

5. ANNUAL REPORT OF THE STANDARDS COMMITTEE 2011

REPORT OF: Tom Clark, Solicitor to the Council
Email: Tom.Clark@midsussex.gov.uk Tel: 01444 477459
Wards Affected: All
Key Decision: No

1. Purpose of Report

To provide the Committee and the Council with an annual report of the activities of the Standards Committee in 2011.

2. Summary

The Standards Committee has dealt with slightly higher number of complaints than in previous years and in particular complaints about Town and Parish Councillors in relation to planning matters.

3. Recommendations

To note the report and to refer it to full Council alongside the recommendations for the Standards Committee post the enactment of the Localism Act 2011.

4. Background

4.1 The Standards Committee promotes high standards of conduct by District Council Members and Members of Town and Parish Councils in Mid Sussex. The Standards Committee complies with the requirements of the Local Government Act 2000 and regulations issued since that Act came into force. The Standards Committee are currently considering the provisions of the Localism Act 2012 and will be making recommendations to Council on the future of the Standards Committee in the Spring of 2012. The major work of the Committee is to consider complaints received by the Monitoring Officer alleging breaches of the Members' Code of Conduct both at District and Town/Parish levels. The Committee also deals with requests for reviews for those complaints and also holds hearings into any complaints investigated.

4.2 The Membership of the Committee prior to May 2011 was as follows:

Independent Members	District Council Members	Town/Parish Council Members
Sir Roger Sands (Chairman); Ian Church (Vice Chairman); Andrew Lewis; and Trevor Swainson	Jacqui Landriani; Gordon Marples; Heather Ross; Susan Seward; and Mike Watts.	Jenny Forbes Richard Goddard Pat Webster.

4.3 Following the elections in May 2011 the membership of the Committee is as follows:-

Independent Members	District Council Members	Town/Parish Council Members
Sir Roger Sands (Chairman); Ian Church (Vice Chairman); Andrew Lewis; and Trevor Swainson	Jack Callaghan; Denis Jones; Andrew Lea; Gordon Marples; and Susan Seward.	Chris Ash-Edwards; William Blunden; and Jenny Forbes.

5. Complaints Received

5.1 There have been 10 substantive complaints. 5 of these have involved District Councillors and 5 have involved Councillors acting as Town/Parish Councillors. In 5 cases a Review of the original decision was requested. The Review Panel reached the same decision as the Assessment Panel. A summary of the cases can be found at Appendix 1 of this report.

5.2 Members will note that the number of cases involving Town and Parish Councils has increased from previous years. These complaints seem to involve the conduct of Town and Parish Councils, planning committees and the work Town and Parish Councils are doing on their neighbourhood plans.

6. Financial Implications

The Assessment and Investigations of Complaints is a cost to the District Council. A complicated investigation can run into many hours of officer time.

7. Risk Management Implications

Training on the Code of Conduct and communication between the District Council and Town and Parish Clerks is likely to reduce the risk of substantiated complaints.

8. Equality and Customer Service Implications.

At Town and Parish level the Standards Committee and the Code of Conduct regime appears to be used as a general complaints mechanism.

9. Legal Implications

The Standards Committee is operating under the regime of the Local Government Act 2000 and subsequent Statutory Instruments and Standards for England Guidance. The regime set out in the Localism Act 2011 is likely to apply from 1st July 2012.

Appendix 1.

Complaints in 2011

- 1) The first complaint involved South Area Planning Committee and was a complaint brought by one District councillor against another alleging the second councillor had a relationship with an agent. Both the Assessment and the Review Committee concluded there was no evidence of such an arrangement.
- 2) The second complaint involved a member of the public against a District councillor speaking at a Parish Council meeting. Both the Assessment and the Review Panel felt that the District councillor had spoken inappropriately but this was not a matter that required an investigation.
- 3) The third complaint involved councillors at the Parish Council referred to in complaint 2 complaining against the same District councillor. Once again the Assessment Panel concluded that the District Council member's behaviour had been inappropriate but no investigation was required.
- 4) The fourth complaint was brought by a former East Grinstead Town councillor against two councillors in particular from a Council sub-committee. The Assessment Panel concluded that training on the Code of Conduct should be given to all the East Grinstead Town councillors and this was completed in the Autumn of 2011.
- 5) The fifth complaint involved an agent against a District Councillor relating to events at South Area Planning Committee in connection with an application in the District Councillor's own ward. The Assessment Panel requested an investigation of this matter. The investigating officer's report concluded there was no breach of the Code of Conduct and this report was accepted by a pre-hearing panel.
- 6) Two members of the public brought a complaint against the Chairman of a Parish Council alleging that he had not treated them with respect by failing to answer correspondence. Both the Assessment and the Review panel noted that such correspondence should normally be conducted with the Clerk to the Parish Council and in any event this was an on-going matter and there was no breach of the Code of Conduct.
- 7) The seventh complaint was brought by 5 members of the public against all the Councillors at Ashurst Wood who were seen to be promoting a planning application for affordable housing. Both the Assessment and Review panels concluded there was no breach of the Members' Code of Conduct in connection with this matter which was really a dispute about a planning application.
- 8) A member of the public bought a complaint against a District Councillor for his conduct at an unscheduled meeting. The Assessment Panel concluded the District Council member should receive training on the Code of Conduct. As a result of a very recent High Court decision about when a member is acting as a member, it was subsequently noted that the member had probably not been acting in a way that caused the Code of Conduct to apply. The training however was carried out.
- 9) The ninth complaint involved members of the public complaining about a report in the Mid Sussex Times alleging inappropriate comments by 3 Burgess Hill Town Councillors at their Planning Committee. Both the Assessment Panel and the Review Panel noted that Members should be careful in the language they use at public meetings but neither the Assessment or Review Panel thought the matter

required investigation. It was further noted that the press do not always report matters accurately or in context.

- 10) The final complaint was brought by the member of the public against a Worth Parish Councillor. It was alleged that the Worth Parish Councillor brought his office into disrepute by alleging there was an anti-social behaviour order against the member of the public when no such order existed. The Panel concluded in the light of the recent High Court decision referred to above, the Code of Conduct did not apply to the facts alleged.