

12 . THE STANDARDS COMMITTEE ANNUAL REPORT 2016

REPORT OF: Tom Clark
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Wards Affected: All
Key Decision N/A

Purpose of the Report

1. To present to Council the Annual Report for 2016 of the Mid Sussex Standards Committee.

Summary

2. The report sets out the work of the Standards Committee in 2016 and in particular gives a flavour of the complaints received.

Recommendations

3. **Members are asked to note the report.**
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Background

4. There was a change of membership during 2016 with Cllr. Pete Bradbury taking over from Cllr. John Belsey as the Chairman. New independent persons were appointed to replace Sir Roger Sands and Gerard Irwin. Following an open competition Council appointed Dr. David Horne, who has previously carried out the role at Brighton and Hove City Council and Tony Cox, who had previously served on the Council's Allowances Panel as the Independent Persons. Both are therefore familiar with the structure of Council and the Members Code of Conduct. The four parish members have not changed during the year and Cllr. Chris Ash-Edwards remains the Vice-Chairman of the Standards Committee.
5. The Sub-Committees have looked at two areas of complaint. The first has involved a Worth Parish councillor who unfortunately did not complete his Declaration of Interest form accurately during 2016 and has been subject to continued complaints from a local resident. The issue in the Declaration of Interest form has had no impact on the Parish Council because it relates to a private business matter. While there is a technical breach of the Code of Conduct it would not be in the public interest to spend public money investigating a matter that has had no impact on the workings of the Parish Council.

The second area of complaint involves the formulation of Neighbourhood Plans. Planning is a contentious area of work and that has fed through to Neighbourhood Plans. The area of concern for the Standards Committee is when someone seeks to promote a development in which they have an interest or resist a development in which they are adversely affected. Such a potential situation arose at Horsted Keynes. This was dealt with. The

Standards Committee was then invited to get involved in what was a dispute about the content of the Neighbourhood Plan and the local recriminations over this. As with most such disputes there were faults on both sides and the Standards Committee have sought to assist the Parish Council in taking their Neighbourhood Plan forward to the usual public Examination and Referendum when the local population have their say on whether they wish to accept or reject the Neighbourhood Plan.

6. The Standards Committee met three times in 2016 using its first meeting to agree the previous year's Annual Report.
The Standards Committee in July reviewed the criteria for assessing complaints. The revised criteria are found at Appendix 1 to this report.
At the October meeting of the Standards Committee there was a full discussion about whether representations made by members who were in receipt of a complaint should be made public. The Committee concluded the present arrangements should continue where these are not put into the public domain but are reflected in the letter that is sent to all parties involved in such a complaint. This procedure is supported by the Information Commissioners Office who understand that the disclosure of all paper work is likely to prolong a dispute but those involved in such a dispute are reminded to temper their language given there is always the possibility under the Freedom of Information system for such paperwork to be disclosed.
7. When the Monitoring Officer receives a written complaint he makes an initial assessment and shares this with the appropriate independent person. The independent person may agree with the Monitoring Officer or may reach a different conclusion. If either think the matter should be referred to a Standards Sub-Committee for consideration this is what generally happens. In 2016 there were a number of complaints that did not reach the Sub-Committee, the substance of which were as follows:
 - a) a party political complaint about District members prior to the Police and Crime Commissioner elections.
 - b) an alleged road incident involving a District member during the Police and Crime Commissioner election.
 - c) extensive complaints about the conduct of Ashurst Wood Parish councillors during the lead up to their Neighbourhood Plan Referendum held on the Police and Crime Commissioner election day.
 - d) a complaint against a District member alleging he had not dealt with a complaint efficiently in terms of chasing up relevant officers.
 - e) a complaint about a District member's work as a planning promoter outside the Mid Sussex District area.
 - f) a complaint against a District member about the comment they had made during the Neighbourhood Plan process which was the opposite view of the complainant but a view shared by those living in the locality of the proposed Neighbourhood Plan site.
8. The other area where there was always potential for complaints is a failure to show respect to members of the public. Elected members need to think

carefully before they retaliate against members of the public and in particular be careful in their use of social media.

Policy Context

9. Sections 26 to 37 inclusive of the Localism Act 2011 require the District Council to deal with Standards complaints and promote good standards in its area. This Act took away the sanctions of disqualification and suspension but introduced in very serious cases only the possibility of a prosecution for failing to complete the Declaration of Interest form accurately and/or failing to declare interests at appropriate meetings both in terms of failing to declare an interest at all or failing to declare an interest accurately. In the past 5 years there has only been one such prosecution and any prosecution needs the consent of the Director of Public Prosecutions to proceed. There has recently been a High Court case from East Devon the outcome of which confirms that Standards Committees do have power to require members to undertake training.

Other Options Considered

9. At some Councils the Standards Committee has been combined with the Audit Committee. The view of the Standards Committee at Mid Sussex District Council is that it is worth retaining a Standards Committee given the deferent membership which includes parish councillors, and also lay people in attendance, and the specialist detail of some debate.

Financial Implications

10. The cost of any investigation whether the Member is from a District Council or a Parish Council falls on the District Council. A serious complaint normally requires an outside investigator and therefore comes with a cost that could be prohibitive if there were a number of such complaints during a particular year.

Risk Management Implications

11. The District Council does keep in touch with Town and Parish Councils to avoid complaints needing to be made formal. The Monitoring Officer visits some parish councils at their invitation and the independent persons are also willing to attend Parish Councils to assist with Standards matters. Parish Councils have also got good Code of Conduct support from the Sussex Association of Parish Councils. The members of the Standards Committee concluded they would benefit from some outside training and this is being explored in conjunction with at least one other Council in Sussex.

Equality and customer service implications

12. All complaints must be in writing but if the complainant has difficulty with writing officer assistance can be given.

Other Material Implications

13. Work has been done on the website to make the complaints page easier to find for members of the public.

Background Papers - None