

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

Steyping Parish Council

Executive Summary

The purpose of this report is to (i) update the Standards Committee in relation to the difficulties which have existed at Steyping Parish Council for several years, and (ii) agree an approach to deal with Steyping Parish Council.

These difficulties have been reported to the Standards Committee previously.

Accordingly, the Monitoring Officer requests that the Standards Committee considers the content of this report and approves the recommendations detailed herein.

Recommendations

That the Standards Committee is recommended to:

- i) Approve that the Monitoring Officer and Standards Team continue to support Steyping Parish Council in implementing its plan to tackle issues, which was recommended by the Hoey & Ainscough intervention; and
- ii) Approve that all outstanding code of conduct complaints are considered dealt with and completed by way of informal resolution under the Hoey & Ainscough intervention; and
- iii) Approve that any new code of conduct complaints received after 26 July 2023 are considered by either the Monitoring Officer or a Deputy Monitoring Officer and/or a Standards Sub Committee in consultation with the Independent Person to assess the merits and seriousness of any alleged code breaches. If (i) the facts and evidence demonstrate that a formal investigation is warranted, and (ii) it is in the public interest, the complaints will be referred for formal investigation and determination. If appropriate, sanctions will be recommended, and Decision Notices will be published.

Reasons for recommendations

- i) To support Steyning Parish Council in improving relationships between the parish councillors generally and the Clerk's office;
- ii) To assist Steyning Parish Council with its ongoing plan to tackle issues as recommended by the Hoey & Ainscough intervention;
- iii) To help councillors not to dwell on the past and to look forward so that behaviours improve restoring harmony and good positive working relationships at Steyning Parish Council. This, in turn, will ensure that Horsham District Council's financial and other resources are utilised efficiently and effectively so that the Council has the capacity to offer assistance to other parish councils too;
- iv) To ensure the promotion and maintenance of high standards of conduct amongst members throughout the district.

Background Papers

Localism Act 2011, Chapter 7.

The Code of Conduct and the Council's arrangements for dealing with code of conduct complaints.

Previous reports regarding Steyning Parish Council can be viewed at the following links:

Report to Standards Committee – 16/03/2022

Agenda item 6, pages 11 to 20:

<https://horsham.moderngov.co.uk/documents/g1957/Public%20reports%20pack%2016th-Mar-2022%2010.00%20Standards%20Committee.pdf?T=10>

Report to Standards Committee – 30/11/2022

Agenda item 6, pages 15 to 56:

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

Report to Standards Committee – 15/03/2023

Agenda item 6, pages 7 to 12:

<https://horsham.moderngov.co.uk/documents/g2233/Public%20reports%20pack%2015th-Mar-2023%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 There have been previous reports to the Standards Committee regarding the difficulties at Steyning Parish Council. These reports can be viewed by accessing the relevant links detailed in the background papers.
- 1.2 Steyning Parish Council has experienced difficulties for many years. These difficulties extend to the relationships at Steyning Parish Council which result in code of conduct complaints. The code of conduct complaints are (i) made between parish councillors, (ii) brought by ex-councillors against parish councillors, (iii) lodged by members of the public against parish councillors.
- 1.3 Consequently, over the years, Steyning Parish Council has taken up a disproportionate amount of time of the Standards Team in dealing with numerous code of conduct complaints and other interconnected matters.
- 1.4 For example, Steyning Parish Council has accounted for 80% of all code of conduct complaints received in the financial year of 2021/2022 and 64% of all code of conduct complaints received in 2022/2023 and 58% of all code of conduct complaints in the first 3 months of this financial year. This totals 51 complaints in this two year and 3-month period and averages at 67% of the total of code of conduct complaints, when Steyning is just one parish out of 35 parish and neighbourhood Councils in the District.
- 1.5 As a result of these ongoing difficulties Hoey Ainscough Associates Ltd (a consultant firm of Standards experts) was commissioned to (i) report on the failings present, and, (ii) make recommendations to improve, inter alia, relationships at Steyning Parish Council.
- 1.6 As such, an Implementation Plan (detailing the actions to put in place to help improve the situation at Steyning Parish Council) was drafted and adopted by Steyning Parish Council at its meeting on 21 November 2022. Steyning Parish Council committed to providing a progress report to Horsham District Council at six- and twelve-month intervals. Steyning Parish Council submitted the six-month progress report to the Standards Team on 17 May 2023.
- 1.6 Eight new Parish Councillors were elected to Steyning Parish Council following the May 2023 parish council elections.

2 Relevant Council policy

- 2.1 The relevant statutory background is contained in Chapter 7 to the Localism Act 2011.
- 2.2 The Council's arrangements and process in dealing with code of conduct complaints can be viewed at the following link:

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 The total cost to Horsham District Council of the Hoey Ainscough process was £13,680. 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 21 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 Full Council meeting and to the Monitoring Officer at Horsham District Council”.
- 3.3 On 17 May 2023, following Steyning Parish Council’s meeting on the 15 May 2023, the Clerk submitted the “SPC Six-Month implementation review” (“the Review”). The Review, attached in Appendix A, details the original recommendations, action to be taken, by whom, and then a review of the actions.
- 3.4 It is believed that the Review was prepared largely before the May 2023 election. The Review is disputed, and the District Council Members of the Standards Committee has received representations in this connection.
- 3.5 The Clerk was authorised to submit the Review to the Monitoring Officer and was delegated responsibility to express the sentiment that Steyning Parish Council was very optimistic about the future and will continue to try to work together collaboratively for the greater good of Steyning.
- 3.6 The Clerk stated the above and elaborated that “there were many comments expressed during the discussion at their meeting on 15 May 2023 that are worthy of note. The main point is that following the May election it should be noted that 8 new councillors were elected to Steyning Parish Council, and at their first meeting it followed that many of the new councillors, and indeed many of those that had been re-elected, wanted to draw a line under previous issues, and as one councillor expressed it, concentrate on ‘forward looking behavioural based aspirations’. Indeed, it was a view from some that the plan and the Review was not entirely relevant anymore.”
- 3.7 The Monitoring Officer, the Deputy Monitoring Officer and the Independent Person, viewed a recording of part of the first parish council meeting. They agreed that it was abundantly evident that there was a genuine desire by the vast majority of councillors to move on, draw a line and look forward rather than backwards. Further, it was noted that the new councillors had no desire or interest in considering past difficulties or no interest in siding with any previous faction. The new councillors appear to wish to work together collaboratively and positively for the benefit of the Steyning parish and its constituents.

- 3.8 Regrettably, however, the Standards Team continues to receive code of conduct complaints and allegations that some Councillors have not and will not change. The complainants contend that the only way there will be any change is if previous and outstanding code of complaints are formally investigated and determined.
- 3.9 Accordingly, the Monitoring Officer has continued to assess complaints with the independent person but has decided not to formally investigate any of these. Instead, it was thought appropriate to deal with these by way of informal resolution. As such, further meetings were recently convened with some of the relevant parties. These meetings were extremely positive and there was a clear desire to look forward and consider past difficulties as closed. These parties made commitments to behave appropriately and there is a general feeling that matters have improved markedly at Steyning, especially with the large influx of new Councillors.
- 3.10 Some complainants declined an invitation to meet with the Monitoring Officer, Deputy Monitoring Officer and Independent Person and there has been repeated requests from some complainants that previous code of conduct complaints are formally investigated and determined. It is understood that Standards Committee members and on some occasions all Horsham District Councillors have received direct communications and representations regarding this.
- 3.11 After some years, however, it is clear that Steyning Parish Council may have now changed and be capable of change for the better. The Monitoring Officer believes that this is due to (i) the influx of new councillors with positive attitudes and little interest in past difficulties, and (ii) the commitments made by parties to continue to modify behaviours, act appropriately and disregard past difficulties and (iii) the benefits of implementing some of the recommendations detailed in the Hoey Ainscough report are beginning to become apparent. It is clear that the vast majority of the parish councillors wish to look forward and to undertake parish council work for the benefit of the parish, rather than dwell on the past.
- 3.12 Accordingly, the Monitoring Officer is presently firmly of the opinion that progress has been made at Steyning Parish Council and, as such, there would be no merit in delving into the past and instituting formal investigations into existing complaints. To do so could jeopardise, undermine and destabilise the new administration. As such, it is the belief that (i) the Standards Team should continue to support Steyning Parish Council, (ii) existing complaints should be closed, (iii) future complaints should be assessed in the usual way and formally investigated if warranted and if in the public interest to do so, and, (iv) the Standards Team continues to monitor Steyning Parish Council.
- 3.13 The Monitoring Officer is aware that not all parish councillors will be content with the recommendations contained in this report. Any councillors have the right to refer their individual complaints to the Local Government and Social Care Ombudsman.

4 Next Steps

- 4.1 The Standards Committee is asked to approve the recommendations.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The views of any Policy Development Advisory Groups have not been sought.
- 5.2 The views of the Independent Person have been sought in relation to the content and recommendations contained in this report. The Independent Person expressed strong support for the proposals contained herein.

6 Other Courses of Action Considered but Rejected

- 6.1 To formally investigate and determine existing outstanding complaints. It is thought that this option could serve to sour relationships at Steyning Parish Council given (i) the new administration, and (ii) that there is a commitment to working in a positive and collaborative manner. Therefore, this option was rejected.

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 financial 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 Horsham District Council's Code of Conduct Complaints Procedure allows the Monitoring Officer to (i) employ an alternative means of resolution, and (ii) not take further action.

9 Risk Assessment

- 9.1 There exists a risk of challenge in deciding not to investigate and determine individual code of conduct complaints. That said, the recommendations contained in this report are justified and considered appropriate and more likely to improve the relationships at Steyning Parish Council.

10 Procurement implications

- 10.1 There are no procurement implications arising from the recommendations contained in this report.

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

11.1 There are no such implications arising from the recommendations contained in this report.

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 arising from the recommendations contained in this report.