

1 September 2023

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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, 11TH SEPTEMBER, 2023 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. Ratification of Chairman and Vice-Chairman.	
2. To receive apologies for absence.	
3. To consider any items that the Chairman agrees to take as urgent business.	
4. To receive Declaration of Interests from Members in respect of any matter on the Agenda.	
5. To be agreed by general affirmation the Minutes of the previous meetings held on 06 June 2022 and 24 May 2023.	3 - 10
6. Parish Nominations.	11 - 12
7. Annual Report.	13 - 14

8. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

To: **Members of Standards Committee:** Councillors M Cornish (Chairman), C Wood (Vice-Chair), M Belsey, M Kennedy, C Phillips and J Russell

Independent Persons: Paul Cummins, Dr David Horne and Wendy Swinton-Eagle

**Minutes of a meeting of Standards Committee
held on Monday, 6th June, 2022
from 6.00 pm - 6.30 pm**

Present: P Bradbury (Chairman)
C Ash-Edwards (Vice-Chair)

A Bennett

J Knight

A Eves

Absent: Councillors R Clarke, D Denham St Pinnock, K Healy and
B Von Thunderclap, S Smith and Mr Paul Cummins.

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

Ms Wendy Swinton-Eagle, Independent Person on Standards
Matters.

1. ELECTION OF CHAIRMAN.

Councillor Knight nominated Councillor Pete Bradbury as Chairman of the Committee for the 2022/23 Council year. This was seconded by Councillor Ash-Edwards and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Bradbury be elected Chairman of the Committee for the 2022/23 Council Year.

The Chairman thanked Members for the appointment and thanked Cllr Liz Bennett for her term as Chairman.

2. APPOINTMENT OF VICE-CHAIRMAN.

The Chairman nominated Cllr Ash-Edwards as Vice-Chairman of the Committee for the 2022/23 Council year. This nomination was seconded by Councillor Knight and with no further nominations put forward, this was agreed.

RESOLVED

That Councillor Ash-Edwards be appointed as Vice-Chairman of the Committee for the 2022/23 Council year.

3. TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Clarke, Denham St Pinnock, Healy, Von Thunderclap and Smith and Mr Paul Cummins.

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

The Chairman confirmed that he had no urgent business.

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

The Chairman declared a personal interest as he is the Chairman of West Sussex County Council and as a result Chairman of the West Sussex county Council Standards Committee.

The Chairman welcomed Cllr Knight to the Standards Committee.

6. TO CONFIRM THE MINUTES OF THE PREVIOUS MEETING HELD ON 7 MARCH 2022.

Dr David Horne, an Independent Person on Standards Matters, noted a mixture of words that made the sentence incoherent on P.4, Paragraph 4 and suggested the sentence should read '...on the offer of training.'

The Minutes of the meeting of the Committee held on 7 March 2021 were then approved as a correct record and signed by the Chairman.

7. THE GOVERNMENT RESPONSE TO THE COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT ON LOCAL AUTHORITY ETHICAL STANDARDS JANUARY 2019.

Tom Clark, Head of Regulatory Services, introduced the report which presented the Government's response to the Committee on Standards in Public Life Report from January 2019 on Local Authority Ethical Standards and asked the Committee to discuss the 24 responses made.

The Chairman took Members through each of the recommendations.

The Chairman noted that there were no comments on Recommendation 1 & 2.

The Chairman highlighted Recommendation 3 and asked whether a social media account that has limited access to people is covered.

The Head of Regulatory Services replied that it is the case however the Council would have to look at the Code to see whether it applies as sometimes comments made in private may end up in the public domain.

The Chairman referenced Recommendation 4 and noted personal experience on his Parish Council where one Councillor used to regularly say he was representing the Parish however he was only speaking on behalf of himself.

The Head of Regulatory Services confirmed that the area is fraught with issues and drew attention to representations on planning applications. The Council has checked that a particular speaker is in fact speaking on their behalf of the Parish Council only to be told by the clerk in fact they have not been authorised to speak on behalf of the Parish Council.

The Chairman moved to Recommendation 5 and stated that Members have an interest whether they get paid or not and should declare when they are concerned. He added that he does so with his charity Building Heroes whenever a military charity is concerned.

The Head of Regulatory Services agreed that Members should disclose when they are involved in any matter and the declaration form does include it. He said the recommendation was aimed at declarations of spouses and partners of Councillors whom object to having their information on a publicly accessible website however the government are not suggesting a change to that.

The Chairman noted Recommendations 6 and 7 and believed both were already in placed therefore was unsure what value the proposals added.

In discussing Recommendation 8, the Head of Regulatory Services felt relieved that the government rejected the two-year plan as the Independent Persons would hardly be in post before new Persons would need to recruited.

The Chairman enquired whether the Council has a two-term limit for Independent Persons on Standards Matters.

The Head of Regulatory Services replied that it is not an official limit however the Independent Persons have often said two-terms is enough.

A Member questioned if the role is unpaid as stated in the government response as she was aware of an allowance.

The Head of Regulatory Services responded that other Councils pay an allowance so was surprised to see it mentioned in the response.

In reference to Recommendation 9, the Head of Regulatory Services confirms in correspondence that he has consulted the Independent Person and at a high level what that view is. However, he gives no detail on an FOI request doesn't provide that information for reasons of good governance. This gets over the concern raised in Recommendation 9.

The Chairman noted the response to Recommendation 10, 12, 13, 14 & 16 and sought clarification as to whether the Council has an option to suspend a Councillor.

The Head of Regulatory Services clarified that the Government does not intend to go back to the previous regime which allows for the suspension of Councillors.

A Member felt that the wording of the response, specifically 'the chilling effect of free speech in government' and 'sitting in judgement on the political comments of fellow councillors' was peculiar in the context of standards. She believed that standards complaints should not be used to criticise a person's views but rather their breaches of the Nolan Principles.

Another Member agreed and thought that it was a shame that there are no sanctions for bad behaviour or that Councillors cannot be suspended.

The Head of Regulatory Services referred the Members to standards matters by 2010 The Standards Board for England seemed to have become a referee for

political disputes. He outlined some notorious cases which mostly were councillors being rude to each other.

The Chairman agreed with the Members comments and found the range of sanctions to be inadequate.

The Chairman noted that there were no comments on Recommendation 11 & 15.

The Chairman referenced Recommendation 17 and reiterated that the range of sanctions is insufficient.

The Head of Regulatory Services recalled a recent case where there was a Councillor who was mooring all the time which resulted in the Police being called and him being removed from the meeting. This however is not a common event.

The Chairman noted that there were no comments on Recommendation 18.

The Chairman referred to Recommendation 20 and highlighted that the Council has encouraged all Parish Councils to adopt the LGA Code of Conduct.

The Chairman discussed Recommendation 21 and believed that the proposal was already in effect.

The Head of Regulatory Services confirmed that Parish Councils must refer potential breaches to the District Council for investigation.

The Chairman asked the Head of Regulatory Services to explain Recommendation 22.

The Head of Regulatory Services explained that there is currently protection for statutory officers and the recommendation suggests widening the protections however the government believes the current protections to be satisfactory.

The Chairman referred to Recommendation 23 and believed that Council already has a named contact.

The Head of Regulatory Services replied that the Council has a policy and a contact officer.

A Member said she had googled the whistleblowing policy and could not find it on the Council's website.

The Chairman recommended that the whistleblowing policy is easy to find and shows clearly who is the point of contact.

The Chairman sought clarification on Recommendation 24.

The Vice-Chairman confirmed that the suggestion seemed to relate mainly for organisations and noted a reference for whistleblowing of financial fraud to the Bank of England. He felt it odd that Councillors were included in the list.

The Chairman noted that no Member wished to speak and moved to the vote on the recommendations which was approved unanimously.

RESOLVED

The Committee commented on the response to the Committee on Standards in Public Life Report and to discussed how that might affect the way standards are dealt with at Mid Sussex District Council and in the Parishes in Mid Sussex.

8. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

No questions were received.

The meeting finished at 6.30 pm

Chairman

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**Minutes of a meeting of Standards Committee
held on Wednesday, 24th May, 2023
at 7.40 pm**

Present:

M Belsey	C Phillips
M Kennedy	J Russell
M Cornish	C Wood

1. ELECTION OF CHAIRMAN.

Councillor Wood nominated Councillor Cornish as Chairman of the Committee for the 2023/24 Council year. This was seconded by Councillor Kennedy and with no further nominations put forward, this was agreed unanimously.

RESOLVED

That Councillor Cornish be elected Chairman of the Committee for the 2023/24 Council year.

2. APPOINTMENT OF VICE-CHAIRMAN.

Councillor Kennedy nominated Councillor Wood as Vice-Chairman of the Committee for the 2023/24 Council year. This was seconded by Councillor M Belsey and with no further nominations put forward, this was agreed.

The Monitoring Officer confirmed the appointment of Chairman and Vice Chairman would be ratified at the first full Standards Committee meeting once Parish Members were in attendance.

RESOLVED

That Councillor Wood be appointed Vice-Chairman of the Committee for the 2023/24 Council year.

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

None.

The meeting finished at 7.42 pm

Chairman

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STANDARDS COMMITTEE – PARISH NOMINATIONS

REPORT OF: MONITORING OFFICER
Contact Officer: Kevin Toogood, Assistant Director and Monitoring Officer
Email: kevin.toogood@midsussex.gov.uk Tel: 01444 477050
Wards Affected: All
Key Decision: No
Report to: Standards Committee
11 September 2023

Purpose of Report

To approve the Parish Council representatives to sit on the Standards Committee for the current municipal cycle.

Recommendations

- 1. The Standards Committee is recommended to Ratify the appointment of the representatives proposed by the Parish Councils to the Standards Committee**
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Background

2. This is the first meeting of the Standards Committee for the current municipal cycle.
3. The committee is responsible for upholding the highest standards of Member conduct for both the District Council and the Town and Parish Councils in the District. It does so, in part, by conducting investigations into Member conduct in circumstances where the Monitoring Officer considers, in consultation with the relevant Independent Person, that a complaint has sufficient substance to justify consideration by the committee.
4. The Constitution requires that the committee be made up of 10 Members, 6 District Councillors and 4 Parish or Town Members. In relation to the parish representatives, at least one Parish representative is required to be present when matters relating to the Parish Councils, or their Members are being considered.
5. Nominations to the committee were sought from the Parish and Town Councils, and 5 nominations were received before the 31 July 2023 deadline. However, two of these nominations were from Horsted Keynes Parish Council. In order to achieve the best spread of representatives across the Parishes, we have requested that the Parish Council decide which of the two nominations they wish to proceed with, and the Parish Council is due to vote upon that matter.
6. The Committee therefore presently has 3 parish nominations to ratify:
 - (a) Douglas Denham St Pinnock - West Hoathly
 - (b) Crispin Salimbeni - Ansty and Staplefield
 - (c) Amy Beecroft - Lindfield

7. The committee is recommended to ratify these three appointments in order to ensure the committee can carry out its business (in particular where a Town or Parish matter requires consideration). A further report will be put before the committee once the Horsted Keynes nomination has been confirmed so that the committee can be fully constituted.

Financial Implications

8. None.

Risk Implications

9. None.

Sustainability Implications

10. None.

Equality and Customer Service Implications

11. None.

Other Material Implications

12. None.

Background Papers

None.

STANDARDS COMMITTEE – ANNUAL REPORT

REPORT OF: MONITORING OFFICER
Contact Officer: Kevin Toogood, Assistant Director and Monitoring Officer
Email: kevin.toogood@midsussex.gov.uk Tel: 01444 477050
Wards Affected: All
Key Decision: No
Report to: Standards Committee
11 September 2023

Purpose of Report

The purpose of this report is to outline work carried out under the Members' Code of Conduct in the municipal year 2023/24 to date.

Recommendations

- 1. The Standards Committee is recommended to note the contents of the report**
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Background

2. This is the first meeting of the Standards Committee for the current municipal cycle. The last annual report was considered by Council in March 2023.
3. The Standards Committee is responsible for promoting and upholding the highest standards of Member conduct for both the District Council and the Town and Parish Councils in the District. It does so by assisting Members in observing the Code of Conduct, monitoring the operation of the Code, and receiving reports from the Monitoring Officer on the standards regime (for example, considering publications or recommendations from the government's Committee on Standards in Public Life).
4. It also conducts investigations into Member conduct in circumstances where the Monitoring Officer considers, in consultation with the relevant Independent Person, that a complaint has sufficient substance to justify consideration by the committee, and that the Code of Conduct is engaged.
5. The Council adopted the revised LGA Model Code of Conduct in March 2022. The revised code was produced as a response to the 2019 report of the Committee on Standards in Public Life on Local Authority Ethical Standards. It seeks to set out in plain language how the general principles of Councillor conduct (the "Nolan Principles") should be observed and contain specific obligations of conduct to which all District Councillors are required to adhere to.
6. Town and Parish Councils are entitled, but not required, to adopt the revised model code and at present there is a mixed take-up in the Towns and Parishes of the District. Where a complaint is made against a Town or Parish Councillor, it is the code of conduct of that Town or Parish Council which must be considered.
7. Both at District and Town and Parish levels, there is a continued trend of low levels of complaints being made. Since 2021 there have been no complaints which have required formal investigation. Against this backdrop, it is, however, important the Council does not become complacent. Every complaint, upon receipt, must be considered carefully against the requirements of the Council's procedure.

8. Since March 2023, there have been 4 complaints made in relation to Member conduct. Three of these were related to the local government elections in May 2023. It is well established that the Code of Conduct only applies where a Member is acting in their capacity as a Councillor, and so it is important to distinguish between times when a Member is acting in that capacity – as an elected or co-opted representative – and when they are acting in some other capacity. In relation to election campaigning therefore, the act of campaigning is not something which is carried out in the role of councillor. In each of these complaints, therefore, the Code of Conduct was not engaged.
9. In one of the cases, concerning a person seeking election to a Parish Council, the conduct also could not engage the code because they were not a Parish Councillor at the time the conduct complained of happened. The Council cannot look into conduct which arises before or after a person was a Councillor, or during their tenure as a Councillor if they have resigned or their term has otherwise ended during the currency of an investigation.
10. A complaint was also made during this period regarding a Parish Clerk. The standards regime only applies to elected and co-opted members, and not to officers. Officer conduct is generally an employment matter which is for the Parish Council alone. This complaint was therefore not progressed any further.
11. Because each of these complaints was found at the initial assessment stage not to engage the code of conduct, no complaints required consideration by the Assessment sub-committee.

Financial Implications

12. There continue to be few complaints. None of the complaints received since March 2023 required further investigation. Consequently, there have been no unanticipated costs incurred as a result of code of conduct complaints.

Risk Implications

13. None.

Sustainability Implications

14. None.

Equality and Customer Service Implications

15. None.

Other Material Implications

16. None.

Background Papers

- Adopted Model Code of Conduct
- Process for Dealing with Member Code of Conduct Complaints