

STANDARDS COMMITTEE ANNUAL REPORT FOR 2018

REPORT OF: Solicitor & Head of Regulatory Services
Contact Officer: Tom Clark, Solicitor & Head of Regulatory Services & Monitoring Officer
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Wards Affected: All
Key Decision: N/A
Report to: Standards Committee on 4th March 2019

Purpose of Report

1. To present to the Committee the annual report for 2018 for onward transmission to Council on the 27th 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 30th 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 30th January 2019.