

Report to Standards Committee

Wednesday 15th March 2023

By Lauren Kelly, Interim Head of Legal & Democratic Services & Interim Monitoring Officer



**Horsham
District
Council**

DECISION REQUIRED

Not Exempt

Steyping Parish Council

Executive Summary

The purpose of this report is to update the Standards Committee in relation to the ongoing difficulties at Steyping Parish Council.

These difficulties have been reported to the Standards Committee previously.

The difficulties extend to code of conduct complaints (i) made between parish councillors, (ii) brought by ex-councillors against parish councillors, and, (iii) lodged by members of the public against parish councillors.

This situation is regrettable and has existed for a number of years.

Accordingly, the Interim Monitoring Officer requests respectfully that the Standards Committee (i) considers the content of this report, and, (ii) approves the recommendations detailed herein.

Recommendations

That the Standards Committee is recommended:

- i) To approve that the Standards Team continues to support Steyping Parish Council in implementing its plan to tackle issues, which was recommended by the Hoey & Ainscough intervention;
- ii) To approve that all outstanding Steyping Parish Council code of conduct complaints are dealt with by way of informal resolution (as opposed to formal investigation) and to give effect to the Hoey & Ainscough intervention; and
- iii) To approve that any new Steyping Parish Council code of conduct complaints received from 15 March 2023 up to the local elections on 6 May 2023 are reviewed to assess the seriousness of any alleged breaches and are dealt with by way of informal resolution, unless the facts and evidence demonstrate that a formal investigation is warranted.

Reasons for recommendations

- i) To support Steyning Parish Council in improving relations amongst the parish councillors generally and Clerk's office;
- ii) To assist Steyning Parish Council in embedding its implementation plan to tackle issues, as recommended by the Hoey & Ainscough intervention;
- iii) To await the outcome of the May 2023 local elections to see which Councillors are re-elected and/or elected to ensure that Horsham District Council's financial and other resources are utilised efficiently and effectively;
- iv) To ensure the promotion and maintenance of high standards of conduct amongst members throughout the district; and
- v) To provide appropriate training in terms of what constitutes good and acceptable behaviour in a parish council setting.

Background Papers

Localism Act 2011, Chapter 7.

Code of Conduct and HDC arrangements in dealing with code of conduct complaints.

Previous report can be seen at the following link, Agenda item 5, pages 15 to 56:

<https://horsham.moderngov.co.uk/documents/g2232/Public%20reports%20pack%2030th-Nov-2022%2010.00%20Standards%20Committee.pdf?T=10>

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 There have been previous reports regarding Steyning Parish Council and the last report to the Standards Committee can be viewed by accessing the following link, Agenda item 5, pages 15 to 56:

<https://horsham.moderngov.co.uk/documents/g2232/Public%20reports%20pack%2030th-Nov-2022%2010.00%20Standards%20Committee.pdf?T=10>

- 1.3 Hoey Ainscough Associates Ltd, a consultant firm of Standards experts, were commissioned to report on the failings present and make recommendations to improve, inter alia, relations at Steyning Parish Council. This report can be viewed by following the above-noted link.
- 1.4 Presently, the Standards Team is (i) assisting Steyning Parish Council to implement the recommendations contained in the Hoey & Ainscough report, (ii) assisting Steyning Parish Council to resolve its underlying issues and difficulties, and, (iii) providing direct support and assistance needed for improvements to take place.
- 1.5 Regrettably, however, since the publication of the Hoey & Ainscough Report, it appears that (i) despite of assurances to act upon and implement the recommendations contained in that report, some Councillors continue to act in a way that goes against those recommendations (ii) bad behaviour and ill feeling persist, and, (iii) code of conduct complaints are being lodged.

2 Relevant Council policy

- 2.1 The relevant statutory background is contained in Chapter 7 of the Localism Act 2011.
- 2.2 The Council's arrangements and process in dealing with code of conduct complaints are detailed here:

<https://horsham.moderngov.co.uk/documents/s18868/CodeofConductCOMPLAINTPROCEDURE.pdf>

3 Details

- 3.1 The long history of problems and difficulties at Steyning Parish Council which has resulted in many code of conduct complaints over the years resulted in Hoey Ainscough Associates Ltd independently reviewing, reporting and making recommendations for improvements.

- 3.2 During the Hoey & Ainscough process complaints dropped considerably, and it appeared that everyone was engaged and willing to participate and work together with a view to relations improving. The total cost to Horsham District Council of the Hoey Ainscough process was £13,680.
- 3.3 The Hoey & Ainscough report detailed 36 recommendations and Steyning Parish Council devised an implementation plan to reflect these. At its Full Parish Council meeting on Monday 21st November 2022, it resolved “to take the actions and to implement the recommendations as detailed and to report on the progress in 6 months and 12 months to Steyning Parish Council Full Council meeting and to the Monitoring Officer at Horsham District Council”.
- 3.4 Since this meeting there has been a number of further complaints, incidents, concerns and behaviours that has resulted in a total of 11 code of conduct complaints since 21st November 2022. It appears that some Councillors did not necessarily think that the comments contained in the Hoey & Ainscough Report referred to them or that the suggested recommendations applied to them.
- 3.5 The Deputy Monitoring Officer and the Independent Person have met with the Clerk’s Office, the complainants, and the subject members to the latest raft of complaints. These meetings were held to discuss and clarify respective positions and to try and reinforce what amounts to acceptable and unacceptable behaviour. These meetings were extremely useful and enlightening, although the behaviours have not necessarily improved.
- 3.6 The Independent Person has also met further with the Clerk’s office and has made suggestions and offered advice and assistance in dealing with process and procedures and coping mechanisms and has drafted process maps etc.
- 3.7 Most parties to the outstanding complaints appear to want their individual complaints to be formally investigated, determined and sanctions applied. However, they are currently being dealt with by means of an informal resolution as this gives effect to the ongoing Hoey & Ainscough intervention.
- 3.8 As bad behaviours persist and we continue to receive further complaints, one could assert that the Hoey & Ainscough intervention has proved ineffective and the only alternative viable option is to formally investigate, determine complaints and levy sanctions against individual parish councillors, where appropriate.
 - 3.8.1 However, the available sanctions are limited and may not even be accepted by the Parish Council. It is also questionable as to whether this will improve relations at Steyning Parish Council or potentially make matters worse.
 - 3.8.2 Our code of conduct complaint’s procedure provides that our limited resources should not be used to investigate matters which have little impact upon the public. It is questionable, therefore, that the public interest test would be satisfied in this respect given that generally the complaints emanating from Steyning Parish Council are between councillors and sometimes involve the Clerk’s office. Further, the financial and other resources required to undertake any formal investigations would likely be disproportionate to any benefit, if any, derived.

- 3.9 Alternatively, the Standards Team could assess the complaints upon receipt and, depending on the severity and circumstances of them, deal with them by way of informal resolution and suggest that Steyning Parish Council pays for alternative dispute resolution/mediation, at its own expense.
- 3.10 If the internal issues in Steyning Parish Council do not improve Horsham District Council is entitled to carry out a Community Governance Review in consultation with the local community, which could lead to a recommendation of the dissolution of Steyning Parish Council.
- 3.11 At this juncture (given that Steyning Parish Council passed a resolution in only November 2022 to give effect to the recommendations contained in the Hoey & Ainscough Report) the proposed action is to continue to work with Steyning Parish Council to (i) embed their implementation plan, (ii) provide ongoing support, assistance, and interventions, and, (iii) lay the foundations prior to the elections and the new term and await to see who is elected and re-elected.
- 3.12 If bad behaviours continue into the next term, we propose to return to the Standards Committee with a view to recommending that the following options are considered (i) formal investigations and determinations, (ii) community governance review, and/or (iii) informal resolution by way of suggesting mediation at Steyning Parish Council's expense.

4 Next Steps

- 4.1 The Committee is asked to approve 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 deal with all existing and new complaints by way of formal investigation and determination. However, it is doubtful that the production of a suite of decision notices finding in favour of a particular party will bring about the radical cultural change required to improve relations at Steyning Parish Council. Further, any formal findings could indeed lead to further complaints being lodged in response to any such findings. Also, there may be changes to personnel following the elections and there is insufficient time to conclude formal investigations and determinations before the elections.

7 Resource Consequences

- 7.1 There are cost implications in formally investigating and determining the code of conduct complaints pertaining to Steyning Parish Council. The total cost will depend on the number and the detail of the complaints received.

- 7.2 It is hoped, therefore, that further training and implementing the recommendations and providing ongoing support assistance and interventions will improve future relations, and ongoing complaints therefore reduce, leading to less resource and financials implications for the Legal Department.

8 Legal Considerations and Implications

- 8.1 The Council has a statutory duty to promote and maintain high standards of conduct. In addition, it must have arrangements in place to deal effectively with conduct of conduct complaints. Chapter 7 of the Localism Act 2011 refers.
- 8.2 The relevant sections within the Localism Act 2011 together with Horsham District Council's previous and current arrangements for dealing with code of conduct complaints allows the Monitoring Officer to employ an alternative means of resolution when and where it is considered necessary.

9 Risk Assessment

- 9.1 There may be a risk of challenge in deciding not to 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.