

Report to Standards Committee

12th September 2018

By the Monitoring Officer

INFORMATION REPORT



**Horsham
District
Council**

Not Exempt

Standards Update: September 2018

Executive Summary

This report is to inform and update Members of the Council about recent developments 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 and investigations

Recommendations

The Committee is recommended to note the matters set out in the report.

Reasons for Recommendations

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework; and
- (ii) To promote and maintain high standards of conduct amongst members.

Background Papers

Localism Act 2011

Wards affected: All

Contact: Sharon Evans
Monitoring Officer
Ext. 5538

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to inform and update Members of the Council on matters of interest relating to ethical standards and the code of conduct.

2 Relevant Council 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 Cornerstone Barristers have offered to facilitate training to members, Parish and District to cover rules around declaring interests and code of conduct. A date is to be set at the end of September / early October.
- 3.2 The Monitoring Officer will continue to advise parish clerks on the subject of disclosable pecuniary interests and updating of members' register of interests.
- 3.3 Latest News from the Local Government Lawyer:

The National Association of Local Councils (NALC) reports that parish and town councils overwhelmingly support a single mandatory code of conduct. The NALC survey also found that nearly 70% of local councils would like new powers to impose additional sanctions: "At the moment sanctions used by local councils include apologies and training. However, around 60% of local councils believe these are neither sufficient to punish breaches of the code of conduct or deter future breaches," the association said.

Almost 40% of local councils meanwhile stated that their members had not received any training and 20% reported that most members did not understand the rules around declaring interests. Cllr Sue Baxter, chairman of NALC, said: "NALC does not believe the current ethical standards arrangements are working as well as they could and a review of the regime is something we have long called for. We would like to see stronger sanctions available to local councils, including the power of suspension and disqualification. In light of our research, we are also asking the government to invest £2m towards a national training programme that would see all new councillors undertake training on ethical standards and the code of conduct as part of their induction."

This research comes as the Committee on Standards in Public Life is conducting a review into local government ethical standards, which is due to be reported to the Prime Minister by the end of the year.

Local assessment and investigations

- 3.4 The Localism Act 2011 Codes of Conduct S28 (7) provides that a relevant authority must appoint at least one independent person whose views are to be sought and taken into account before a decision is made on an allegation that the Monitoring Officer has decided to investigate. This means that there is no requirement to consult with an independent person at assessment stage.
- 3.5 The Monitoring Officer has been following this practice in assessing recent complaints. There are currently several guidance documents published on the Council's website with potentially conflicting advice regarding the assessment process. The Monitoring Officer therefore intends to update the published information consolidating it into a single complaints form with guidance in line with the provisions of the Localism Act.

4 Next Steps

- 4.1 The Committee is asked to note the matters contained in this report.

5 Resource Consequences

- 5.1 There are no specific resource consequences flowing from this report.

6 Other Considerations

- 6.1 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 on some cases enhanced.

The current Code of Conduct includes the expectation of the 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 cause your authority to breach any of the equality enactments'.