

## Report to Standards Committee

Date of meeting 16 March 2016  
By the Head of Legal and Democratic Services  
**DECISION REQUIRED**



Not Exempt

### **Evaluation of the effectiveness of changes to the Standards (and associated) function.**

#### **Executive Summary**

Subsequent to the Standards Committee recommendation to Council in May 2014, Council resolved that the Standards Committee conduct a review of the Standards regime after the May 2015 local elections. The Standards Committee of 2 December 2015 received a report presenting options by which the Committee could undertake its review. Four options were presented and the Committee resolved that (i) the Monitoring Officer and his staff undertake the review and report to the Committee, and (ii) that Members of the Committee contribute to the review by submitting their comments to the Monitoring Officer, including responses to the review criteria questions attached as appendix two to the report of 2 December 2015.

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

#### **Recommendations**

That the Committee is recommended:

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

#### **Reasons for Recommendations**

To enable the Standards Committee to note that it has satisfied the Council resolution of May 2014 (CO97 refers) that a review of the Standards regime at Horsham District Council be undertaken after the local elections in May 2015.

#### **Background Papers**

Notes of the Standards Committee Working Group, September 2013 – January 2014  
Standards Committee Report *Review of Standards Regime*, 19 March 2014.  
Full Council Agenda and Minutes, May 2014.  
Standards Committee Report 2 December 2015

**Wards affected:** All wards.

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## **Background Information**

### **1 Introduction and Background**

- 1.1 In March 2014, the Standards Committee proposed changes to the Standards function to promote efficiencies in procedure without causing injustice to either complainants or subject members. Having received the recommendations of the Standards Committee, Full Council in May 2014 resolved four specific changes to the function coupled with recommending that the Standards Committee undertake a further review of the local standards regime within the first year after the election of a new Council in May 2015.
- 1.2 The outcome of that review is now presented to Members.

### **2 Relevant Council policy**

- 2.1 District Plan 2011-15 priority 2 was *Efficiency and Taxation*: Delivering excellent value and high performance. This report is part of redesigning the way we deliver services to increase efficiency and performance through effective business process improvements.

### **3 Details**

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

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

## **4 Next Steps**

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

## **5 Outcome of Consultations**

- 5.1 The operation of the Standards function has been overseen by the Monitoring Officer who has brought feedback from external guidance, interested parties, and those involved in the function, to the attention of the Committee through the course of the work programme for the committee.
- 5.2 A thorough consultative schedule was reported to the Standards Committee of March 2014. Feedback from those consultations shaped the subsequent recommendations to Council.
- 5.3 The Standards Committee chose the method of consultation on the effectiveness of the function on 2 December 2015. The outcome of that consultation informs this report.

## **6 Other Courses of Action Considered but Rejected**

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

## **7 Financial Consequences**

- 7.1 The review of the effectiveness of changes to the Standards and associated functions was met within existing skills and resources and therefore had no financial consequences.

## **8 Legal Consequences**

- 8.1 Part 5A of the Council's constitution provides the Code of Members' Conduct and associated provisions made under made under section 27(2) of the Localism Act 2011 as adopted by Horsham District Council on 1 July 2012. There are no legal matters consequential to this report.

## **9 Staffing Consequences**

- 9.1 Staffing is a matter reserved to the Head of Paid Service. There were no staffing matters consequential to this report.

## **10 Risk Assessment**

- 10.1 Corporate Risk CRR08 as stated on the Corporate Risk Register pertains to the council's decision making process and the council's constitution. Regular assessment of the fitness for purpose of the council's governance arrangements with regard to the Standards function are part of the mitigation of such a risk.



## Appendix 1

### Consequences of the Proposed Action

How will the proposal help to reduce Crime and Disorder?	Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. There are no crime and disorder implications as a result of this report as the report seeks to propose options for a review of the effectiveness of a function. Creating the right climate for decision-making and ensuring adequate probity measures are in place will ensure that the Council's duty to seek to reduce crime and disorder is properly taken into account.
How will the proposal help to promote Human Rights?	There is a positive obligation on the Council under the Human Rights Act 1998 to have regard for human rights. The Convention rights are scheduled in the Act. The creation of the right climate for decision-making and adequate probity measures will ensure that human rights are regarded and in some cases enhanced.
What is the impact of the proposal on Equality and Diversity?	The current code of conduct includes the expectation of respect for others defined in the General Principles as: "Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability". In addition there is a general obligation in the code in which members undertake "Not to do anything which may cause your authority to breach any of the equality enactments.
How will the proposal help to promote Sustainability?	Where possible electronic means of communication are used in the discharge of the Standards function.