

REPORT TO STANDARDS COMMITTEE – 7TH OCTOBER 2019

REPORT OF: Solicitor & Head of Regulatory Services & Monitoring Officer
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Wards Affected: All
Key Decision N/A
Report to: Standards Committee 7th October 2019 at 6 p.m

Purpose of Report

1. To report in detail the findings of the Committee on Standards in Public Life in relation to Local Government published in January 2019. The Committee is asked how the arrangements at Mid Sussex might be amended ahead of all the changes being the subject of a new statutory framework.

Summary

2. The Appendices to the report set out the findings of the Committee for Standards for Public Life and also the Council's current arrangements for dealing with complaints and its current Code of Conduct. The Committee is asked to consider whether any further changes to the Code of Conduct should be made at this stage and whether any changes should be made to the arrangements we have for dealing with Standards issues.

Recommendations

3. The Scrutiny Committee retain the present Code of Conduct pending any new recommended Code from the Local Government Association but consider whether any other changes should be made ahead of the recommended statutory changes which are unlikely to happen before 2020.
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Background

4. The Committee on Standards in Public Life took evidence in 2018 and their report was published in January 2019. The headline changes were to introduce the possibility of elected members being suspended for up to 6 months for a breach of a disclosable pecuniary interest while taking away the possibility of a member being prosecuted for breach of a disclosable pecuniary interest or for failing to properly register a disclosable pecuniary interest.
5. The Committee also looked at the growing problem of bullying on social media. They made some recommendations in this area. I have not had a lot of social media problems reported to me but members are recommended to keep their social media factual and not get involved in debates on social media.
6. Members will note that the Committee on Standards in Public Life considered that a member would be acting as a member when using social media or communicating with the community in any other way. This view goes beyond the current legal position established in the Ken Livingstone case which restricted when the Code of Conduct would apply.

7. This Committee has always considered the Code of Conduct applying much wider than the Ken Livingstone case and therefore this view is in line and with the recommendations of the Committee on Standards in Public Life. However, this change will need primary legislation and therefore time in Parliament.
8. The Committee is asked to consider the Appendices and whether any changes should be made at this stage.

Other Options Considered

9. Leave things as they are noting that the Council's present Code of Conduct is in line at West Sussex County Council and has been followed by about 50% of the Parishes and all the Towns in Mid Sussex. The Committee on Standards in Public Life did see it as important that Codes of Conduct in a particular area were similar so that the public could understand what was going on if they had cause to attend more than one Council in the Mid Sussex area.

Financial Implications

10. A break down in the observance of the Code of Conduct at the District Council or at Town/Parish Council is likely to be a financial burden on the District Council.

Risk Management Implications

11. A failure to follow Code of Conduct matters is likely to cause reputational issues going forward and therefore it is important that all Council's in Mid Sussex take training on the Code of Conduct and seek to comply with it.

Other Material Implications

12. Failure to demonstrate good governance is likely to bring a Council into disrepute.

Appendices.

13. The recommendations of the Committee on Standards in Public Life, the present position on best practice recommendations, the present Code of Conduct and the criteria about how to act following a complaint.