
26 February 2021

PLEASE NOTE START TIME OF MEETING

New regulations came into effect on 4 April 2020 to allow Councils to hold meetings remotely via electronic means. As such, Council and Committee meetings will occur with appropriate Councillors participating via a remote video link, and public access via a live stream video through the [Mid Sussex District Council's YouTube channel](#).

Dear Councillor,

A meeting of **STANDARDS COMMITTEE** will be held **VIA REMOTE VIDEO LINK** on **MONDAY, 8TH MARCH, 2021 at 6.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. Roll Call and Virtual Meeting Explanation.	
2. To receive apologies for absence.	
3. To consider any items that the Chairman agrees to take as urgent business.	
4. To receive Declaration of Interests from Members in respect of any matter on the Agenda.	
5. To confirm the Minutes of the Meeting of the Committee held on 18 January 2021.	3 - 6
6. Standards Committee Annual Report 2020.	7 - 10
7. 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, R Clarke, D Denham St Pinnock, K Healy, A Eves, S Smith and B Von Thunderclap

Independent Persons: Paul Cummins, Dr David Horne and Wendy Swinton-Eagle

**Minutes of a meeting of Standards Committee
held on Monday, 18th January, 2021
from 6.00 pm - 6.52 pm**

Present: P Bradbury (Chairman)
C Ash-Edwards (Vice-Chair)

A Bennett	D Denham St Pinnock	S Smith
L Bennett	A Eves	B Von Thunderclap
R Clarke	K Healy	

Absent: Councillors

Also Present: Dr David Horne, Independent Person on Standards Matters
Ms Wendy Swinton-Eagle, Independent Person on Standards Matters
Mr Paul Cummins, Independent Person on Standards Matters

Councillors N Webster and R De Mierre.

1. ROLL CALL AND VIRTUAL MEETING EXPLANATION.

The Chairman carried out a roll call to establish attendance at the meeting.

Tom Clark, Head of Regulatory Services provided information on the format of the virtual meeting.

2. TO RECEIVE APOLOGIES FOR ABSENCE

No apologies were received.

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

None.

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

The Minutes of the meeting of the Committee held on 4 August 2020 were approved as a correct record and electronically signed by the Chairman.

5. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 4 AUGUST 2020.

None.

6. NEW MODEL CODE OF CONDUCT

Tom Clark, Head of Regulatory Services, introduced the report which presented the new Local Government Association Model Code of Conduct for consideration by the

Standards Committee and subsequent adoption by the Council from May 2021. He directed Members to Appendix C of the Report and highlighted how the Council deals with complaints to decide what cases to take forward and or to refuse.

The Chairman noted the recommendation and recalled an issue in the past that arose from differing codes between the County, District, Town and Parish which sometimes led to confusion; he believed that the uniform code across the three tiers would be helpful. He thanked Cllr Eves for raising a number of drafting errors and invited her to bring them to the Committee's attention.

Cllr Eves noted that; on P4, Item 8, Paragraph 2 of the Minutes of the previous meeting that 'the consolation period' should read 'consultation'; on P.7, Item 6 and on P.8, Item 13 'Model' is misspelt 'Modal'; P.9, third line down 'behaviours' is misspelt 'behaviors'; P.15, fifth line down 'it's' should be 'its'; on P.15, Item 7.2, the word missing after 'local' is 'authority'.

A Member found the Code easy and simple to understand and thought that Towns and Parish Councils will have the same experience.

A Member could not see a difference from the previous Code of Conduct except the absence of 'Civility'. She said it would be good to distinguish the changes and that she would like to propose an amendment to the Code before the Committee.

The Head of Regulatory Services explained that the Local Government Association created the Code with the intention of people understanding it better. He added that it is an update and does read better than the previous Code.

The Chairman stated that the Code can be amended however other authorities do intend to adopt the Code which is before the Committee.

The Head of Regulatory Services confirmed that the Chairman is correct, referring Horsham District Council intending to adopt the Code unamended. He stated that the Committee would have to ask whether the amendments are worth more than the unity amongst codes.

The Member referred to social media and horrible experiences with it. She wanted to make sure Councillors treat other people nicely online and believed that manners online are as important as manners in-person. She referred to a Facebook Page which purports to be a news site however it is instead run by a political party. Under Item 6 of the Code, the Member suggested that 'I will not seek to knowingly mislead the public' should be included.

The Chairman asked whether that point is already addressed in the Code of Conduct.

The Head of Regulatory Services referred to Appendix A and stated that it does breach the Nolan principles therefore it does go against the Code.

An Independent Person on Standards Matters welcomed the intent and the principles behind the Code. He drew to the Committee's attention that the draft viewed previously in August 2020 included a section which addressed how breaches of the Code will be dealt with and he believed useful. He also believed that the amendment proposed to the Code relating to social media is important and clearly spells out to Parish and Town Councils. He thought that it would be useful to make clear how the annual review would be conducted and asked whether there was any accompanying

guidance for the disclosure of pecuniary interests. He then noted the Head of Regulatory Services' comment about looking into Council procedures and codes and offered assistance as and when appropriate.

A Member believed that the document does not address the misuse of social media and suggested an amendment, one that he would like inserted into his own Parish Council Code of Conduct, to prevent the abuse of social media and misrepresentation. The amendment proposed is: 'I undertake not to abuse or misuse any Social Media, either private Social Media or the Local Authority's Social Media. I undertake to be honest and truthful when using all Social Media, not to misrepresent known facts and figures and not to abuse or bully addressees. Social Media is defined as any electronically delivered messaging or communications system.'

The Chairman referred to the final bullet-point of P.12 which states that the 'Code applies to all forms of communication and interaction, including: ... in electronic and social media communication, posts, statements and comments.' and felt that it had already been addressed there.

The Head of Regulatory Services stated that the Committee can make amendments and could take suggestions out from the meeting, suggest the proposals to the LGA and bring it back to the next meeting.

The Chairman asked the Members proposing the amendments to communicate them to the Head of Regulatory Services.

A Member asked for caution when proposing amendments to the Code as the document needs to be fairly loose to allow for interpretation. She believed that the code has overarching principles and acts as a guide to people who wish to make a complaint.

A Member supported the proposed amendment as she did not think it can be ignored the way Councillors conduct themselves on social media and felt that Councillors should hold themselves to the highest standards. She asked whether there are any conversations in West Sussex between authorities to see whether they want to accept a common set of guidelines.

The Head of Regulatory Services confirmed that he could share the proposed amendment with other Monitoring Officers to see if they agree with the changes to create a uniform code.

A Member felt that the application of the Code was quite clear in addressing the issue of Social Media misuse and with it being looser it has more options to bring forward some form of action. She added that as it stands there are many options to allow action to be brought forward.

A Member thanked the proposer of the amendment for bringing it forward and asked whether the amendment could be debated in the meeting as she had concerns that it would affect the forthcoming election.

The Chairman confirmed that it would be brought forward to the next meeting.

The Head of Regulatory Services confirmed that the next meeting of the Standards Committee will be taking place in March so the amendment can be addressed before the elections in May.

An Independent Person on Standards Matters referred to Appendix B, Paragraph 4 relating to the disclosable pecuniary interests but in very limited circumstances. He stated that that Councillors do carry a democratic mandate and that, whilst having an interest, they might have a legitimate right to voice their opinion at a council or committee meeting. He also expressed concerns about the limited circumstances which would exist for a dispensation that would prevent them in that circumstance.

The Chairman outlined that he had been in that circumstance himself with the Parish Council which he absence would have resulted in the meeting not being quorate.

The Head of Regulatory Services confirmed that the referred circumstance hasn't arisen at the District Council however it has by the Parish Clerk at the Parish Council usually in Neighborhood Planning matters where landowners are also Councillors. Councillors do generally get dispensations unless they are the landowner.

The Chairman took the Committee back to P.7 and read out the recommendation, noting the grammatical errors and further discussion on proposed amendment relating to social media. The Chairman took Members to the vote which was approved unanimously.

RESOLVED

The Standards Committee recommend to Council that the new Local Government Association Model Code of Conduct is adopted by Mid Sussex District Council, following grammatical errors and further discussion on proposed amendment relating to social media, and that Council encourages Town and Parish Councils within Mid Sussex to also adopt this Code of Conduct in accordance with the recommendations of the Committee on Standards in Public Life.

7. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.

None.

The meeting finished at 6.52 pm

Chairman

STANDARDS COMMITTEE ANNUAL REPORT 2020

REPORT OF: Solicitor & Head of Regulatory Services
Contact Officer: Tom Clark, Solicitor & Head of Regulatory Services
Email: Tom.Clark@midsussex.gov.uk - Tel: 01444 477459
Wards Affected: All
Key Decision No
Report to: Standards Committee
Monday 8th March 2021

Purpose of Report

1. To report the work of the Standards Committee in 2020. It has been a busier year for complaints and the Standards Committee itself has been looking at the LGA draft Code of Conduct which has been produced following the recommendations of the Committee on Standards in Public Life. The LGA Code of Conduct was published in December but the guidance to go with it has been delayed and is now expected to be published in April 2021.

Recommendations

2. **To comment on the Report and forward the same to Council for information.**
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Introduction

3. There were two Committee meetings in 2020. The first dealt with the approval of the 2019 Annual Report and the second, in August, commented on the draft Members Code of Conduct produced by the LGA. The final version of that new Code of Conduct was published in December 2020 and the Committee looked at it initially at its meeting in January 2021.
4. It has been a busier year for complaints about Members and you are referred to the Appendix sheet setting out the nature of these complaints. There has been little activity on the Neighbourhood Plan front which is where many of the complaints have come from in recent years. However, there have been complaints about Member behaviour generally, the use of Social Media by Members, the breakdown in relationships at one Parish Council, the self-reporting of a District Councillor for his own conduct, advice given to a Councillor who was also a property developer and has since recognised the difficulty in being both and resigned, the performance generally of Councillors during lockdown and the result of much earlier complaints ending up as threatened physical assault by Parish Members on the complainants.
5. It seems the remoteness of Zoom meetings and isolation has not improved relations between people or understanding of other points of view.

Financial Implications

6. Only one of the complaints resulted in a full independent investigation at a cost to the District Council.

Risk Management Implications

7. When relationships break down, there is a risk of Councils becoming dysfunctional and the interests of the Public being forgotten.

Equality Implications

8. The Public seem content to use the email for making their written complaints. There was one complaint that came in by letter.

Schedule

1. A District Member who was also a property developer found it difficult to carry out both roles and resigned.
2. A Member involved in the funding of a possible new community facility was thought to have an interest which had been undeclared. Concerns were raised publicly and the District Member self-reported. The outcome was that the Member did have an interest to declare, but that interest was not a prejudicial interest and therefore matters that had occurred at the Town Council were in order.
3. There were a few complaints about the behaviour of Councillors in a private capacity. The Code of Conduct does not currently cover private actions, but Members must make it clear that they are acting in a private capacity.
4. The biggest number of complaints all related to Councillors on one Parish Council who reported each other as relationships broke down over the allocation of one or more sites in the village in the District Councils Site Selection Document. A number of meetings were held, but these did not improve the situation and outside help was sought from private solicitors. The matter seemed to be finally resolved once the District Council had been able to approve the Site Selection Document to go forward for further consultation and consideration by an Independent Inspector this Spring. This action had been delayed by the start of the Pandemic which unfortunately resulted in this long argument at one Parish Council to the detriment of other issues the Council might need to address for the public benefit.
5. There was a complaint following quite extreme comments by a Member from East Grinstead Town Council both in the press and on social media. This happened on two occasions. The Sub-Committee found the Member in breach of the Code of Conduct, but, at present, little can be done unless the Member chooses to resign. The Town Council has tried to take up these equality issues, but the Member was not keen to recognise there is an issue.
6. The performance of some Councillors during the Lockdown was questioned. Allegedly, Councillors were difficult to get hold of. How Councillors conduct their business is a matter for them subject to the Public being asked to re-elect them every four years.
7. There was an allegation that a Member from a Parish Council had sought to use his position as a Councillor to get a vehicle parked on the highway moved. The exact factual position was unclear, but it was clear that there were neighbour disagreements over parking.
8. Code of Conduct complaints do not frequently resolve matters and, on two occasions, those that had been reported in the past confronted those that had reported them. In one case, the Councillor resigned and in the other case, the Councillor asked for the past provocation to be taken into account. If these matters had gone to a Sub-Committee, it was unlikely that the situations had arisen while the Councillor was purporting to carry out Council business. This makes it outside the present Code of Conduct.

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