

Minutes of a meeting of the Mid Sussex District Council Standards Committee held on Monday 30 October 2017 from 6:00 p.m. to 6:44 p.m.

Present: Cllr Pete Bradbury (Chairman)
Town Cllr Christopher Ash-Edwards (Vice-Chairman)

Cllr Liz Bennett*	Cllr Heidi Brunsdon	Cllr Anne Jones
Parish Cllr William Blunden	Parish Cllr Maria Fielding*	Cllr Gordon Marples
Cllr John Belsey	Parish Cllr Stephen Hand	

* Absent

Also Present: Anthony Cox and Dr David Horne, Independent Person on Standards Matters.

1. APOLOGIES

Apologies were received from Councillor Liz Bennett and Councillor Maria Fielding.

2. DECLARATIONS OF INTEREST

None.

3. MINUTES

The Minutes of the meeting of the Committee held on the 18 July were approved as a correct record and signed by the Chairman.

4. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS

None.

5. CONSULTATION ON NEW DISQUALIFICATION CRITERIA FOR COUNCILLORS AND MAYORS

Tom Clark, Solicitor to the Council, introduced the Report relating to the expansion of the disqualification criteria for councillors and mayors to include sexual offences and certain anti-social behaviour. He drew Members attention to Page 16 of the Papers which outlines the current disqualification criteria and asked Members to consider if the new criteria are set at a reasonable level or if they needed lowering.

The Chairman informed Members that the questions on Page 23 would be most pertinent to the discussion as the Members of the committee would answer the questions after they have debated the topic.

A Member queried if there was an omission in the Report as it outlines how Parish Councillors are applicable for disqualification however Town Councillors are not.

The Chairman confirmed that in this context Town and Parish Councillors are the same in all but name.

The Member then queried whether the disqualification criteria could include membership of extremist groups such as the BNP.

The Vice-Chairman suggested that the disqualification criteria should be more specific to certain banned groups as the interpretation of extremists groups differs from one person to another.

The Chairman noted that there is no mention of Borough or Unity Councils so enquired with the Solicitor to the Council if Borough and Unity Councils are listed in the Report as District and County.

The Solicitor confirmed Borough Councils are District Councils and Unitary Councils are County Councils for the purposes of this consultation.

A Member questioned whether Q.1 on Page 19 and Q.2 on Page 23 are contradicting questions. The Member expressed her concern with Q.2 and believed that it should not be allowed.

A number of Members supported the Member's comments, with one stating that an individual must have behaved in a certain way for them to have received the Sexual Risk Order which may occur at another point in the future.

The Member wondered if the Committee is minded to approve Q.2 on Page 23 could a clause be put in to ensure full disclosure of the Sexual Risk Order.

A Member referred to Political Parties having responsibility to resolve matters of this nature and hoped that a party leader would address the issue if an existing councillor had a Sexual Risk Order. The Chairman added to the Member's comment stating that usually a Party asks if there is anything in the Member's past that could affect the Party image.

An Independent Person for Standards drew to the committee's attention to a time in the run-up to a Police Crime Commissioner election where some candidates had to withdraw after past convictions were disclosed causing some embarrassment. He suggested that convictions, which would lead to a candidate's disqualification, are disclosed earlier on in the process possibly even before the candidate is confirmed. A Member supported the Independent Person for Standards comments and explained that she believes that Central Government should publish the criteria online to outline this before individuals apply to be a candidate.

The Solicitor to the Council confirmed that there will be a section that asks candidates if they have any past convictions. He added that a candidate meets the criteria for disqualification for as long as a court order stands, however does not meet the criteria for disqualification after it has expired.

A Member suggested that a check-list be drafted so that during the consultation process the candidate knows if they are eligible to be a candidate.

An Independent Person for Standards enquired whether a DBS check is conducted at some point during the nomination process.

A Member explained that a DBS check is conducted only after the candidate has been accepted to office.

A Member queried as to whether this procedure will be applicable to all tiers of government mainly parish level during co-option as he is conscious that little information is provided during this process.

The Solicitor to the Council explained that he was aware Parishes don't make many enquiries during the co-option process but suggested that a form could be completed by the person seeking co-option.

A Member raised concerns about the grey area that might exist if, in the case of a Director, a company or business which would be subject to a court order then would the Director be eligible or not.

A Member enquired whether a councillor would receive a disqualification if they were subject to a neighbour dispute which then caused anti-social actions.

The Solicitor to the Council explained that a disqualification would arise if the dispute reached a Court and resulted in an order being issued.

The Chairman then recommended the committee move to the questions detailed in the Report.

The Committee agreed to answer 'Yes' to Q.1, Q.3 and Q.4 on Page 23. The Committee agreed to answer 'No' to Q.2 and Q.5.

The Members then discussed Q.6 on Page 23 with one member proposing that there be a national code of conduct for all politicians to abide by.

Another Member suggested that membership to any banned groups lead to disqualification. Other Members of the committee noted that there is a national list of banned groups which could be used.

A Member also explained that he is keen that these regulations are reviewed on a regular basis as he had concerns that certain parts of these regulations had not been updated since 1972.

The Chairman then noted that no Member wished contribute further so moved to the recommendation to note the contents of the Report after giving their views on the proposals.

RESOLVED

The Committee noted the consultation and answered Q.1 to Q.5 listed on Page 23 of the Report. The answers are as follows:

1. Yes
2. No – should be disqualified while the order remains
3. Yes
4. Yes
5. No

In regard to Q.6 the Committee Members suggested the points listed below be submitted to the Department of Communities and Local Government:

- i. There be a national code of conduct for all politicians to abide be.
- ii. Members of banned organisations are to be disqualified from standing for an election.
- iii. Disqualification criteria are published online.
- iv. Key regulations are reviewed on a regular basis.

6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN

None.

Chairman