
28 February 2020

PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **STANDARDS COMMITTEE** will be held in the **COMMITTEE ROOM** at these offices on **MONDAY, 9TH MARCH, 2020 at 6.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

AGENDA

	Pages
1. To receive apologies for absence	
2. To receive Declaration of Interests from Members in respect of any matter on the Agenda	
3. To confirm the Minutes of the Meeting of the Committee held on 7 October 2019	3 - 6
4. To consider any items that the Chairman agrees to take as urgent business	
5. Standards Committee Annual Report 2019	7 - 10
6. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.	

To: **Members of Standards Committee:** Councillors P Bradbury (Chairman), C Ash-Edwards (Vice-Chair), A Bennett, L Bennett, H Brunsdon, R Clarke, D Denham St Pinnock, K Healy, A Eves and B Von Thunderclap.

Independent Persons: Anthony Cox and Dr David Horne

**Minutes of a meeting of Standards Committee
held on Monday, 7th October, 2019
from 6.00 pm - 6.58 pm**

Present: P Bradbury (Chairman)
H Brunsdon (Vice-Chair)

A Bennett

R Clarke

Absent: Councillors C Ash-Edwards, D Denham St Pinnock, L Bennett
and A Eves

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

1. TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Councillor Liz Bennett, Councillor Eves, Councillor Chris Ash-Edwards and Councillor Denham St Pinnock.

The Chairman proposed that Councillor Brunsdon acts as Vice-Chairman for this meeting. This was unanimously agreed by the Committee.

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

None.

3. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 10 JUNE 2019

The Minutes of the meeting of the Committee held on 10 June 2019 were approved as a correct record and signed by the Chairman.

4. TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA

5. REPORT TO STANDARDS COMMITTEE – 7TH OCTOBER 2019

Tom Clark, Monitoring Officer, introduced the report which detailed the recommendations of the Committee on Standards in Public Life in relation to Local Government published in January 2019. He noted that Standards Committee would have the power to suspend Members and the recommendation is to remove their powers to prosecute Members for non-disclosure of disclosable pecuniary interests. He advised that most councils in the area have adopted the same code of conduct. A new Code of Conduct will be drafted by the Local Government Association (LGA) which this Committee can adopt. He confirmed that the Council currently follows the

WSSC Code of Conduct and many of the town and parish councils follow Mid Sussex District Council's Code of Conduct.

As the Parish Councils have no powers to deal with complaints they are dealt with by this Standards Committee. The report published in January suggests an annual review but the Council intend to continue following the County policy. He also noted that since 2011 most Parishes had reviewed their Codes of Conduct. The Monitoring Officer highlighted the tabled open letter from the Committee on Standards in Public Life to all public office holders which had been sent following recent inappropriate ways of debating issues and other areas of concern i.e., use of social media. He noted that it makes the assumption that if notes are made on public social media the presumption is that Members do this in their capacity as a Councillor and not in a private capacity.

The Chairman asked if Members had any general comments about the tabled letter, and he confirmed that as a result of the Localism Act Mid Sussex District Council must process complaints received by Parish Councils about their Members.

The Vice-Chairman reminded the Committee that they should be careful when using social media, she expressed concern over the presumption that comments made on social media made are always in capacity as a Councillor. The Chairman advised that this would be discussed in more detail once the recommendations were reviewed.

The Chairman moved on to the list of recommendations on page 13 of the paper and the Committee discussed each recommendation.

- 1) This recommendation was agreed with no amendment.
- 2) The Committee discussed reasons for Members withholding their home address. A Member expressed concern and noted that the public have a right to contact Members. The Chairman advised that Members are easily contactable without their home addresses being in the public domain. The Committee were given examples where for security reasons it was preferential for a Member's home address to be withheld.
- 3) The Monitoring Officer explained that if a Member's social media account has restricted access then it is a private account and is not used in their capacity as a Councillor. The Committee discussed the possibility of extracts from private social media accounts being put into the public domain, and agreed that Members should use caution when posting on all social media accounts. A reminder should be sent to all Members on the safe use of social media.
- 4) The Monitoring Officer noted that this recommendation has a wider remit than the current law.
- 5) The Committee agreed that if Members were unsure whether to declare a pecuniary interest they should seek clarification from the Monitoring Officer.
- 6) The Monitoring Officer confirmed that Members already registered any gifts and hospitality received.
- 7) A Member noted their objection to adopting this recommendation, the repeal of Section 31 of the Localism Act 2011. The Monitoring Officer advised this had been discussed at the previous meeting. The Council would retain their

current rule, where a Member should not participate in a discussion or vote on any matter that they have a personal and prejudicial interest in and should leave the chamber for that item, but it had not been adopted by all councils nationwide.

- 8) The Committee discussed amendments to the fixed term of office for Independent Persons and maximum time in office. It was felt that the current policy should not be amended and a four year term permitted.
- 9) The Chairman confirmed that this recommendation formalises the current procedure at the Council for dealing with complaints.
- 10) He noted that the Committee already follow this recommendation.
- 11) The Monitoring Officer advised that it would be sensible to provide legal indemnity cover to Independent Persons as their views are to be made public.
- 12) The Monitoring Officer confirmed that the Council's Standards Committee already perform the function as detailed in recommendation 12.
- 13) Following a Member's query the Monitoring Officer confirmed that the Ombudsman would only scrutinise the process already undertaken by the Standards Committee to check the correct process had been followed.
- 14) The recommendation that any decision by the Ombudsman would be legally binding on the Council was agreed.
- 15) The Monitoring Officer noted that the Council already publish details annually of complaints received regarding any code of conduct breaches by Members.
- 16) The Committee discussed the sanction of suspending Members without allowances and the impact on the ward. The Monitoring Officer noted that most wards in Mid Sussex have two Ward Members. He confirmed that where this has occurred in other local authorities with only one Ward Member, a Member from the same political group would assist the residents that ward. He also advised that suspension for six months was not a regular occurrence and would not trigger a by-election.
- 17) The Committee agreed that suspended Members would not be permitted access to the Council offices.
- 18) The Monitoring Officer confirmed that this recommendation removed the power to prosecute a Member under the Localism Act 2011. The Vice-chairman noted that in some circumstances where a pecuniary interest is illegal, the Member could be prosecuted by the Police.
- 19) Several Members noted that it is hard to recruit and retain good parish clerks. The Committee agreed to add that clerks should be encouraged to undertake a professional qualification.
- 20) The Monitoring Officer confirmed that many Parish Councils already use our Code of Conduct and this recommendation would make it a requirement. It was agreed that it would be less confusing if the same Code of Conduct was used by all Parish Councils in Mid Sussex.

- 21) The Committee agreed recommendation 21 that following a breach the Council should determine the sanction imposed on the Parish Councillor.
- 22) Several Members agreed that protection for the Monitoring Officer should be amended to cover all disciplinary actions.
- 23) The recommendation that the Whistleblowing policy should include a contact for external auditors was agreed. A Member advised that a revised ISO for Whistleblowing policies would be publicly available next year.
- 24) The Committee asked the Monitoring Officer to obtain more information on recommendation 24 and circulate it to Members. Post meeting it was noted that this would apply Whistleblowing protection to elected Members.
- 25) The Members discussed this recommendation and the Committee resolved that new Members should receive induction training from the authority, not their political party, should they belong to one.
- 26) The Monitoring Officer noted this recommendation aims to raise the profile of the Standards Committee. Members discussed the wording and agreed amended wording to all standards of public life.

RESOLVED

The Standard Committee considered the report and agreed the above in their discussion.

The meeting finished at 6.58 pm

Chairman

STANDARDS COMMITTEE ANNUAL REPORT 2019

REPORT OF: Solicitor & Head of Regulatory Services

Contact Officer: Tom Clark, Solicitor & Head of Regulatory Services & Monitoring Officer

Email: Tom.Clark@midsussex.gov.uk – Tel: 01444 477459

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 Brunsdon 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.

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