

Minutes of a meeting of the Mid Sussex District Council Standards Committee held on Tuesday 18 October 2016 from 6:00 p.m. to 6:50 p.m.

Present: Cllr Pete Bradbury (Chairman)
Town Cllr Christopher Ash-Edwards (Vice-Chairman)

Cllr Liz Bennett* Cllr Heidi Brunsdon Cllr Anne Jones
Parish Cllr William Blunden Parish Cllr Maria Fielding Cllr Gordon Marples
Parish Cllr Stephen Hand

* Absent

Also Present: Anthony Cox and Dr David Horne, Independent Person on Standards Matters.

1. APOLOGIES

Apologies were received from Councillor Liz Bennett.

2. DECLARATIONS OF INTEREST

None.

3. MINUTES

Following an amendment to the grammar in item 7, the Minutes of the meeting of the Committee held on the 11 July 2016 were approved as a correct record and signed by the Chairman.

It was noted that the Chairman will circulate the amended criteria for the Code of Conduct to all Members and to the Clerks of the Parish Councils, with a brief explanation note as to the reasons for amendment.

4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS

None.

5. PROCESS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS

The Solicitor to the Council introduced the report and stated that there were two relevant complaints active at the moment; a series of complaints against a Worth Parish Councillor and a complaint regarding the Neighbourhood Plan being formulated at Horsted Keynes.

He acknowledged that it was not the Committee's role to govern how the Parish Council formulates its Neighbourhood Plan but noted that following the last Standards meeting, Horsted Keynes Parish Council had carried out an independent audit on the work on their Neighbourhood Plan and it appears to be progressing well.

The main focus of the report presented to the Committee is to determine whether an elected Member's representation in response to a complaint should be made available to the complainant, and therefore potentially made public. Currently any comments made are for the Standards Sub-Committee only and not for wider publication. An exception to this has recently occurred where a complainant made a

data subject request to obtain correspondence containing his name, in order to obtain a copy of the response to his complaint. The Solicitor to the Council made recommendation that the current arrangements remain, as this procedure is based on the advice from Standards for England and the Information Commissioner.

A Member queried paragraph 7, asking what constituted a serious financial issue with regard to the completion of Declaration of Interest forms. He also asked where the completed Code of Conduct criteria are published. He had mixed views on the concept of releasing the Member's response to the complainant as he is keen for disclosure but also aware of the need for confidentiality.

The Solicitor confirmed that there is a high threshold with Declaration of Interest forms and not all issues result in a criminal offence, only when the Member has used their role to enhance their financial position in a substantial way. The Code of Conduct criteria are published on the website and will be included in a report on the Standards Committee which is presented to Council.

A Member stated a preference that people should be able to see all information regarding complaints, in order to defend themselves. However she was cautious over the serious consequences that the Committee's decision to share information could have, particularly if complaints are of a personal nature where the Member may not wish sensitive information to be made public.

A further Member agreed with the above comment, highlighting the danger to Members' professional integrity if information was made public in a complaint that was subsequently proved invalid. She felt that it could also be divisive in small Parish communities if everyone could see the accusations being made.

A number of Members and Parish Council Members noted the potential for complaints to go back and forth if full information is shared. With genuine complaints there may not be an issue, but as responses are often robust, vexatious complainants may find further cause for offense. The Members queried whether the Sub Committee could respond to each party with a summary, or the Monitoring Officer be given the option of disclosing information where he deemed appropriate requesting that the complainant not publish the response. The Independent Person on Standards Matters also commented that he would prefer a summary be issued, stating that a lot of the complaints are persistent personal vendettas and such people would publish the information even if asked not to.

A Parish Council Member highlighted that if both parties know their responses could be shared, it may make them consider their statements more carefully and use moderated language. This would also give the Sub Committee more validation in being able to cross check the facts in a case. However, he was unsure how this information could be shared without publically publishing.

The Independent Person for Standards was in favour of transparency and advising people in advance that their words could be in the public domain. He queried whether the Council could add a corporate branded level of security to documents, such as 'For your eyes only', or 'Confidential'.

A number of Members supported the need for transparency but were also unsure how this can be off set against vexatious publication and disclosure of sensitive information. One Member was potentially in favour of an exact copy of responses being provided with sensitive information redacted, but was against the Monitoring Officer providing a summary as it leaves things open to his own interpretation of the issues. It was generally agreed by all Members and Independent Persons that respondents should be made clearly aware that their words could be shared, or the subject of a Freedom of Information/ Data Subject request. This would put the

responsibility on them to be explicit in their complaints and moderate in their responses.

The Chairman agreed that full information was preferable to the sharing of a summary and reiterated the question on what label could be attached to documentation to ensure it remained confidential.

The Solicitor of the Council did not feel that a 'Confidential' label would be enforceable. He offered a further option that nothing be shown to a complainant until the Sub Committee has deliberated whereby they would write to the complainant with the deliberation and copies of responses attached.

It was counter proposed that data be made available to view at the Council Office, and not removed, with the complainant being informed of how to obtain further details through a data subject request. Another option put forward was to provide a summary and invite complainants to apply for a full copy by signing a confidentiality agreement first. However these were felt by some Members to be putting up unnecessary barriers to information and undermining the integrity of the complaints procedure.

One Member highlighted that the current system in place has been agreed by Standards for England and urged the Committee not to look at the issue solely based on one complaint example, but to consider the issue in the round. This was agreed by the Chairman and another Member who pointed out that any changes may be going against the advice of the Information Commissioner who has upheld the current stance on the basis that it is not in the public interest for these matters to be conducted in public, save where there has been a full investigation and an adjudication issue. The Solicitor to the Council confirmed that the Committee could keep the current process in place if they were in agreement.

Council Jones proposed that the current process remains as it is, with the addition of a rider that people involved are advised that their responses could be made public. The Chairman agreed that a condition was required to ensure people use 'temperate and not provocative language'. On that basis the Chairman took Members to the recommendation to keep the current process as it is, with the inclusion of the proposed condition. This was agreed with 7 in favour and 2 against.

RESOLVED

That the process for dealing with Code of Conduct complaints remain as the present procedure with the inclusion of a condition that all parties involved are informed that their responses could be made public and that they should use temperate and not provocative language.

6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN

None.

7. FUTURE MEETING DATES

The Chairman confirmed that the last meeting date for the forthcoming year would be 14 February 2017, taking place at 6pm.

Chairman