

STANDARDS COMMITTEE ANNUAL REPORT 2019

REPORT OF: Solicitor & Head of Regulatory Services

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Wards Affected: All

Key Decision: N/A

Report to: Standards Committee on 9th March 2020 at 6pm

Purpose of the Report

1. To present to the Committee a draft annual report for consideration by Council at its meeting on 1st April 2020.

Summary

2. The Standards Committee has met on three occasions in 2019. The Committee has looked at the procedures at Mid Sussex District Council for dealing with Code of Conduct Complaints both from the District and from all the Towns and Parishes in Mid Sussex. It also considered in detail the proposals from the Committee for Standards in Public Life. Some of these proposals need statutory changes to the Localism Act 2011 and such legislation is expected to come forward in 2020. The proposals include a requirement for all Councils to have a Standards Committee dealing exclusively with Standards matters and for the reintroduction of the power to suspend elected members for a period of up to 6 months. It also requires all Councils within a particular area to have a similar code of conduct.

Recommendations

3. **Members are asked to advise on any changes to this report ahead of submission to Council.**
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Background

4. Mid Sussex District Council has a similar Members Code of Conduct to that of West Sussex County Council and about half the Towns and Parishes in Mid Sussex. Some Parishes have a moved relaxed Code of Conduct limited to the Nolan Principals. Following the elections in May 2019 the composition of the Standards Committee changed but the Chairman has remained Cllr Pete Bradbury and the Vice Chairman Cllr Chris Ash-Edwards. There are six members from the District Council who are Councillors Bradbury, Alison Bennett, Liz Bennett, Anne Eves, Heidi Brunson and Rod Clarke four Members from the Towns and Parishes who are Councillors Chris Ash-Edwards, Karen Healy, St. Pinnock and Baron Von Thunderclap. The two Independent persons, Dr David Horne and Tony Cox attend the Standards Committees and make contributions at the invitation of the Chairman.

Complaints Received

5. There have been two substantive complaints in 2019 both involving District Councillors. In the first complaint the complaint was received from a District Councillor

against a District Councillor from the same area. The hearings Committee decided there was no potential breach of the Members Code of Conduct in connection with this matter. The allegation was a breach of paragraph 3 in that the Member had brought their office into disrepute.

The second complaint was later in the year brought by an Officer in respect of conduct towards her own officers in connection with the behavior of the District Member at the end of a planning committee. The Hearings Committee found in their view that there was a breach of the Members Code of Conduct in that the Member had failed to treat the Officers with respect and had behaved in a way that was likely to bring his office into disrepute. The Member was asked to apologize in person to the two officers concerned. The latter complaint emphasizes the need for all meetings at the Council to be conducted with decorum and for Members avoid long discussions with officers or members of the public at the end of a meeting. Such discussions are better had outside the public venue.

Training following the Elections in May 2019

6. All members of the District Council have been trained in Standards matters and the key principles of the Code of Conduct appear to be understood by all Members. The two complaints above did not involve newly elected members. At Town and Parish level the Monitoring Officer offered to go to the meetings of the requisite Town or Parish Council. To date he has been invited to Lindfield Parish Council where a short presentation about the Members Code of Code and possible changes following the deliberations of the Committee for Standards in Public life were discussed. Further training will be provided as and when legislation is passed to amend the present Localism Act 2011 Standards Regime to include specific penalties for breaches of the Code of Conduct. The proposal also means that while there will not be an imposed Code of Conduct, but all Councils within a County area will be expected to follow the Members Code of Conduct set out by the requisite County Council, therefore meaning that Members of the public will see a similar Code of Conduct at whatever level of Local Government meeting they attend. The Leominster Town Council case confirmed that Towns & Parishes Councils have no powers to deal with Member Code of Conduct matters and these should be reported to the Monitoring Officer at the District Council. Where the complaint involves the clerk the recommendation is that the complaint should come from the Chairman of the Town or Parish Council and not from the clerk direct.

Policy Context

7. 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 and Parish Councils in its area. There are proposals to change this legislation which may come forward in 2020. A particular concern is social media harassment and proposals are likely to be included as part of the overall 'package' for people elected to public office.

Other Options Considered

8. Legally a dedicated committee for Standards Matters is not required but it is the recommendation of the Committee for Standards in public life that the District Council should have such a Committee and therefore there is no point in Mid Sussex moving away from its present arrangement.

Financial Implications

9. Complaints are expensive to investigate and therefore training with both District and Parish to our Members is important. As stated above there have only be two complaints in 2019 and both of these have involved long standing District Councillors.

Risk Management Implications

10. Many complaints would put pressure on the District Council in terms of personnel and costs. The level of complaints from Town and Parish Councils increased when there was a lot of Neighborhood Plan work. In rural Parishes there is always a conflict for Members given they are likely to have interests in a particular site or live close to a particular site. Dispensations are possible by the relevant clerk but these have not been given to Members where they actually own the site being promoted.

Equality and Customer Services Implications

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

Other Material Implications

12. Details of how to make a complaint are on the Mid Sussex website. The report to the Standards Committee in June 2019 outlines the system for dealing with complaints at Mid Sussex and is a useful reference document.

Background Papers

Standard Committee papers from 2019 and the report of the Committee for Standards in Public Life on Local Government ethical standards published on 30th January 2019.