

**Minutes of a meeting of Standards Committee
held on Monday, 7th October, 2019
from 6.00 pm - 6.58 pm**

Present: P Bradbury (Chairman)
H Brunsdon (Vice-Chair)

A Bennett

R Clarke

Absent: Councillors C Ash-Edwards, D Denham St Pinnock, L Bennett
and A Eves

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

1. TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Councillor Liz Bennett, Councillor Eves, Councillor Chris Ash-Edwards and Councillor Denham St Pinnock.

The Chairman proposed that Councillor Brunsdon acts as Vice-Chairman for this meeting. This was unanimously agreed by the Committee.

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

None.

3. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 10 JUNE 2019

The Minutes of the meeting of the Committee held on 10 June 2019 were approved as a correct record and signed by the Chairman.

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

5. REPORT TO STANDARDS COMMITTEE – 7TH OCTOBER 2019

Tom Clark, Monitoring Officer, introduced the report which detailed the recommendations of the Committee on Standards in Public Life in relation to Local Government published in January 2019. He noted that Standards Committee would have the power to suspend Members and the recommendation is to remove their powers to prosecute Members for non-disclosure of disclosable pecuniary interests. He advised that most councils in the area have adopted the same code of conduct. A new Code of Conduct will be drafted by the Local Government Association (LGA) which this Committee can adopt. He confirmed that the Council currently follows the

WSSC Code of Conduct and many of the town and parish councils follow Mid Sussex District Council's Code of Conduct.

As the Parish Councils have no powers to deal with complaints they are dealt with by this Standards Committee. The report published in January suggests an annual review but the Council intend to continue following the County policy. He also noted that since 2011 most Parishes had reviewed their Codes of Conduct. The Monitoring Officer highlighted the tabled open letter from the Committee on Standards in Public Life to all public office holders which had been sent following recent inappropriate ways of debating issues and other areas of concern i.e., use of social media. He noted that it makes the assumption that if notes are made on public social media the presumption is that Members do this in their capacity as a Councillor and not in a private capacity.

The Chairman asked if Members had any general comments about the tabled letter, and he confirmed that as a result of the Localism Act Mid Sussex District Council must process complaints received by Parish Councils about their Members.

The Vice-Chairman reminded the Committee that they should be careful when using social media, she expressed concern over the presumption that comments made on social media made are always in capacity as a Councillor. The Chairman advised that this would be discussed in more detail once the recommendations were reviewed.

The Chairman moved on to the list of recommendations on page 13 of the paper and the Committee discussed each recommendation.

- 1) This recommendation was agreed with no amendment.
- 2) The Committee discussed reasons for Members withholding their home address. A Member expressed concern and noted that the public have a right to contact Members. The Chairman advised that Members are easily contactable without their home addresses being in the public domain. The Committee were given examples where for security reasons it was preferential for a Member's home address to be withheld.
- 3) The Monitoring Officer explained that if a Member's social media account has restricted access then it is a private account and is not used in their capacity as a Councillor. The Committee discussed the possibility of extracts from private social media accounts being put into the public domain, and agreed that Members should use caution when posting on all social media accounts. A reminder should be sent to all Members on the safe use of social media.
- 4) The Monitoring Officer noted that this recommendation has a wider remit than the current law.
- 5) The Committee agreed that if Members were unsure whether to declare a pecuniary interest they should seek clarification from the Monitoring Officer.
- 6) The Monitoring Officer confirmed that Members already registered any gifts and hospitality received.
- 7) A Member noted their objection to adopting this recommendation, the repeal of Section 31 of the Localism Act 2011. The Monitoring Officer advised this had been discussed at the previous meeting. The Council would retain their

current rule, where a Member should not participate in a discussion or vote on any matter that they have a personal and prejudicial interest in and should leave the chamber for that item, but it had not been adopted by all councils nationwide.

- 8) The Committee discussed amendments to the fixed term of office for Independent Persons and maximum time in office. It was felt that the current policy should not be amended and a four year term permitted.
- 9) The Chairman confirmed that this recommendation formalises the current procedure at the Council for dealing with complaints.
- 10) He noted that the Committee already follow this recommendation.
- 11) The Monitoring Officer advised that it would be sensible to provide legal indemnity cover to Independent Persons as their views are to be made public.
- 12) The Monitoring Officer confirmed that the Council's Standards Committee already perform the function as detailed in recommendation 12.
- 13) Following a Member's query the Monitoring Officer confirmed that the Ombudsman would only scrutinise the process already undertaken by the Standards Committee to check the correct process had been followed.
- 14) The recommendation that any decision by the Ombudsman would be legally binding on the Council was agreed.
- 15) The Monitoring Officer noted that the Council already publish details annually of complaints received regarding any code of conduct breaches by Members.
- 16) The Committee discussed the sanction of suspending Members without allowances and the impact on the ward. The Monitoring Officer noted that most wards in Mid Sussex have two Ward Members. He confirmed that where this has occurred in other local authorities with only one Ward Member, a Member from the same political group would assist the residents that ward. He also advised that suspension for six months was not a regular occurrence and would not trigger a by-election.
- 17) The Committee agreed that suspended Members would not be permitted access to the Council offices.
- 18) The Monitoring Officer confirmed that this recommendation removed the power to prosecute a Member under the Localism Act 2011. The Vice-chairman noted that in some circumstances where a pecuniary interest is illegal, the Member could be prosecuted by the Police.
- 19) Several Members noted that it is hard to recruit and retain good parish clerks. The Committee agreed to add that clerks should be encouraged to undertake a professional qualification.
- 20) The Monitoring Officer confirmed that many Parish Councils already use our Code of Conduct and this recommendation would make it a requirement. It was agreed that it would be less confusing if the same Code of Conduct was used by all Parish Councils in Mid Sussex.

- 21) The Committee agreed recommendation 21 that following a breach the Council should determine the sanction imposed on the Parish Councillor.
- 22) Several Members agreed that protection for the Monitoring Officer should be amended to cover all disciplinary actions.
- 23) The recommendation that the Whistleblowing policy should include a contact for external auditors was agreed. A Member advised that a revised ISO for Whistleblowing policies would be publicly available next year.
- 24) The Committee asked the Monitoring Officer to obtain more information on recommendation 24 and circulate it to Members. Post meeting it was noted that this would apply Whistleblowing protection to elected Members.
- 25) The Members discussed this recommendation and the Committee resolved that new Members should receive induction training from the authority, not their political party, should they belong to one.
- 26) The Monitoring Officer noted this recommendation aims to raise the profile of the Standards Committee. Members discussed the wording and agreed amended wording to all standards of public life.

RESOLVED

The Standard Committee considered the report and agreed the above in their discussion.

The meeting finished at 6.58 pm

Chairman