

Report to Standards Committee

Wednesday 16th March 2022

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



**Horsham
District
Council**

DECISION REQUIRED

Not Exempt

Steyping Parish Council

Executive Summary

This is a report to the Standards Committee to update them following historical, current, and ongoing difficulties at Steyping Parish Council. As the Committee is already aware over a number of years there has been a vast number of code of conduct complaints received regarding Steyping Parish Council, mainly made by councillor against councillor, but also ex-councillors against current councillors and occasionally complaints received direct from members of the public against serving councillors.

The Monitoring Officer respectfully requests that the Standards Committee considers a proposal of alternative action in dealing with this ever-growing problem and to decide whether to approve the proposed action of instructing specialist experts to review and support Steyping Parish Council. The review will endeavour to deal with underlying issues and the support will provide an action plan for the future. The review report will ultimately be published.

Recommendations

That the Committee is recommended:

- i) To approve that the Monitoring Officer instructs Hoey Ainscough Associates Ltd to undertake a review of Steyping Parish Council and to provide support for Steyping Parish Council.
- ii) To approve that no further action will be taken in relation to any of the outstanding complaints pending this alternative resolution.

Reasons for recommendations

- i) To try and deal with deteriorating relations within Steyping Parish Council and to resolve issues which ultimately will result in better behaviours and less code of conduct complaints in the future.
- ii) To promote and maintain high standards of conduct amongst members across the district.

Background Papers

Localism Act 2011, HDC arrangements in dealing with code of conduct complaints

Wards affected:

Steyning Parish Council & ALL

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Background Information

1 Introduction and Background

- 1.1 Steyning Parish Council has taken up a disproportionate amount of time of the Monitoring Officer and Standards Team in dealing with numerous code of conduct complaints and other interconnected matters over the years.
- 1.2 The resource implication has been substantial and the situation at Steyning Parish Council continues to deteriorate, as the Monitoring Officer and Standards Team receive ever more complaints. There has been a breakdown of relations within Steyning Parish Council and there is a desire to help and improve the Council to function more effectively and to be able to concentrate on working and delivering for their residents.
- 1.3 The recommendations detailed within this report is an attempt to try and resolve underlying issues at Steyning Parish Council and to provide the direct support and assistance needed for improvements moving forward. This, together with further training, will hopefully improve behaviours and relations and ultimately lead to less complaints and a more effective and efficient Parish Council.

2 Relevant Council policy

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

3 Details

- 3.1 There has been a long history of problems and difficulties at Steyning Parish Council which has resulted in many code of conduct complaints over the years. Recent history shows 8 code of conduct complaints against Steyning Councillors in the calendar year of 2019, 15 complaints in 2020 and 26 complaints in 2021. Rather than lessening the number of complaints have increased considerably.
- 3.2 Over the last three years, behaviour has deteriorated and now over 70% of the total code of conduct complaints received by the Monitoring Officer relate to Steyning Councillors. This equates to over 80% of the time spent dealing with standards, is dedicated to dealing with these cases and the all encompassing surrounding issues. This is despite Steyning being just one Parish Council out of a total of 35 Parish and Neighbourhood Councils, which the standards regime and the Monitoring Officers jurisdiction covers.
- 3.3 It is estimated that dealing with Steyning Parish Council complaints alone, together with the surrounding issues could now cost in the region of £65,000 per annum, when considering officer, lawyer, Monitoring Officer, Independent Person, Parish Representative and Standards Committee Member's time. This figure is an estimate and is based on notional hourly rates for lawyers and projected time etc.
- 3.4 There are currently 16 outstanding code of conduct complaints, with a total of over 1600 pages of complaint documentation, counter complaints, evidence, examples of alleged bad behaviour, rebuttals etc. etc. These complaints are at different

stages of progress and much work has already been undertaken by the standards team in relation to them. There are some complaints that can be dismissed and dealt with relatively quickly, but others still need careful consideration and would need to be dealt with appropriately. However, further additional complaints continue to be received and relationships and the position at Steyning continues to get worse.

- 3.5 The proposal is to instruct Hoey Ainscough Associates Ltd which was set up in April 2012 to support local authorities in managing their arrangements for handling councillor conduct issues. The company was co-founded by Paul Hoey, who had been director of strategy at Standards for England from 2001 until its closure in 2012, and Natalie Ainscough who had worked as his deputy. They were expert advisers to the Committee on Standards in public Life 2019 review of the Localism Act and were commissioned by the Local Government Association in 2020 to produce a new model Code of Conduct and supporting guidance and are regular advisers to both NALC and SLCC on standards issues.
- 3.6 If a Parish Council is facing difficulties with working relationships, or where there have been a continued large number of standards complaints or a breakdown in governance, Hoey Ainscough Associates Ltd can work with the Parish Council directly to offer support to seek to improve the way the Parish Council operates and deal with the underlying issues. They are extremely experienced in dealing with Parish Councils facing problems and difficulties similar to those experienced at Steyning Parish Council.
- 3.7 The aim of the review and support offered includes helping the Parish Council consider how they can work more effectively and help with rebuilding relationships and their reputation through demonstrating that there is a culture of high standards and good governance. A full report by Hoey Ainscough Associates Ltd will be produced and published.
- 3.8 A letter was sent to Steyning Parish Council on 17th February 2021, which can be found at Appendix A, to gauge an initial response to the proposals. Generally, there was a positive response, to the review and support, although not necessarily an agreement to suspend the current and ongoing complaints. We have since also received other, representations, comments, and further complaints.
- 3.9 Further advice from Hoey Ainscough Associates Ltd is that with a review and support such as this, a line needs to be drawn and all existing investigations and complaints should halt, unless they were so serious that an investigation and determination was deemed necessary. The proposed intervention of seeking this review is for it to be conducted instead of completing investigations and dealing with the numerous complaints we are currently in receipt of and not in addition.
- 3.10 The proposed action is to instruct Hoey Ainscough Associates Ltd as detailed in the recommendation and conclude that no further action will be taken in relation to any of the outstanding complaints pending alternative resolution.

4 Next Steps

4.1 The Committee is asked to make the recommendations.

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 To continue to try to deal with all existing and ongoing and new complaints and investigate them, determine them, and issue decision notices. However, it is not believed that this will improve the relations at Steyning Parish Council and indeed it could just make matters worse, resulting in further and continuing complaints.

7 Resource Consequences

7.1 There is an estimated spend of £65,000 in dealing with Steyning Parish Council complaints and the likely costs of instructing Hoey Ainscough Associates Ltd, including further training and assistance is likely to be no more than £20,000. It is hoped that future relations improve and ongoing complaints reduce, leading to less resource implications on the Legal Department.

8 Legal Considerations and Implications

8.1 The Council has a statutory duty to promote and maintain high standards of conduct and to have arrangements where allegations of code of conduct complaints can be investigated and decisions made under the Localism Act 2011.

8.2 The Localism Act 2011 together with our previous and current arrangement for dealing with Standards complaints allows the Monitoring Officer the discretion to revert to an alternative resolution when and where it is considered necessary.

8.2 .

9 Risk Assessment

9.1 There may be a risk of challenge in deciding not to deal with, investigate and determine individual complaints, however the alternative resolution is justified and considered more appropriate and more likely to achieve the desired results.

10 Procurement implications

10.1 There are no procurement implications stemming from the recommendations.

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.