

**Contact:**  
Tom Clark: 01444 477459, Fax: 01444 477508  
E-Mail: [tom.clark@midsussex.gov.uk](mailto:tom.clark@midsussex.gov.uk)

**Your Ref:**  
**Our Ref:** TC/CD/001550

**Date:**  
27<sup>th</sup> March 2018

A Review of Local Government Ethical Standards  
Committee on Standards on Public Life  
GC: 07  
1 Horse Guards Road  
London  
SW1A 2HQ

Dear Sirs ,

**Re: Submission by Mid Sussex District Council following consultation with the Standards Committee.**

1. I am Tom Clark the Monitoring Officer at Mid Sussex District Council which also looks after 24 Parish Councils. The consultation document headed Review of Local Government Ethical Standards: Stakeholder Consultation was considered by the Council's Standards Committee on Monday the 12<sup>th</sup> March 2018. The following comments were made in response to the questions raised.
2. It was felt that the structures and processes at Mid Sussex were suitable given that in addition to disclosable pecuniary interests we had additional Code of Conduct disclosure requirements in line with those previously seen under the national code. Where Councils only comply with the disclosable pecuniary interest requirements and a Code of Conduct that does little more than adopt the Nolan principles, it was felt that the regime was too light touch to maintain public confidence.
3. A return to the national Code of Conduct would be preferable. This would mean the public would know that the Code of Conduct applying in one parish council is the same in another parish council. At the moment Code of Conduct matters in one parish council can be very different from Code of Conduct matters in a neighbouring parish council. It was debated whether the national code was applicable to all levels of local government but it was felt that as far as the public are concerned a councillor is a councillor whether at parish, district or county level. The sums of money involved at parish level are small but frequently these were of great local interest. Lying behind the Code of Conduct should be "respect" given that if respect was maintained by all parties involved in local government there should be few problems in terms of governance and declarations.
4. The Council has found the role of independent persons useful. It gives an external perspective on complaints and provides a degree of transparency and governance in the process. This is particularly important where the complainant is talking about a decision they don't like rather than a Code of Conduct matter against a particular councillor. It is important for the Monitoring Officer to be able to refer a matter of complaint to get such an independent view. At Mid Sussex the process formerly used by Standards for England has been maintained because it has been found to work. We have a Parish/Town Member on all Standards Sub-Committees. Conflicts for the Monitoring Officer are dealt with by having Deputy Monitoring Officers to deal with


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**Solicitor & Head of Regulatory Services**

some matters and the use of outside investigators or neighbouring Monitoring Officers for more high profile matters. Similarly members of other Standards Committees can be used if the complaint is against a prominent District Council member.

5. The Committee would like to see a range of sanctions. At the present time adverse publicity or a prosecution relating to a very specific disclosable pecuniary interest leaves a large gap in between. A power to suspend a Member was thought to be appropriate.
6. It was felt that with a broader Code of Conduct and a Declaration of Interest form to match, the expectations of the public would be satisfied as to what they would expect a councillor to declare. The minimum requirements currently available were thought to be inadequate. When parish councils have been formulating Neighbourhood Plans dispensations have been required to ensure members can be involved in the process. It was felt that there should be a requirement for such dispensations to be clearly published so that the public are not confused about how a Councillor with a prejudicial interest (usually as a result of having a home close to a proposed development site) can continue to work on the Neighbourhood Plan.
7. It was felt that any whistle blowing policy should be included in the national code so that the arrangements were clear.
8. It was felt that some people come into local government unaware of the requirements of the Code of Conduct. When publicising what a councillor is required to do it should be made clear the restrictions imposed by the Code of Conduct so that Members are not surprised by such restrictions if they get elected or appointed to a Council. This information should be given ahead of the nomination process.
9. Intimidation of local councillors through social media has become an increasing problem. The Committee were not clear how this could be resolved but were of the opinion that it would deter people who had much to offer from standing as councillors in the 2019 elections.

Yours faithfully,



Tom Clark  
Solicitor & Head of Regulatory Services & Monitoring Officer.

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Head of Service**

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