

Report to Standards Committee

Wednesday 26th July 2023

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



**Horsham
District
Council**

DECISION REQUIRED

Not Exempt

Standards Update (July 2023)

Executive Summary

This report is to: (i) provide members to the Standards Committee with a general update in relation to (a) Code of Conduct complaints, and, (b) the Standard Committee's composition, and, (ii) seek approval to the amendments to the Code of Conduct Complaints Procedure.

Recommendations

The Committee is recommended to:

1. Note the matters set out in this report;
2. Subject to the approval of Cabinet, approve the amendments to the Code of Conduct Complaints Procedure;
3. Recommend to Cabinet the approval of the amendments to the Code of Conduct Complaints Procedure.

Reasons for Recommendations

- (i) To ensure that members to the Standards Committee (i) are appraised of code of conduct complaints, (ii) approve revisions to the Code of Conduct Complaints Procedure, and, (iii) note the position in relation to the Independent Persons and Parish Representatives; and
- (ii) To promote and maintain high standards of conduct amongst members.

Background Papers

The Localism Act 2011

Wards affected:

ALL

Contact: Lauren Kelly, Head of Legal & Democratic Services & Monitoring Officer

01403 215435

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to: (i) provide members to the Standards Committee with a general update in relation to (a) Code of Conduct complaints, and, (b) the Standard Committee's composition, and, (ii) seek approval to the amendments to the Code of Conduct Complaints Procedure.

2 Relevant Council policy

- 2.1 Chapter 7 of Part I of the Localism Act 2011 makes provisions in relation to the standards regime.

3 Details

(A)Code of Conduct Complaints - update

- 3.1 During the last financial year, from 1st April 2022 to 31st March 2023 there was a total of twenty-two code of conduct complaints received by the Monitoring Officer.

These complaints constituted official written complaints with the completion of the required complaints form detailing alleged breaches of the code of conduct.

The breakdown of the code of conduct complaints between the District and Parish Councils are detailed below:

2022 / 2023

Steyning Parish Council –	14
Horsham District Council -	4
Nuthurst Parish Council -	1
Pulborough Parish Council -	1
Storrington & Sullington Parish Council	1
Shipley Parish Council -	1

- 3.2 This financial year (since 1st April 2023 to 15th July 2023) we have received nineteen code of conduct complaints all ready.

The breakdown of the Code of Conduct complaints between the District and Parish Councils are detailed below:

2023 / 2024

Steyning Parish Council –	11
Horsham District Council -	1
Pulborough Parish Council -	3
Nuthurst Parish Council -	1
Storrington & Sullington Parish Council	1
Cowfold Parish Council -	1

Out of these nineteen complaints (which were received in just over a three-month period), ten have been assessed by the Monitoring Officer and Independent Person and it has been decided that either no breach or no further action should be taken.

Three cases have been assessed and dealt with by informal resolution and these relate to Steyning Parish Council.

Of these nineteen complaints, six have been received relatively recently and are presently being assessed by the Monitoring Officer and the Independent Person.

(B)Amendments to the Code of Conduct Complaints Procedure

- 3.3 The Code of Conduct Complaints Procedure was revised in December 2021 when the Council adopted the new amended model Code of Conduct for councillors. The procedure was streamlined, and this has made it easier to deal with code of conduct complaints in a clearer and more transparent manner. However, owing to the volume of work experienced by the Standards Team, it is considered appropriate to incorporate some minor amendments to the procedure.
- 3.4 The procedure presently allows Deputy Monitoring Officers to deal with standards related matters only in the absence of the Monitoring Officer. The suggested revisions will allow the Monitoring Officer to delegate all standards related work to nominated deputies at any time and not just during periods of absence. This delegation is considered necessary owing to the volume of standard work that is presently being generated by parish councils throughout the District.
- 3.5 A further revision has been incorporated to allow the Monitoring Officer to vary the procedure when it is considered appropriate and desirable to do so. This will provide the Monitoring Officer and Standards Team with a greater degree of flexibility when dealing with code of conduct complaints.
- 3.6 The remaining revisions constitute minor adjustments and all amendments are contained in Annex A to this report and are shown as tracked changes. Accordingly, the Standards Committee is asked to approve the amendments to the Code of Conduct Complaints Procedure.

(C)Independent Persons & Parish Representatives

- 3.7 The Standards Committee is required to have two Independent Persons and two Parish Representatives.
- 3.8 We currently have two current Independent Persons on the Standards Committee - John Donaldson and Mike Rumble and we have one Parish Representative - Stephen Watkins.
- 3.9 Therefore, the Standards Committee presently has one vacant Parish Representative post owing to Parish Councillor Philip Baxter's retirement in the May 2023 election. Accordingly, the Horsham Association of Local Councils is working with the Monitoring Officer and will nominate candidate(s) to fill this vacancy in the not-too-distant future.

4 Next Steps

4.1 The Committee is asked to approve the recommendations contained in this 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 None.

7 Resource Consequences

7.1 None.

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.

9 Risk Assessment

9.1 There is no one particular risk associated with the recommendations contained in this report.

10 Procurement implications

10.1 There are no procurement implications stemming from the recommendations contained in 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 considered appropriate or necessary.

12 Environmental Implications

12.1 There are no environmental implications arising from the recommendations contained in this report.

13 Other Considerations

- 13.1 There are no GDPR, Data Protection or Crime & Disorder consequences associated with the recommendations contained in this report.