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# Standards Committee

**Wednesday, 15th March, 2017 at 10.00 am**  
**Hastings & Knepp, Parkside, Chart Way, Horsham**

<p>Councillors:</p> <p>Tricia Youtan (Chairman)</p> <p>David Coldwell (Vice-Chairman)</p> <p>Brian Donnelly</p> <p>Christian Mitchell</p> <p>Mike Morgan</p> <p><b>Co-opted advisory members</b></p> <p>John Donaldson</p> <p>Mary Jagger</p> <p>Val Court</p> <p>Kieran Diamond</p>	<p>Godfrey Newman</p> <p>Michael Willett</p> <p>Independent Person</p> <p>Independent Person</p> <p>Parish Council Representative</p> <p>Parish Council Representative</p>
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You are summoned to the meeting to transact the following business

Tom Crowley  
Chief Executive

## Agenda

	<b>Page No.</b>
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	3 - 6
To approve as correct the minutes of the meeting held on 30 <sup>th</sup> November 2016	
3. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	
4. <b>Announcements</b>	
To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer	
5. <b>Minutes of the Local Assessment Sub-Committee</b>	7 - 10
To receive the minutes of the meeting of the Local Assessment Sub-Committee held on 30 <sup>th</sup> November 2016	
To consider the following report of the Monitoring Officer:	
6. <b>The Ethical Framework Update</b>	11 - 26
7. <b>Urgent Business</b>	
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	

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**Standards Committee**  
**30 NOVEMBER 2016**

Present: Councillors: Tricia Youtan (Chairman), David Coldwell (Vice-Chairman), Christian Mitchell, Mike Morgan, Godfrey Newman, John Donaldson and Kieran Diamond

Apologies: Councillor Brian Donnelly, and Mary Jagger and Val Court

SC/13 **MINUTES**

The minutes of the meeting of the Committee held on 14<sup>th</sup> September were approved as a correct record and signed by the Chairman.

SC/14 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SC/15 **ANNOUNCEMENTS**

There were no announcements.

SC/16 **THE LOCAL GOVERNMENT OMBUDSMAN UPDATE 2016-2017**

The Customer Services Manager reported on the number and nature of complaints received by the Council that had been made to the Local Government Ombudsman (LGO) in quarters one and two of 2016/17. Only four complaints had been investigated so far, none of which had been upheld (one had been referred back to the Council due to insufficient evidence).

In 2015/16 there had been a total of 18 complaints of which only five had been investigated: three had been upheld, and two not upheld.

Members noted that complaints were managed proactively so that there was engagement with customers, and to ensure that lessons were learned from root causes of complaints. The Customer Services Manager advised that all staff were obliged to attend one of a series of Customer Services training sessions that had been arranged recently.

RESOLVED

That the contents of the report be noted.

## REASONS

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. In addition the Council uses its complaints process to improve services delivery.

### SC/17 **THE 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: The Monitoring Officer had given training on the importance of Ethical Governance and the Code of Conduct to two parish councils, and approximately half the parish councils had now asked for training to be arranged. It was suggested that those parishes close to each other could receive training together. The Monitoring Officer would inform the Parish Representatives and Independent Persons of the training dates to enable them to attend in support if they wished to do so.

Local assessments: Members noted the list of complaints against parish councillors which had been assessed by the Local Assessment Sub-Committee. Only three had been received since the last meeting of the Committee, one of which had been withdrawn. Members were mindful of the spike of complaints received earlier in the year and discussed the financial cost to the council.

The Committee congratulated the Monitoring Officer and Governance Project Manager, who had attended the Lawyers in Local Government Awards in Leeds on 18<sup>th</sup> November, where Horsham District had been runners-up in the Governance Lawyer/Team of the year category.

Members discussed the Standing Orders of a parish council that prohibited spouses from sitting on the same committee. The Monitoring Officer advised he had no authority over the content of Parish Council Standing Orders which was a matter for the Parish Council.

## 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/18 **ANALYSIS OF SANCTIONS BEFORE AND AFTER THE LOCALISM ACT 2011**

The Monitoring Officer advised Members of the sanctions that had been available prior to the Localism Act 2011, and compared these to the sanctions that were currently available under common law. After careful consideration Members concluded no further action was to be taken.

RESOLVED

That no further action be taken.

*The meeting closed at 10.38 am having commenced at 10.00 am*

CHAIRMAN

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**Standards Committee – Local Assessment Sub-Committee**  
**30 NOVEMBER 2016**

Present: Councillors: David Coldwell, Mike Morgan and Tricia Youtan

SC/1 **ELECTION OF CHAIRMAN OF THE SUB-COMMITTEE FOR THE MEETING**

RESOLVED

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

SC/2 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

SC/3 **TO CONSIDER THE FOLLOWING EXEMPT OR CONFIDENTIAL INFORMATION:**

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.

SC/4 **TO CONDUCT AN ASSESSMENT IN RELATION TO THE ALLEGED CONDUCT OF A PARISH COUNCILLOR (CASE REFERENCE CES/137)**

An assessment was conducted 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.

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

On 3<sup>rd</sup> October 2016 an allegation against the Councillor had been received under section 28 (6) Localism Act 2011, and on 25<sup>th</sup> October the Complainant submitted an additional allegation. The Complainant alleged that the Subject Member had:

- 1) breached paragraph 3(2) of the Code (intimidation of the Complainant);
- 2) breached paragraph 4(2) (a) of the Code (duty to maintain confidentiality);
- 3) acted fraudulently in alleging that the Complainant's emails were sent from his SCP email address when they were sent from his private email address;
- 4) breached paragraph 2 (integrity) and paragraph 6 (honesty) of the principles of public life included in the Code.

Members of the sub-committee considered the view of the Parish Representative and of the Independent Person appointed by the Council, and considered the advice of the Monitoring Officer. They also considered the Subject Member's response to the above allegations.

The sub-committee agreed that no further action should be taken on the allegation because the sub-committee found that on the information supplied, there was no basis on which to find any breach of the Code.

#### **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**

The Sub-Committee considered that on the basis of the information provided:

- (i) There was no breach of duty to maintain confidentiality under paragraph 4 of the Parish Council's Code of Conduct. There was no factual basis on which the sub-committee was able to establish that the Subject Member had breached this duty.
- (ii) There was no breach of paragraph 3(2) of Parish Council's Code of Conduct (intimidation of the Complainant). There was no basis on which the Committee was able to establish that the subject Member had breached this duty.
- (iii) The sub-committee found that there was no basis on which they could find that the Subject Member had acted fraudulently. The committing of a criminal offence is in itself outside the jurisdiction of the sub-committee.
- (iv) The principles of honesty and integrity forming part of the seven principles of public life comprised in the Parish Council's Code of Conduct may not in themselves be relied on as being separate components of a complaint.



*The meeting closed at 11.20 am having commenced at 10.50 am*

CHAIRMAN

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## Report to Standards Committee

15 March 2017

By the Monitoring Officer

### INFORMATION REPORT



**Horsham  
District  
Council**

Not Exempt

## Ethical Framework Update: March 2017

### 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 and Background**

- 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 November 2016.
- 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](http://www.lgo.org.uk)

### **2 Relevant Council and Government policy**

- 2.1 The statutory background can be found in the Localism Act 2011, Part 1 Chapters 6 and Chapter 7 and the Regulations made under that Act. The relevant Government policies, with regard to the ethical framework are contained in Department for Communities and Local Government Guidance 'Openness and Transparency on Personal Interests: A Guide for Councillors' and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
- 2.2 The Council's policy is set out in its Constitution and through the activities of this Committee and Council.

### **3 Details**

#### **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 The Monitoring Officer has prepared some training slides to undertake Ethical Governance and Code of Conduct. Since the last Standards Committee the Monitoring Officer has attended and given training sessions at Colgate Parish Council (with the Deputy Monitoring Officer) and Ashington Parish Council. Unfortunately training sessions with other Parish Councils have had to be rearranged where the date arranged has subsequently clashed with a Committee meeting at Horsham District Council and in January a training session was cancelled due to adverse weather conditions. Further training sessions with other parishes have now been arranged in March, April and June.

## **Local assessment, other action, investigations and determinations**

- 3.3 Attached as Appendix 1 is the schedule of all assessment, other action, investigation and determination decisions since September 2015.

### **Case Reports**

- 3.4 The case of Taylor v Honiton Town Council has been widely reported in the Legal and Local Government press. A case report is attached at Appendix 2.

### **Work Programme update**

- 3.5 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.

## **3 Next Steps**

- 4.1 The Committee is asked to note the matters contained in this 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 The delegation to the Monitoring Officer of the initial assessment of complaints does represent a reduction in cost of this part of the process.

## **8 Other Considerations**

- 8.1 There is a positive obligation on the Council under the Human Rights Act 1998 to have regard for human rights. The Convention rights are scheduled in the Act. The creation of the right climate for decision-making and adequate probity measures will ensure that human rights are regarded and in some cases enhanced.

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.

## **APPENDICES TO REPORT**

Appendix 1 – Local Assessment Schedule

Appendix 2 – Case report Taylor v Honiton Town Council

Appendix 3 - Work Programme Update

## Appendix 1 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
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 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
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

Appendix 1 Local Assessment schedule (Continued)

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 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.	90	DMO	No further 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



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
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	No Breach but training required
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	Breach, Training required
CES125	Parish		Parish Councillor	24/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	Breach, Training required
CES126	Parish		Parish Councillor	24/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	Breach, Training required
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	Breach, Training required
CES128	Parish		Parish Councillor	22/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	Breach, Training required
CES129	Parish		Parish Councillor	22/03/16	The Complainant alleged the Subject Member failed to disclose an interest and conferred an improper advantage.		LASC	Breach, Training required

CES130	Parish		Parish Councillor	22/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	Breach, Training required
CES131	Parish		Parish Councillor	05/04/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	Breach, Training required
CES132	Parish		Parish Councillor	05/04/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	Breach, Training required
CES133	Parish		Parish Councillor	21/03/16	The Complainant alleged the Subject Member failed to disclose an interest.		LASC	Breach, Training required
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. <b>Complaint withdrawn</b>		N/A	Complaint Withdrawn
CES135	Parish		Parish Councillor	24/08/16	The Complainant alleged that the Subject Member had used abusive language in emails regarding Parish Council business. <b>Complaint withdrawn</b>		N/A	Complaint withdrawn
CES137	Parish		Parish Councillor	3/10/16	The Complainant alleged that the Subject Member tried to deceive Monitoring Officer and wasted officer time		LASC 30/11/16	No breach
CES138	Parish		Member of Public	15/10/16	Failure to declare an interest at a public meeting. Under investigation.		DMO	

## Appendix 2

### High Court backs approach taken by district council in standards case



Thursday, 29 December 2016 15:00

A decision taken by East Devon District Council as principal authority over a code of conduct breach by a town councillor and the sanctions it recommended – including a requirement for training – was lawful, a High Court judge has ruled.

However, in *Taylor v Honiton Town Council & Anor* [2016] EWHC 3307 Mr Justice Edis quashed additional sanctions imposed by Honiton on the claimant, Cllr John Taylor, over and above those recommended by the district.

The case arose after Cllr Taylor, a member of the town council since 2007, became concerned about the funding of a major project in Honiton, the building of the 'Beehive Community Centre'.

The councillor published a letter in January 2015 about the town council's extension of borrowing from the Public Works Loan Board (PWLB) by £98,000 to cover a shortfall. It included an allegation of impropriety and a request for a police investigation.

Honiton's town clerk complained that she had been slandered in the letter, details of which had appeared in a local paper, and her professional reputation had been affected.

Attempts by East Devon's monitoring officer to resolve the complaint informally were unsuccessful as Cllr Taylor refused to make an unreserved apology. East Devon therefore asked Tim Darsley to investigate.

Mr Darsley concluded on the facts that statements made by the councillor had been inaccurate and given a misleading account of what the town clerk had said at the meeting about the PWLB loan extension. His findings also included that there was no evidence that the loan application was in any way illegal and was used for an improper purpose.

In his report Mr Darsley also found that Cllr Taylor had publicly made claims of illegality and impropriety associated with the town clerk and that, in the absence of any reasonable justification for his claims, this constituted a failure to treat her with respect.

The standards hearings sub-committee at East Devon subsequently found Cllr Taylor to have breached a paragraph of the code of conduct because he had not treated the town clerk with respect in that he had publicly accused her of criminal behaviour, namely conspiracy to obtain a loan by deception in that its true purpose was misstated on the application.

On advice from its officers, the sub-committee recommended that the town council:

censure Cllr Taylor for his breach of the code of conduct;

publish the findings of the hearing sub-committee. (East Devon would anyway publish the findings on its own website as a matter of procedure).

instruct East Devon's monitoring officer to arrange training for Cllr Taylor in respect of the code of conduct and councillor conduct – such training by the end of the current financial year ("the training requirement").

Honiton went on to impose the sanctions recommended by East Devon and also applied a new policy on code of conduct sanctions it had adopted in October 2015.

These additional measures – to remain in place until Cllr Taylor had complied with the training requirement – involved:

- (i) A restriction preventing the claimant/Cllr Taylor from speaking at any meeting including the council meeting.
- (ii) The removal of Cllr Taylor from the five committees and working groups on which he served.
- (iii) A restriction preventing him from attending any meeting as a member of the public together with a restriction from speaking as a member of the public at any meeting.
- (iv) A restriction preventing Cllr Taylor from attending at the council offices unless accompanied by the mayor of the council.

Cllr Taylor brought judicial review proceedings on the following grounds: illegality; the sanctions not being imposed on a proper basis in the light of East Devon's conclusions on the investigation; and the hearing before the standards sub-committee being procedurally unfair. Honiton subsequently withdrew all sanctions imposed on Cllr Taylor but said it would consider the issue of sanctions again after any fresh decision by East Devon, and/or the outcome of the judicial review proceedings against the district.

In the end the proceedings were issued against the town council. (East Devon becoming an interested party because it wanted to establish that imposing a requirement for training on Cllr Taylor was lawful)

Honiton expressed the hope that the claim would be withdrawn because, amongst other things, it agreed that its decision of 14 December 2015 should be treated as never having been made. It also agreed that it would not seek to re-impose all of the sanctions that were imposed.

Mr Justice Edis decided, given Honiton's approach, he would address two questions:

1. whether Honiton was bound by the findings of East Devon as to the facts and as to whether there was a breach of the code. "This is because the Decision actually involves two stages: breach and sanction. Honiton has certainly withdrawn the second, but says that it is still bound by the first. The point is not academic to the Decision and to the order which should be made. Whatever the outcome of this issue, I will quash the Decision. This does not mean that the route to that result is irrelevant. If the claimant is right I will quash the finding that there was a breach of the Code because no such finding was made by Honiton which wrongly simply adopted East Devon's decision. If Honiton and East Devon are right I will quash the Decision because Honiton has conceded that it wrongly included sanctions which are beyond its powers."
2. whether there was a power to impose a training requirement.

Mr Justice Edis decided that the effect of provisions in the Localism Act 2011 was to place the duty of investigation and decision of allegations against members of Honiton on East Devon as principal authority.

"The arrangements for decision making must involve independent persons and it would frustrate that important safeguard to hold that a parish council had a duty to reconsider the principal authority's decision and substitute its own if it chose to do so," he said.

The judge noted that in this case East Devon had decided the issue of breach but made recommendations to Honiton about what action it should take consequent on that finding. Honiton then took the decision on sanctions.

"The challenge in these proceedings is based on the proposition that East Devon's role was limited to that of investigator and adviser on both questions and contends that Honiton was the ultimate decision maker on both issues. This appears to me to be clearly wrong....," Mr Justice Edis said.

"A natural reading of the Act gives decision making power to the principal authority and requires it to have arrangements for the exercise of that power in place. It would make a nonsense of that scheme if the parish council were able to take its own decision without having any of those arrangements in place."

The judge added: "The whole point of the scheme is to remove decision making powers and duties from very small authorities which do not have the resources to manage them effectively and who may be so small that any real independence is unattainable. I therefore reject the challenge."

Mr Justice Edis added that in doing so, he declined to decide that the Act required the splitting of the decisions as between breach and sanction between the two relevant authorities in the way in which this happened in Cllr Taylor's case.

On the imposition of a training requirement, Mr Justice Edis said Honiton was under a statutory duty to maintain high standards of conduct under s.27(1) of the Localism Act 2011 in relation to its members. Section 27(2) required it to have a code of its own or to adopt that of

East Devon.

The judge said: "The existence of a code of conduct is regarded by Parliament as an important aspect of the maintenance of standards. It appears to me to be proportionate to a significant breach of it for a relevant authority to require the person in breach to be trained in its meaning and application.

"There is no point in having a code of conduct if members of the authority are not aware of its meaning and effect and where a member has demonstrated by his conduct that this is the case, a reasonable amount of training appears to be a sensible measure. A local authority should be able to require its members to undertake training which is designed to enable them to fulfil their public functions safely and effectively."

Mr Justice Edis said it had been reasonably open to the decision maker to conclude that there had been a serious breach of the code.

He added: "There is no finding as to the claimant's motives and it may be that he acted in good faith, believing that his statement about the town clerk was justified. However, it was not. He accused her of criminal conduct when there was not the slightest justification for doing so. This was a very serious error of judgement. Therefore, a requirement of training was proportionate."

The judge noted that if such a requirement was made but the member refused to comply, the only sanction was publicity.

"Such conduct may reduce the confidence of the electorate in the member so that he or she is not re-elected. Equally, it may not," he said. "That is a matter for the electorate to decide which it can do only if it has the relevant information. For these reasons I consider that it is open to a relevant authority exercising its power as contemplated by s.28(11) to take action following a failure to comply with a code of conduct to require the member to undertake training. That decision will usually be published and it will be open to the authority to publish what happens as a result of the requirement."

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## 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

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