

Report to Standards Committee

27 September 2017

By the Monitoring Officer

INFORMATION REPORT



**Horsham
District
Council**

Not Exempt

Ethical Framework Update: September 2017

Executive Summary

This report is to:

- (i) Inform and update Members of the Council about recent developments in the ethical framework, which affect the role and activities of Councillors and the Council's business. In particular this report gives details on the following matters:
 - Training and awareness;
 - Local assessment, other action, investigations and determinations;
 - Register of Interests;
 - Work programme update.

Recommendations

The Committee is recommended:

- (i) To note the matters set out in the report.

Reasons for Recommendations

- (i) To ensure that the Committee, the Members of the Council and others to whom the report is circulated are kept up to date with developments in the ethical framework; and
- (ii) To promote and maintain high standards of conduct amongst members.

Background Papers

Standards Committee Documents

Relevant Legislation

Wards affected:

All

Contact: Deputy Monitoring Officer, Ext 5399

Background Information

1 Introduction and Background

- 1.1 The purpose of this report is to inform and update Members of the Council of recent developments in the ethical framework, since the preparation of the last report in June 2017.
- 1.2 Members regularly receive reports on developments in the ethical framework and this report continues that approach. Members of this Committee are also reminded of the following helpful websites:
 - Department for Communities and Local Government:
<http://www.communities.gov.uk/>
 - Local Government Ombudsman:
www.lgo.org.uk

2 Relevant Council and Government policy

- 2.1 The statutory background can be found in the Localism Act 2011, Part 1 Chapters 6 and Chapter 7 and the Regulations made under that Act. The relevant Government policies, with regard to the ethical framework are contained in Department for Communities and Local Government Guidance 'Openness and Transparency on Personal Interests: A Guide for Councillors' and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.
- 2.2 The Council's policy is set out in its Constitution and through the activities of this Committee and Council.

3 Details

Training and Awareness

- 3.1 The authority has subscribed to the Hoey Ainscough Associates' interactive website, the Standards Exchange, which allows access to the latest news on standards issues, including cases and best practice from other authorities, access to help and support a dedicated forum and a regular standards bulletin. Learning from this resource is provided to this Committee.
- 3.2 The Monitoring Officer has prepared some training slides to undertake Ethical Governance and Code of Conduct. Training sessions have taken place at a number of Parish Councils. Further training sessions are due to be arranged for Storrington Parish Council and Nuthurst Parish Council.
- 3.3 Training on the subject of disclosable pecuniary interests and updating of members' register of interests has also been provided to parish clerks who attended the quarterly district wide clerks' meeting this month.

Local assessment, other action, investigations and determinations

- 3.3 Attached as **Appendix 1** is the schedule of all assessment, other action, investigation and determination decisions issued since June 2017.

Reports

- 3.4 Attached as **Appendix 2** is a recent article about a request from Thurrock Council to the Communities Secretary Sajid Javid for legislation to bring in a new 'Right to Recall' councillors in the event of significant conduct or ethical breach, similar to that put in place for Members of Parliament by the Recall of MPs Act 2015.

Work Programme update

- 3.5 The Work Programme incorporates the key responsibilities of the Standards Committee. This is a live document and Members are asked to consider the current Work Programme for 2017-2018. A copy is attached at **Appendix 3**.

3 Next Steps

- 4.1 The Committee is asked to note the matters 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 Not applicable.

7 Resource Consequences

- 7.1 The delegation to the Monitoring Officer of the initial assessment of complaints does represent a reduction in cost of this part of the process.

8 Other Considerations

- 8.1 There is a positive obligation on the Council under the Human Rights Act 1998 to have regard for human rights. The Convention rights are scheduled in the Act. The creation of the right climate for decision-making and adequate probity measures will ensure that human rights are regarded and in some cases enhanced.

The current code of conduct includes the expectation of respect for others defined in the General Principles as:

“Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability”.

In addition there is a general obligation in the code in which members undertake “Not to do anything which may cause your authority to breach any of the equality enactments.

APPENDICES TO REPORT

Appendix 1 – Local Assessment Schedule

Appendix 2 –Report

Appendix 3 – Work Programme Update