

# Minutes of a meeting of the Mid Sussex District Council Standards Committee held on Monday 12 March 2018 from 6:00 p.m. to 7:25 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
Cllr John Belsey*	Parish Cllr Stephen Hand	Marples

\* Absent

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

## 1. **APOLOGIES**

Apologies were received from Councillors Brunsdon, Jones and Belsey and Blunden.

## 2. **DECLARATIONS OF INTEREST**

None.

## 3. **MINUTES**

The Minutes of the meeting of the Committee held on the 30 October 2018 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.

[The Chairman agreed to cover item 6 first then move to item 5]

## 5. **STANDARDS IN PUBLIC LIFE: CONSULTATION ON LOCAL GOVERNMENT ETHICAL STANDARDS**

Tom Clark, Head of Regulatory Services, introduced the report which seeks to consult the stakeholders in the present Local government ethical standards structure and on how it might be amended to work more satisfactorily. He outlined that the committee are requested to provide their views on 11 questions in response to the consultation which are listed in Appendix A of the report.

A Member enquired if the Parish Councils are also taking part in this consultation or if the committee is doing the consultation on their behalf.

The Head of Regulatory Services confirmed that the Parish Councils are involved in the consultation.

The Chairman sought the comments of Members in relation to question A which asks if the current structures, processes and practices work to ensure a high standards of conduct.

The Vice-Chairman felt that the current structure works well within the constraints that the Council has.

An Independent Member for Standards agreed with Vice-Chairman's comments expressing how there is clear and transparent process at Mid Sussex. He explained that there is a focus on mandatory work rather than optional work which, from his position, is an effective method of auditing standards.

A Member conveyed that she found the system easy to understand and easy to use.

A Member asked if paragraph 8 of the report made reference to the public being made more aware of a breach to the Code through bad publicity such as in the case of sexual offences.

The Head of Regulatory Services confirmed that it is an addition to the current structure. However it is not the way the Council has previously used when it had the power to disqualify members during their time in office.

The Chairman felt that in his own experiences the structure does work well which coupled with the lack of the need to convene a panel when there is no evidence of a potential breach of the code is good evidence that the system here is working efficiently.

The Chairman sought the comments of Members in relation to question B which asks if there are any significant gaps in the current ethical standards regime. He read out the comments from Cllr Belsey whom believed that there should be a standard that companies adopt who want to contract with any tier of government must satisfy.

A Member expressed that he does not consider standards for companies as a Code of Conduct issue. The Head of Regulatory Services then confirmed that standards for companies would fall under contractual rules rather than the Code of Conduct.

The Chairman sought the comments of Members in relation to question C and D which asks if the adopted codes of conduct are clear and easily understood and if the codes include appropriate provision for registering and declaring councillors' interests.

A Member stated that it isn't clear why there are differing codes of conducts between different authorities whereby an issue can be seen as a breach in one authority but not in another.

The Chairman commented that differing codes of conduct were put in place because it was felt there was a difference of responsibility between parish, district and county councils therefore requiring differing codes suited to the responsibilities of each.

A number of Members expressed that all councillors should behave ethically no matter what authority they are a part of given the responsibility they hold.

The Chairman summarised by confirming the committee would like a national Code of Conduct which is written and maintained centrally.

The Chairman sought the comments of Members in relation to question E which asks if allegations against councillors are investigated and decided fairly.

The Head of Regulatory Services outlined that the Council currently uses the Standards for England procedure for handling investigations which has worked for both the Council officers and Councillors and most complainants.

A Member enquired what response is provided to a complainant when a complaint is not going to be debated by the Standards Panel.

The Head of Regulatory Services confirmed that they receive a letter or email which provides them with a considered response appreciating their complaint and outlining that it will not go to a panel.

An Independent Member for Standards explained that when he receives a complaint from the Head of Regulatory Services he always sleeps on it and considers it properly when debating the appropriate action.

An Independent Member for Standards believed that it was good to include external independent comments in the decision making process as he felt that trust would be lost if it was only an internal exercise.

The Head of Regulatory Services said that he always includes a statement which states that an Independent Member had been consulted when considering a complaint.

The Chairman read out the comments from Cllr Belsey in which he enquires if Councillors are completely objective when considering a complaint against another Councillor.

The Head of Regulatory Services confirmed that there has always been a process where a Councillor can object to being on the panel. He added that there has been a case where Horsham District Council has asked for Mid Sussex Members to participate in their standards considerations which can also serve as a solution.

The Chairman sought the comments of Members in relation to question F which asks if the existing sanctions for councillor misconduct are sufficient.

The Vice-Chairman raised his concerns with the current system as while the public can decide not to vote for an individual at the next election there is not a function for Councillors to be removed from office if there is wrongdoing done after they are elected.

A Member agreed with Vice-Chairman's comments explaining that it is difficult to deal with cases such as bullying as it does not constitute as a police matter but it also is felt that a 'slap on the wrists' is not enough.

A Member said that they would like a range of sanctions and the Chairman sought clarity as to what the current range of sanctions is.

The Head of Regulatory Services confirmed that under the former regime a Councillor could be suspended by the Council, could be required to write a letter of apology or could be given a formal caution.

An Independent Member for Standards described how in a recent training session he attended councillors can be subject to fines or temporary suspensions which can create legal issues if the Councillor does not adhere to them. He recommended that there should be a national code of conduct which outlines every possible detail of penalties available.

A Member felt that any sanctions could be only be truly effective if they were carried out nationally.

An Independent Member for Standards added that the public would expect a hierarchy of sanctions which would have a level of consistency throughout.

The Chairman sought the comments of Members in relation to question G which asks if the current arrangements to declare councillors' interests and manage conflicts of interest satisfactory.

The Head of Regulatory Services clarified that the question relates to Disclosable Pecuniary Interests. Members would be expected to disclose something, if applicable, at the meeting but sticking to this bare minimum would not meet public expectations.

An Independent Member for Standards reciprocated the Head of Regulatory Services' comments adding that a culture of over-declaring is good.

A Member expressed that she finds the Declarations of Interest forms very clear and removes the opportunity for odd questions and that dispensations should be more clearly recorded.

The Head of Regulatory Services stated that dispensations which are not usually clear stems from the quality of the minutes from the meeting in which it was granted.

The Chairman sought the comments of Members in relation to question H; he outlined that there currently is a policy in place for officers but not Members.

A Member felt that there should be a national whistleblowing standard much like what civil servants are subject to.

The rest of the committee expressed their contentment with the current whistleblowing policy but suggested it should for part of the Code of Conduct.

The Chairman sought the comments of Members in relation to question I and J which asks what steps Local Authorities and Local Government can take to improve ethical standards.

The Vice-Chairman wondered whether all candidates should agree to, or should be aware of, the ethical standards that are expected of them when they initially start.

The Chairman confirmed that a copy of the Nolan Principles is included in the Member Induction Pack.

A Member suggested that sanctions could be applied if a Councillor knowingly breached one of the Nolan Principles.

An Independent Member for Standards proposed that a report could be submitted to the committee about who has received gifts and hospitality from external bodies.

The Head of Regulatory Services confirmed that issues usually arise when councillors receive hospitality from the Church of Scientology.

An Independent Member for Standards made reference to the Grenfell Enquiry in which a Councillor on the planning committee for the area was receiving hospitality disproportionately because they only sat on the planning committee. He suggested that investigations could be carried out on those receiving a disproportional amount of hospitality which could affect their view on the decisions that they are obligated to make.

The Chairman sought the comments of Members in relation to question K which asks if there are any measures that could be put into place to prevent and address intimidation of Councillors.

A Member explained that currently there is an increasing use of social media to target and intimidate Councillors however there is little regulation to protect Councillors against it. This, he felt, is a growing problem and is deterring people from becoming councillors.

A Member expressed that he receives much abuse in his ward of Hassocks with awful language being used against him. He added that it only takes one individual to start which then snowballs into a group of individuals.

The Head of Regulatory Services said Councillors cannot complain in the same way that electors can about councillors – it is an uneven playing field.

The Chairman felt that it is a problem that needs to be solved nationally instead of locally.

The Chairman then moved to the recommendation summarising the views of the committee in response to the 11 questions listed in Appendix A.

## **RESOLVED**

The Committee gave their views on the 11 questions listed in Appendix A which is set out below:

- a. The Committee felt that the process is clear and transparent which works well currently.
- b. The Committee do not believe there are any significant gaps in the current ethical standards regime when a wider code is adopted.
- c. The Committee feels the Code of Conduct is clear and easily understood however differing Codes of Conduct between authorities can be confusing for some.
- d. The Committee feels they the requirements are appropriate as they stand.
- e. The Committee currently use the Standards for England procedure which works well.
- f. The Committee felt that sanctions would only be effective if it was implemented and maintained nationally.
- g. The Committee felt that the current procedure is satisfactory.
- h. The Committee felt that the current arrangements are satisfactory.
- i. The Committee suggested that local authorities be more proactive in identifying disproportionate gifts or hospitality.
- j. The Committee felt that there are no obvious steps Central Government could take to improve ethical standards.
- k. The Committee felt that there could be more regulation on the abuse received from social media.

## **6. STANDARDS COMMITTEE ANNUAL REPORT – 2017**

Tom Clark, Head of Regulatory Services, introduced the annual report for 2017.

A Member outlined that other councils have brought forward a joint standards and audit committee.

The Chairman said that the committees are designed for different purposes and Mid Sussex does not intend to join them together. He then noted that no Member wished

to speak so moved to the recommendation to approve which was agreed unanimously

**RESOLVED**

The committee commented on the report.

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

None.

The Meeting Closed at 7:25 p.m.

Chairman