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22 February 2019

## PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **STANDARDS COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **MONDAY, 4<sup>TH</sup> MARCH, 2019 at 6.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

### A G E N D A

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| 1. | To receive apologies for absence  |        |
| 2. | To consider any items that the Chairman agrees to take as urgent business               |        |
| 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 17 December 2018         | 3 - 6  |
| 5. | Standards Committee Annual Report for 2018  | 7 - 10 |
| 6. | Questions pursuant to Council Procedure Rule 10 due notice of which has been given.     |        |

To: **Members of Standards Committee:** Councillors P Bradbury (Chairman), C Ash-Edwards (Vice-Chair), L Bennett, W Blunden, H Brunsdon, M Fielding, S Hand, A Jones, G Marples

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*Working together for a better Mid Sussex*



and J Belsey

**Independent Persons:** Anthony Cox and Dr David Horne

**Minutes of a meeting of Standards Committee  
held on Monday, 17th December, 2018  
from 6.00 pm - 6.23 pm**

**Present:** P Bradbury (Chairman)

L Bennett  
M Fielding

A Jones  
G Marples

**Absent:** Councillors C Ash-Edwards, J Belsey, W Blunden, H Brunson  
and S Hand

**Also Present:** Councillors

**1. TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Chris Ash-Edwards, Councillor Stephen Hand, Councillor John Belsey and Councillor Brunson.

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

None.

**3. TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA**

None.

**4. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING.**

The Chairman enquired whether contact had been made with the Mid Sussex Association of Local Councils (MSALC) and Town and Parish Council Clerks as noted in the previous Minutes.

Tom Clark, Monitoring Officer, explained that he contacted the Parish Clerks but not MSALC as he felt the information be more appropriate for the Clerks rather than the Members of MSALC.

The Chairman asked that all Members of MSALC be emailed with the information.

The Monitoring Officer confirmed that he would email all Members of MSALC.

The Minutes of the meeting of the Committee held on 25 June 2018 were approved as a correct record and signed by the Chairman.

**5. UPDATE ON STANDARDS ISSUES.**

Tom Clark, Monitoring Officer, introduced the report which requested the Standards Committee to consider: the outcome of the government's consultation on sex offenders and those with anti-social behaviour orders and their ability to stand for the local elections in May 2019, the review of the Committee for Standards in Public Life into the Local Government Standards regime, a reminder on the Code of Conduct and in particular when developing planning policy documentation and points from recent cases. He confirmed that the details from Central Government will be received in January 2019. It was also noted that the Monitoring Officer had attended a consultation meeting of the Committee for Standards in Public Life which is likely to propose a national Code of Members Conduct as well proposals to limit the bullying of councillors on social media which may put off some who may otherwise wish to stand for public office.

The Chairman questioned how the Council can check if a political candidate has a sex offender or anti-social behaviour order.

The Monitoring Officer explained that it would be indicated on their nomination form and they would have to declare it. If they did not declare it initially and it was found that they did have any order against them then they would be automatically disqualified.

A Member highlighted how he had personally experienced bullying on social media.

The Chairman sought clarification as he believed Parish Clerks can only carry out dispensations in collaboration with the District Council.

The Monitoring Officer confirmed that the work would be done mainly by the Parish Clerk but optionally including consultation with the Solicitor to the District Council; any Clerk can come to the Solicitor of the Council if they have concerns about a councillor.

A Member enquired whether there is a duty to declare an interest in the case of a parish councillor and their neighbour applying for a grant or a planning application.

The Monitoring Officer explained that disclosable pecuniary interest would not apply in that case as it only applies when the property is owned by the parish councillor. A prejudicial interest would likely arise however as it applies in cases whether the land is owned or is located near to land owned by the parish councillor.

A Member queried how much notice does the Monitoring Officer need to be notified of an interest.

The Monitoring Officer clarified that it should be mentioned at the start of the meeting however if it is noted during the meeting then the Member would have to leave and not return until the voting has been completed.

A Member drew attention to Section 3 on P.12, specifically decisions which might be regarded as affecting a councillor's financial position. He asked whether this would include the perception that the councillor's property value may be affected due to a proposed development.

The Monitoring Officer confirmed that it does.

A Member noted a planning development which was proposed to be located in the land behind the Member's property and understood that he could not attend the meeting.

The Monitoring Officer explained that following a case where a councillor attended a licencing committee which was determining an application of the councillor's son, the High Court ruled that a councillor could not sit within the confines of the committee as it would be considered an undue influence on the committee's decision. He drew attention to the misunderstanding of councillors who do not believe there is no need to declare an interest when they are not directly part of the committee.

A Member welcomed the clarity of the report.

Dr David Horne, Independent Person on Standards Matters, proposed whether it would be appropriate to mention anything for the forthcoming local elections.

The Monitoring Officer stated that it would be a good idea to mention it and Code of Conduct issues are already noted in the candidate's nomination pack.

The Chairman thanked the committee for their contributions and wished everyone a happy Christmas. He then took Members to the recommendation which was agreed.

#### **RESOLVED**

The committee noted and commented on the report.

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

None.

The meeting finished at 6.23 pm

Chairman

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## STANDARDS COMMITTEE ANNUAL REPORT FOR 2018

REPORT OF: Solicitor & Head of Regulatory Services  
Contact Officer: Tom Clark, Solicitor & Head of Regulatory Services & Monitoring Officer  
Email: Tom.Clark@midsussex.gov.uk - Tel: 01444 477459  
Wards Affected: All  
Key Decision: N/A  
Report to: Standards Committee on 4<sup>th</sup> March 2019

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### Purpose of Report

1. To present to the Committee the annual report for 2018 for onward transmission to Council on the 27<sup>th</sup> March 2019.

### Summary

2. The report shows that there have been very few Code of Conduct complaints in 2018 and none requiring any investigation. This may be partly due to lack of Neighbourhood Plan activity in the Parish Councils. It further confirms that the Government are being advised to tighten up the Standards regime and provide some form of sanction other than the remote possibility of a criminal prosecution.

### Recommendations

3. **Members are recommended to refer the 2018 annual report to Council for information.**
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### Background

4. Mid Sussex District Council has a similar Code of Conduct to that of West Sussex County Council and about half of the parishes in Mid Sussex. Some Parish Councils have a more relaxed Code of Conduct limited to the Nolan principles.

### Complaints Received.

5. There have been a few complaints received but these have generally related to activities of members outside their role as councillors. The fact that complaints are received indicates that the view of some members of your committee that the public believe once a councillor always a councillor should apply. It is not the position at law but maybe a view held by a fair proportion of the population.

## Meetings during the Year.

6. The March meeting the Standards Committee considered proposals put forward by the Committee on Standards in Public Life to review local government ethical standards. The Standards Committee made comments on these proposals including a request for a prescribed Standards Code of Conduct and some sanctions to impose should serious breaches be identified. As a result of making these representations your Monitoring Officer was invited to a round table meeting with representatives from the Committee on Standards in Public Life and other representatives from County, District, Unitary and Parish Councils to discuss how matters could be improved. On the 30<sup>th</sup> January 2019 the Committee on Standards in Public Life published their report. They are suggesting a voluntary Code of Conduct for Councils to follow and if West Sussex County Council indorse this, it is likely Mid Sussex District Council will do the same. This is because there is a recommendation all Councils in a particular area should have the same Code of Conduct so that the conflicts for the public we described in our representations do not arise. There is a proposal which would allow an elected member to be suspended without remuneration for up to 6 months. There is no proposal to have a central body such as the Standards for England which we had in the pre-Localism Act 2011 regime. These proposals would need primary legislation to become effective. It is unlikely such legislation will come through before May 2019 and therefore the new Council will operate under existing arrangements initially.
7. At your June meeting you considered the Leominster Town Council case. It was clear from that case that any residual general powers a parish or town council has to investigate Code of Conduct breaches was moved to the appropriate District or Borough Council by the Localism Act 2011. Hence the investigation purported to be carried by the Town Council had no validity. It was noted that disagreements between clerks and a certain Member or Members of the Council are a common occurrence and the Committee for Standards in Public Life have indicated that should a Code of Conduct complaint be required this should come from the Chairman of the Town or Parish Council and not from the allegedly bullied clerk.
8. At your December meeting you considered a number of current issues. You noted that the government had indicated they would bring in requirements for candidates to be free from any sex offender registration or anti-social behaviour order to be eligible to be a candidate in the May 2019 elections. Other events in Parliament seem to have delayed the enactment of this change and therefore at the present time the eligibility criteria are the same in 2019 as they were in 2015 save for the fact postal addresses no longer need to appear in public given the levels of harassment against individual Members by some members of the public.

The proposals for the Committee on Standards in Public Life were still awaited in December. There was speculation there would be some common code and there would be some sanctions both of which have formed part of the published report.

In previous years and in some complaints this year the difficult area of formulating planning policy both at District and Neighbourhood Plan level has given issues for District members and Town/Parish clerks and advice has been given to both.

You also looked at two recent cases. The first from Coventry indicated that when members are completing their registration of interest form they must do so thoroughly and not in an incomplete way. The second complaint involved alleged sexual harassment by the former Leader of Devon County Council and the disciplinary action taken by the Council was upheld by the High Court.

### **Policy Context**

9. Sections 26 – 37 inclusive of the Localism Act 2011 set out the requirements for District Councils to promote high standards of elected member conduct within its own membership and membership of the Town & Parish Councils in its area. There are now proposals to change that legislation.

### **Other Options Considered.**

10. At the present time a dedicated committee for Standards matters is not required. The Committee for Standards in Public Life however suggests that a dedicated Standards Committee should be a requirement which we already have at Mid Sussex.

### **Financial Implications**

11. Complaints are expensive to investigate and therefore training with both District and Parish/Town members following the elections in May 2019 is important.

### **Risk Management Implications**

12. Many complaints would put pressure on the District in terms of personnel and costs.

### **Equality and customer service implications**

13. Complaints are requested to be in writing. If a complainant finds difficulty in writing, officer assistance can be given.

### **Other Material Implications.**

14. On the website details are given on how complaints are dealt with both for a complainant and for the Member in receipt of the complaint.

### **Background Papers.**

Standard Committee papers from 2018. The report from the Committee on Standards in Public Life on Local Government Ethical Standards published on 30<sup>th</sup> January 2019.

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