

Report to Standards Committee

Wednesday 16th March 2022

By Sharon Evans, Head of Legal & Democratic Services & Monitoring Officer



**Horsham
District
Council**

INFORMATION REPORT

Not Exempt

Uptake of Local Government Association's Model Code of Conduct by Parish and Neighbourhood Councils

Executive Summary

The purpose of this report is to update Members on the adoption of the Local Government Association's Model Code of Conduct for Parish and Neighbourhood councils within the district.

Recommendations

The Committee is recommended to note the contents of the report.

Reasons for Recommendations

- i) To ensure that the Committee is kept informed as to the position and developments in relation to Parish and Neighbourhood Council Standards matters in order to promote and maintain the high standards of conduct against members across the district.

Background Papers

The Localism Act 2011

Wards affected: All

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Background Information

1 Introduction and Background

- 1.1 Following the Adoption of the Local Government Association's Model Code by Horsham District Council (HDC) in April 2021 and then as amended in December 2021, ('the Code'), the Parish and Neighbourhood councils within the district were invited by the Monitoring Officer to also adopt the Code.
- 1.2 By adopting a national code, across the district and across both levels of Council, it should reduce confusion as to what is and isn't covered by the relevant Council's Code of Conduct and provide a greater level of clarity, consistency, and precedence for Standards Code of Conduct cases across the district. It will also be easier to provide relevant Code of Conduct training across the district.
- 1.3 To date 30 of HDC's 32 Parish Councils have adopted the Code with only 2 Parish Councils yet to implement the Code. HDC is currently consulting with the three Neighbourhood Councils to provide a bespoke arrangement that takes into account their differing legal status to that of Parish Councils.

2 Relevant Council policy

- 2.1 The statutory background can be found in the Localism Act 2011.

3 Details

- 3.1 After HDC adopted the Code in April 2021, the Monitoring Officer sent emails on 24th of May 2021 to all Parish and Neighbourhood Council Clerks within the district detailing the Code as amended by HDC and encouraging them to adopt it.
- 3.2 Having given the Parish and Neighbourhood Councils time to consider the Code a survey was sent to all Clerks on the 29th of July 2021 to establish which Councils had considered and/or adopted the Code, follow up emails were later sent to those who had not responded in August, September and October.
- 3.3 Further correspondence followed after amendments were made by HDC to the Code in December 2021. At the time of this report 30 out of 32 Parish Councils have adopted the Code, either as previously amended by HDC, or as recently amended, or with their own bespoke minor amendments. Generally, the following Parish Councils are now operating under the Local Government Association's model Code of Conduct:

Amberley; Ashington; Ashurst; Billingshurst; Bramber; Broadbridge Heath; Coldwaltham; Colgate; Cowfold; Henfield; North Horsham; Nuthurst; Parham; Pulborough; Rudgwick; Rusper; Shermanbury; Shipley; Slinfold; Southwater; Steyning; Storrington and Sullington; Thakeham; Upper Beeding; Warnham; Washington; West Chiltington; West Grinstead; Wiston; and Woodmancote.
- 3.4 Two parish councils have yet to confirm if they have adopted the Code however both have previously confirmed they would consider it; these are:

- Itchingfield Parish Council
There is no evidence in Itchingfield's Meeting agenda or minutes of the Code being considered at the time of this report
- Lower Beeding Parish Council
It appears from meeting minutes that Lower Beeding rejected the Code in November 2021
 - Minute 171/21: "Approval of updated Code of Conduct from HDC – The Clerk had distributed the updated CoC but after discussion amongst the Councillors the update was not approved after a vote".

3.5 There has been a meeting with the three Horsham Neighbourhood councils (Denne, Forest and Trafalgar) who are in the process of amending their Code, in consultation with HDC, to better cater for their unique status..

4 Next Steps

4.1 The Committee is asked to note the contents of the 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 There are no resource or staffing consequences resulting from this report other than, the fact that the new Code has been widely adopted, together with the new arrangements in dealing with Code of Conduct complaints means that it is anticipated that standards complaint cases will be dealt with quickly, more consistently, effectively and efficiently with less resource implications to the Legal Department.

8 Legal Considerations and Implications

8.1 Under Section 28 (1) of the Localism Act 2011, a relevant authority must secure that a Code of Conduct is adopted. Under Section 28 (5) a relevant authority may revise or adopt a Code of Conduct to replace its existing Code of Conduct.

8.2 The Council has a statutory duty to promote and maintain high standards of conduct and to have arrangements in place where allegations of Code of Conduct complaints can be investigated and decisions made.

9 Risk Assessment

9.1 If there were a number of different Codes of Conduct applied throughout the district then there may be a risk of inconsistent determinations in relation to allegations

under the relevant Codes of Conduct depending on the individual wording of the codes. However, this risk is largely eliminated with the widescale adoption of generally the same code.

10 Procurement implications

10.1 There are no procurement implications stemming from this report.

11. Equalities and Human Rights implications / Public Sector Equality Duty

11.1 There is no detrimental impact on any group, a full Equalities Impact Assessment is not needed.

12 Environmental Implications

12.1 There are no environmental implications from this report.

13 Other Considerations

13.1 There are no GDPR, Data Protection or Crime & Disorder consequences foreseen.