

4 February 2015

Dear Members of the Standards Committee,

A meeting of the **STANDARDS COMMITTEE** will be held in the **Council Chamber** at these offices on **TUESDAY 17 FEBRUARY 2015 at 7.00 p.m.** when your attendance is requested.

Yours sincerely

KATHRYN HALL

Chief Executive.

### **A G E N D A**

### **Pages**

1. To note Substitutes in Accordance with Council Procedure Rule 4 – Substitutes at Meetings of Committees etc.
2. To receive apologies for absence.
3. To receive Declaration of Interests from Members in respect of any matter on the Agenda.
4. To confirm the Minutes of the meeting of the Committee held on 8 October 2014.
5. To consider any items that the Chairman agrees to take as urgent business.
6. Standards Committee Annual Report 2014.
7. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.
8. Future meeting dates for 2015/16:  
  
7 July 2015;  
21 October 2015; and  
16 February 2016.

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To: **Members of the Standards Committee –**

District Councillors:- Bennett, Callaghan, D. Jones, Marples, McMenemy and O'Brien.

Town and Parish Councillors:- C. Ash-Edwards, W. Blunden, D. Cunningham and J. Forbes.

**Requesting Members:** Councillors:- Barnett and G. Knight.

**Independent Persons:** Gerard Irwin, Sir Roger Sands KCB.

**Minutes of a meeting of the Mid Sussex District Council  
Standards Committee held on Wednesday, 8 October 2014  
from 7:00 p.m. to 7:25 p.m.**

**Present:** Denis Jones (Chairman)  
Town Cllr Christopher Ash-Edwards (Vice-Chairman)

Cllr Liz Bennett*	Parish Cllr Duncan Cunningham*	Cllr Simon McMenemy
Parish Cllr William Blunden	Parish Cllr Jenny Forbes	Cllr John O'Brien*
Cllr Jack Callaghan*	Cllr Gordon Marples	

\* Absent

**Also Present:** Sir Roger Sands and Gerard Irwin, Independent Persons on Standards Matters.

**9. SUBSTITUTES**

None.

**10. APOLOGIES**

Apologies were received from Councillors Bennett and Callaghan.

**11. DECLARATIONS OF INTEREST**

None.

**12. MINUTES**

The Minutes of the meeting of the Committee held on the 17 June 2014 were approved as a correct record and signed by the Chairman.

**13. A REVISED MEMBERS' CODE OF CONDUCT FOR MID SUSSEX DISTRICT COUNCIL**

The Solicitor to the Council introduced the report and outlined the discussion at the previous meeting. The Committee had agreed to keep a comprehensive Code of Conduct but would seek improvements to the way it was set out and explained. He referred Members to the West Sussex County Council Members Code of Conduct as an improvement, save for the requirement that Members declare interests at each meeting.

In response to a Member's question, the Solicitor to the Council explained that the Council should consider any changes to the West Sussex Code of Conduct to make it clearer and easier to understand.

A Member suggested some amendments, and a more simplistic structure for ease of understanding, by explaining disclosable pecuniary interests after paragraph 5.

In response to a Member's question, the Solicitor to the Council explained that the Council no longer had powers to suspend a person in regards to an online attack using social media, which would be regarded as a breach of the Code of Conduct. Some amendments to Item 6 on page 14 of the report were suggested by Members, as well as some discussion on other Codes of Conduct.

Some Members felt that Councillors could be subject to a less detailed Code of Conduct but the consensus was to retain a detailed Members Code of Conduct. It was further agreed that these changes should be put to the Council this year so the new Code of Conduct was in place well ahead of May 2015. It would also be shared with Town and Parish Clerks in the District, since a common Code at every level of local government would have benefits to both the elected Members and the public.

The Vice Chairman explained that the Code of Conduct was designed to be transparent. The Chairman added that the public declaration of interests was also important.

The Solicitor to the Council added that the number of complaints had reduced in the last six months but a new complaint had recently been received.

As there were no further questions, the Chairman took Members to the report's recommendations, which were agreed.

## **RESOLVED**

That:

- (1) Council be recommended to adopt the Member's Code of Conduct, at Appendix A to the report, including the requirement to declare all relevant interest at a meeting where they relate to a matter being discussed and paragraph 4(3) be amended accordingly; and
- (2) subject to Council agreeing the adoption of the revised Code of Conduct, to circulate the revised Code to Town and Parish Clerks and to ask them to ask their Members to consider the revised Code of Conduct in place of their existing Members' Code of Conduct.

## **14. FUTURE MEETING DATES**

Members noted the future meeting date of 17 February 2015.

Chairman

## 6. STANDARDS COMMITTEE ANNUAL REPORT 2014

REPORT OF: Solicitor to the Council and monitoring Officer  
Contact Officer: Tom Clark  
Email: [tomc@midsussex.gov.uk](mailto:tomc@midsussex.gov.uk) Tel: 01444 477459  
Wards Affected: All  
Key Decision: N/A  
Report to: Standards Committee  
17<sup>th</sup> February 2015

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### Purpose of Report

1. To present to the Committee the Annual Report for 2014 for onward transmission to Council on 15<sup>th</sup> April 2015

### Summary

2. The report shows a decline in complaints in 2014 with issues around Neighbourhood Plans being resolved by Parish Councils without the need for formal complaints

### Recommendations

**Members are recommended to refer the 2014 Annual Report of the Standards Committee to Council for information.**

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### Background

3. The Standards Committee reviewed the Members Code of Conduct adopted in June 2012 following the changes made by the Localism Act 2011.
4. The Standards Committee recommended a revised Members Code of Conduct akin to that used at West Sussex County Council but with some additional declaration provisions and some further explanation of the consequences of having a disclosable pecuniary interest and how dispensations work.
5. This revised Members Code of Conduct was adopted by Mid Sussex District Council in November 2014. The revised Code has been shared with all Town and Parish Councils in Mid Sussex with the suggestion they also adopt this revised Code of Conduct ahead of the May 2015 elections so that the Code of Conduct in Mid Sussex will be similar at all levels of Local Government.

### Complaints Received

6. Only three formal complaints were received in 2014 and these are set out in the Schedule to this report.

## **Policy Context**

7. Sections 26 to 37 inclusive of the Localism Act 2011 sets out the requirements for the District Council to promote high standards of elected Member conduct within its own membership and within the membership of the towns and parishes in its area. The legislation gives the Standards Committee no real sanctions to impose on the finding of a breach of the Code of Conduct. There are criminal sanctions for the failure to properly declare and act on disclosable pecuniary interests but any such action can only be brought by the director of public prosecutions and there have been no such actions taken in England since the legislation came into force in July 2012.

## **Other Options Considered**

8. The Council must have a Committee that deals with Standards matters. That Committee could also carry out other functions.

## **Financial Implications**

9. The consideration and possible investigation of complaints at both District and Town/Parish is a cost to the District Council. Training is undertaken to try to reduce the number of complaints.

## **Risk Management Implications**

10. If there were a lot of complaints in this area there would be a pressure on the District Council budget. This risk can be reduced by dealing with issues before they become formal complaints. This has worked well so far when issues have arisen over possible interests in Neighbourhood Plan sites.

## **Equality and Customer Service Implications**

11. We request complaints to be put in writing so that it is clear what the complaint is. If a complainant has difficulty explaining their complaint in writing officer assistance can be given

## **Other Material Implications**

12. The District Council follows published procedures when considering and dealing with a Member Code of Conduct complaint

## **Background Papers**

None

## Schedule

### Complaints Received in 2014

- 1) A complaint was received from a Parish Chairman that a Member of the Parish Council had correctively declared a prejudicial interest but then sought to change that to a personal interest when in fact it was a prejudicial interest. The Assessment Sub-Committee asked for the matter to be investigated and that has been investigated by an independent investigator. The investigators report is awaited.
- 2) A complaint was received from a member of the public working at the leisure centre that a District Councillor had been rude to her and failed to treat her with respect. An Assessment Sub-Committee agreed it was a breach of paragraph 3 of the Members' Code of Conduct and invited the Member to make an apology to the complainant and this has happened.
- 3) A complaint was brought by a member of the public against a Parish Councillor. The complaint alleged that the councillor had failed to declare a prejudicial interest by reason of past association with the member of the public in connection with his planning application. The Assessment Sub-Committee agreed with the member that it was reasonable for him not to recognise the complainant's address in the planning papers and therefore there was no breach of the Worth Parish Code of Conduct. The complainant asked for the matter to be reviewed. The Review Sub-Committee decided it was not a personal interest and therefore there could be no breach