

Report to Standards Committee

25 November 2020

By the Monitoring Officer

INFORMATION REPORT



**Horsham
District
Council**

Not Exempt

Standards Update: November 2020

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:

- Local assessment and investigations to include progress with Steyning Parish Council
- Update on the Appointment of Independent Person
- Update on the Appointment of Parish Representative
- Update on the Model Code of Conduct

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

The Localism Act 2011

Wards affected: All

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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

Local assessment and investigations

- 3.1 At the last Standards Committee Meeting the Committee debated the best way forward with regard to Steyning Parish Council and resolved that:
- The Monitoring Officer approach Steyning Parish Council to invite Parish Councillors to volunteer to attend an informal meeting with herself, the Legal Services Business Manager or Independent Person, as considered appropriate.
 - The parish councillors to be given the option to bring a neutral companion for support.
 - Potentially in the future and if appropriate and when restrictions caused by the pandemic have been reduced, the Monitoring Officer may set up a meeting with all Steyning Parish Councillors and some Committee Members and relevant officers.
- 3.2 Since that Committee Meeting the Monitoring Officer and the Legal Services Business Manager have held meetings with both Clerks at Steyning Parish Council whereby they have informed them of the aims and recommendations of this Committee. The Clerks were very grateful of some intervention and keen to find out how much of Horsham District Council's officer time had been taken up dealing with Steyning Parish Council complaints to date. A report was put together and forwarded to them detailing the time taken and comparisons were made with other parish councils in our district. Please see Appendix 1 attached.
- 3.3 This was fed back and discussed with Members of the Parish Council at a meeting held on the 16th November where they were told of this Committee's determination and commitment to help which would mean attending future meetings and or specific training sessions for all councillors, to help with this process. We are

awaiting feedback from that meeting. A timetable of meetings and training events will be put together based upon the feedback received.

- 3.4 With regard to outstanding complaints; from the last financial year there were four cases that were carried over and still in the process of being dealt with. These were added to by 12 new complaint cases (9 Steyning Parish Council cases) in this financial year.
- 3.5 Out of those 12 cases 2 have been received in the last week and are going through due process, 3 have been referred for investigation and will be dealt with by a Standards Sub-Committee and the remaining 11 cases have all been dealt with and concluded.
- 3.6 The Monitoring Officer, with help of the Standards Team, will continue to advise both District Council and Parish Council Members on Conduct and the subject of Personal and Disclosable Pecuniary Interests and updating of Members' Register of Interests when and as necessary.

Update on the Appointment of Independent Person

- 3.7 The Localism Act 2011 Section 28 (7) provides that a relevant authority must appoint at least one Independent Person whose views are to be sought and taken into account by the monitoring officer before a decision is made on an code of conduct complaint allegation.
- 3.8 The Council already has in place Mr John Donaldson who assists the Monitoring Officer and who has been invaluable with the assessment of Code of Conduct complaints. Another appointment to this role will allow for the workload to be shared, it is also common practice for a Council of this size to have 2 Independent Persons.
- 3.9 As previously agreed, the Monitoring Officer advertised the Role of the Independent Person during the month of October and over 20 applications were received. Many of the applications were excellent and shortlisting was difficult. Interviews are due to take place in the next few days. The outcome of this will be reported to the Committee.

Update on the Appointment of Parish Representative

- 3.10 On 15 May 2012 Full Council resolved to establish a Standards Committee in fulfilment of the 'standards' requirements under the Localism Act 2011. Full Council resolved that membership of the Standards Committee should include two parish representatives nominated by the Horsham Association of Local Councils (HALC).
- 3.11 The two Parish Representatives are Co-Opted non-voting Members of the Standards Committee. Their role on the Committee includes, in particular, advising the Committee on Parish issues and complaints against Parish Councillors.

- 3.12 After the resignation of Parish Representative Paul Bickford, Councillor Philip Baxter of Shipley Parish Council, the remaining Parish Representative, agreed to ensure that the appointment of a new Parish Representative be on the agenda for the next meeting of HALC (Horsham Association of Local Councils).
- 3.13 This has since happened, and interest has been received. Application packs have been sent out. Further progress of this appointment will be reported to the Committee.

Update on the Model Code of Conduct

- 3.14 Back in the summer Committee Members, along with the Independent Person were consulted on their views regarding a new Model Code of Conduct and those responses were collated and submitted collectively on behalf of the Committee and Horsham District Council.
- 3.15 The consultation was open to the public and individual members and officers were also able to carry out their own submission.
- 3.16 Feedback from this consultation is expected from the LGA imminently, formal sign off is awaited with a view to launch in December of this year. Members of the Committee will be kept fully informed of the outcome. Following which a review of the existing Members Code of Conduct for Horsham will be carried out.

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.
- 6.2 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'.
- 6.3 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'.