forms.

- 3.3 Appendix 3 contains a much reduced form that requests only information relating to Disclosable Pecuniary Interests as required under the Localism Act 2011.

4 Next Steps

- 4.1 The Committee is asked to consider the alternative forms and recommend the form to be used for collecting Register of Interest information.

5 Outcome of Consultations

- 5.1 The Senior Leadership Team are consulted on reports.

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 There are no specific staffing consequences flowing from this report.

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>



Horsham
District
Council

Localism Act 2011, s. 29(5)(b), s. 29(6)(b)

REGISTER OF MEMBERS' INTERESTS

Member's Full Name:

Date of Election / Co-option:

Member's Declaration

- I understand that the information sought in the Schedule is required under section 29 of the Localism Act 2011 and the Council's Code of Members' Conduct
- I declare that the information given in the Schedule is complete and correct
- I agree to give notice of any Disclosable Pecuniary Interestⁱ disclosed at a meeting (which is not already on the register or the subject of a pending notification) before the end of 28 days beginning with the date of the disclosure at the meeting
- I agree to give details of any changes to the information in this Schedule before the end of 28 days beginning with the date when I became aware of the change (including any change in relation to a sensitive interest)
- I acknowledge that a failure to declare relevant information may be a breach of the Council's Code of Members' Conduct and could also be a criminal offence
- I acknowledge that the information will be available for inspection at all reasonable hours and will be posted on the Council's website.

Signed

Dated

Please return this form in hard copy to: Monitoring Officer, Horsham District Council, Parkside, Chart Way, Horsham, West Sussex, RH12 1XH.

If you have any questions about this form, please contact Paul Cummins, Monitoring Officer, on 5435; Nathalie Sabatelli, Legal Assistant (Monitoring/Standards), on 5478; or email standards@horsham.gov.uk.

Please note in relation to questions A and C to G you are required to provide details about both your interests and those of your partnerⁱⁱ, where you are aware your partner has the interest. There is no requirement to identify your partner or differentiate between your own interests from your partner's interests.

Part A: Employment

Do you or your partner undertake any employment, trade, profession or vocation for profit or gain? If yes, please provide details. If no please go to Part B.

Part B: Sponsorship

Have you received any payment or provision of any other financial benefit (other than from Horsham District Council) made or provided within the last 12 monthsⁱⁱⁱ in respect of any expenses incurred by the Councillor in carrying out duties as a member, or towards the Councillor's election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. If yes, please provide details. If no please go to Part C.

Part C: Contracts

Have you or your partner (or a body^{iv} in which either of you have a beneficial interest) ever entered into any contract with Horsham District Council
(a) under which goods or services are to be provided or works are to be executed;
and
(b) which has not been fully discharged?

If yes, please give details (e.g. (date of contract(s))(description of goods, services or works)(value of contract(s)). If no please go to Part D.

Part D: Land

Do you or your partner have any beneficial interest in land^v (including your home) which is within the area of Horsham District Council? If yes, please give details. If no please go to Part E.

Part E: Licences

Do you or your partner (either alone or jointly with others) have any licence to occupy land in the area of Horsham District Council for a month or longer? If yes, please give details. If no please go to Part F.

Part F: Corporate Tenancies

Do you or your partner have any tenancy where to your knowledge

(a) the landlord is Horsham District Council; and
(b) the tenant is a body in which you or your partner have a beneficial interest?
If yes, please give details. If no please go to Part G.

Part G: Securities

Do you or your partner have any beneficial interest in securities^{vi} of a body where –

(a) That body has a place of business or land in the area of Horsham District Council and

(b) Either—

(i) The total nominal value of the securities exceeds £25,000 (face value) or one hundredth (1/100th) of the total issued share capital of that body; or

(ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If yes please give details below (*e.g. name of person or body*). If no please go to part H.

Part H: Membership / Representation of other organisations

H1 Are you the Council's appointee or nominee on an outside body? If yes, what is the name of the outside body? If no please go to H2.

H2 Are you a member of, or in a position of control or management of any organisation (other than the Council) exercising functions of a public nature? If yes, what is the name of the body and what is your position? If no please go to H3.

H3 Are you a member of, or in a position of control or management of organisation directed to charitable purposes? If yes, what is the name of the organisation and what is your position? If no please go to H4.

H4 Are you a member of, or in a position of control or management of any organisation (including any political party) whose principal purposes include the influence of public opinion or policy? If yes, what is the name of the organisation and what is your position? If no please go to H5.

H5 Are you a member of, or in a position of control or management of trade union? If yes, what is the name of the trade union and what is your position? If no please go to H6.

H6 Are you a member of, or in a position of control or management a professional association? If yes, what is the name of the association and what is your position? If no please read paragraph below on how to declare any gifts/hospitality you have received.

Gifts and hospitality

Have you received a gift or hospitality with an estimated value of at least £50 from any person whose interests may be affected by any business of the Council? If yes, please complete the Members' Notification of Receipt of Gift or Hospitality form.

Sensitive Information^{vii}

Where you consider that the information relating to any of your interests is "Sensitive Information" and your authority's Monitoring Officer agrees you need not include that information when registering that interest, or as the case may be, a change to that interest.

You must within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer Sensitive Information notify your authority's Monitoring Officer asking that the information be included in your Register of Members' Interests.

General guidance

This form gives general guidance but is not comprehensive. The Council's Code of Conduct gives precise requirements. The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 SI2012/1464 and any further regulations issued under the Localism Act should be referred to where necessary.

Explanatory Notes

ⁱ 'Disclosable Pecuniary Interest' is defined in SI 2012/1464 and includes matters set out in questions A and C to G inclusive of this schedule.

ⁱⁱ "Your partner" means (a) your spouse or civil partner; (b) a person with whom you are

living as husband or wife; (c) with whom you are living as if you were civil partners.

iii “12 months” means the period of 12 months ending with the day on which you give a notification for the purposes of the Localism Act 2011 sections 30(1) or 31(7).

iv “Body” means a firm in which either of you is a partner or a body corporate of which either of you is a director or in the securities of which either of you has a beneficial interest. “Director” includes a member of the committee of management of an industrial and provident society.

v “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

vi “Securities” means shares, debenture stock, loan stock, bond units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

vii “Sensitive Information” means information whose availability for inspection by the public could lead to you or a person connected with you being subject to violence or intimidation.

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REGISTER OF MEMBERS' INTERESTS

Member's Full Name:

Date of Election / Co-option:

Member's Declaration

- I understand that the information sought in the Schedule is required under section 29 of the Localism Act 2011 and the Council's Code of Members' Conduct
- I declare that the information given in the Schedule is complete and correct
- I agree to give notice of any Disclosable Pecuniary Interestⁱ disclosed at a meeting (which is not already on the register or the subject of a pending notification) before the end of 28 days beginning with the date of the disclosure at the meeting
- I agree to give details of any changes to the information in this Schedule before the end of 28 days beginning with the date when I became aware of the change (including any change in relation to a sensitive interest)
- I acknowledge that a failure to declare relevant information may be a breach of the Council's Code of Members' Conduct and could also be a criminal offence
- I acknowledge that the information will be available for inspection at all reasonable hours and will be posted on the Council's website.

Signed

Dated

Please return this form in hard copy to: Monitoring Officer, Horsham District Council, Parkside, Chart Way, Horsham, West Sussex, RH12 1XH.

If you have any questions about this form, please contact Paul Cummins, Monitoring Officer, on 5435 or email standards@horsham.gov.uk.

Please note in relation to questions A and C to G you are required to provide details about both your interests and those of your partnerⁱⁱ, where you are aware your partner has the interest. There is no requirement to identify your partner or differentiate between your own interests from your partner's interests.

Part A: Employment

Do you or your partner undertake any employment, trade, profession or vocation for profit or gain? If yes, please provide details. If no please go to Part B.

Part B: Sponsorship

Have you received any payment or provision of any other financial benefit (other than from Horsham District Council) made or provided within the last 12 monthsⁱⁱⁱ in respect of any expenses incurred by the Councillor in carrying out duties as a member, or towards the Councillor's election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. If yes, please provide details. If no please go to Part C.

Part C: Contracts

Have you or your partner (or a body^{iv} in which either of you have a beneficial interest) ever entered into any contract with Horsham District Council

(a) under which goods or services are to be provided or works are to be executed;
and

(b) which has not been fully discharged?

If yes, please give details (e.g. (date of contract(s))(description of goods, services or works)(value of contract(s)). If no please go to Part D.

Part D: Land

Do you or your partner have any beneficial interest in land^v (including your home) which is within the area of Horsham District Council? If yes, please give details. If no please go to Part E.

Part E: Licences

Do you or your partner (either alone or jointly with others) have any licence to occupy land in the area of Horsham District Council for a month or longer? If yes, please give details. If no please go to Part F.

Part F: Corporate Tenancies

Do you or your partner have any tenancy where to your knowledge

(a) the landlord is Horsham District Council; and

(b) the tenant is a body in which you or your partner have a beneficial interest?

If yes, please give details. If no please go to Part G.

Part G: Securities

Do you or your partner have any beneficial interest in securities^{vi} of a body where –

(a) That body has a place of business or land in the area of Horsham District Council and

(b) Either—

(i) The total nominal value of the securities exceeds £25,000 (face value) or one hundredth (1/100th) of the total issued share capital of that body; or

(ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If yes please give details below (*e.g. name of person or body*).

Gifts and hospitality

Have you received a gift or hospitality with an estimated value of at least £50 from any person whose interests may be affected by any business of the Council? If yes, please complete the Members' Notification of Receipt of Gift or Hospitality form.

Sensitive Information^{vii}

Where you consider that the information relating to any of your interests is "Sensitive Information" and your authority's Monitoring Officer agrees you need not include that information when registering that interest, or as the case may be, a change to that interest.

You must within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer Sensitive Information notify your authority's Monitoring Officer asking that the information be included in your Register of Members' Interests.



Report to Standards Committee

8 June 2016

By the Monitoring Officer

INFORMATION REPORT

Not exempt



**Horsham
District
Council**

Ethical Framework Update: June 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 March 2016.

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 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 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 was held on Thursday 10 March on the subject of Ethical Governance. The same training session was held again on 21 April 2016 this time for Parish Clerks. Arrangements are currently being made to hold a further training session for Parish Councillors in Steyning.
- 3.3 Arrangements will be made for Complaint Assessment Training with new Members of the Standards Committee and any long standing Members of the standards Committee who would like a refresh.

Local assessment, other action, investigations and determinations

- 3.4 Attached as Appendix 2 is the schedule of all assessment, other action, investigation and determination decisions since September 2015.
- 3.5 The last six months has seen a large increase in complaints. In order to keep better track of complaints Officers have reviewed internal procedures and have introduced a central spreadsheet to update on progress.

Register of Interests

- 3.6 It was discussed at the last Standards Committee that the Council's Register of Interest form contains many more questions than are prescribed in the legislation. A separate report will set out an alternative form for consideration by the Committee.

Work Programme update

- 3.7 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 2016-2017. A copy is attached at Appendix 3.

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 are consulted on reports.

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 contrary 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 raised other matters which are not part of the Code of Conduct. The Monitoring Officer noted that there was a high threshold for the paragraph	55	MO	No Further Action

					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.			
CES115 A	District	29/03/16	Parish Councillor	10/10/15	The Complainant alleged that the Subject Member had breached the Code of Conduct by failing to treat the Complainant and others with respect in a speech made at a public meeting.	116	MO	No Breach and No Further Action
CES115 B	District	29/03/16	Parish Councillor	10/10/15	The Complainant alleged that the Subject Member had breached the Code of Conduct by failing to treat the Complainant and others with respect by agreeing with the contents of a speech made by another Councillor and not correcting another Councillor's alleged wrong statement.	116	MO	No Breach and No Further Action
CES116	District	16/03/16	Member of the Public	11/12/15	The Complainant alleged that the Subject Member had failed to treat a number of people with respect in relation to an exchange of words in a bank.	58	LASC	No Further Action
CES117	Parish	16/03/16	Parish Councillor	05/01/16	The Complainant alleged that the Subject Member had failed to treat others with respect, had not declared a prejudicial interest and had brought their office into disrepute contrary to the Code of Conduct.	47	LASC	No Breach and No Further Action
CES118	Parish	16/03/16	Parish Councillor	28/01/16	The Complainant alleged that the Subject Member had failed to treat others with respect, had withheld information and had bullied another person contrary to the Code of Conduct.	30	LASC	No Breach and No Further Action
CES120	Parish		Member of the Public	25/11/15	The Complainant alleged that the Subject	90	DMO	No further

					Member had failed to treat others with respect, had bullied and intimidated another person and had failed to declare a personal and prejudicial interest contrary to the Code of Conduct.			action
CES121	Parish		Member of the Public	11/02/16	The Complainant alleged that the Subject Member had deliberately failed to complete the Register of Members' Interests form correctly	71	DMO	No breach and no further action
CES122	Parish		Member of the Public		Complaint withdrawn	N/A	DMO	No further action
CES123	Parish		Member of the Public	17/02/16	The Complainant alleged that the Subject Member was in breach of the General Principles of Public Life.		LASC	
CES124	Parish		Parish Councillor	17/02/16	The Complainant alleged that the Subject Member was in breach of the Code of Conduct in failing to maintain confidentiality.		LASC	
CES125	Parish		Parish Councillor	24/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	
CES126	Parish		Parish Councillor	24/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	
CES127	Parish		Parish Councillor	22/03/16	The Complainant alleged the Subject Member failed to disclose an interest and intimidated another person in breach of the Code of Conduct.		LASC	
CES128	Parish		Parish Councillor	22/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	
CES129	Parish		Parish Councillor	22/03/16	The Complainant alleged the Subject Member failed to disclose an interest and conferred an improper advantage.		LASC	
CES130	Parish		Parish Councillor	22/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	
CES131	Parish		Parish Councillor	05/04/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	

CES132	Parish		Parish Councillor	05/04/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	
CES133	Parish		Parish Councillor	21/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	
CES134	District		District Councillor	23/05/16	The Complainant alleged that the Subject Member had breached the Code of Conduct by failing to treat the Complainant and others with respect in respect of an email that was sent.			

APPENDIX 3

STANDARDS COMMITTEE WORK PROGRAMME 2016/17

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