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25 February 2022

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## PLEASE NOTE START TIME OF MEETING

Dear Councillor,

A meeting of **STANDARDS COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **MONDAY, 7TH MARCH, 2022 at 6.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

### A G E N D A

	Pages
1. To receive apologies for absence	
2. To consider any items that the Chairman agrees to take as urgent business	
3. To receive Declaration of Interests from Members in respect of any matter on the Agenda	
4. To confirm the Minutes of the Meeting of the Committee held on 22 November 2021.	3 - 4
5. Standards Committee Annual Report 2021.	5 - 8
6. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.	

To: **Members of Standards Committee:** Councillors L Bennett (Chair), C Ash-Edwards (Vice-Chair), A Bennett, P Bradbury, 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, 22nd November, 2021  
from 6.00 pm - 6.12 pm**

**Present:** L Bennett (Chair)  
C Ash-Edwards (Vice-Chair)

A Bennett  
P Bradbury

R Clarke  
K Healy

S Smith

**Absent:** Councillors D Denham St Pinnock, A Eves, B Von Thunderclap  
and Mr P Cummins.

**Also Present:** Dr David Horne, Independent Person on Standards Matters.  
Ms Wendy Swinton-Eagle, Independent Person on Standards Matters.

Councillor N Webster.

**1. TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillor Eves, Councillor Douglas Denham St Pinnock, Parish Councillor Baron Von Thunderclap and Mr Paul Cummins.

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

The Chairman confirmed that she did not have any urgent business.

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

Cllr Bradbury declared a personal interest in Item 5: Further Report to Standards Committee on the LGA Code of Conduct as he is the Chairman of West Sussex County Council and of West Sussex County Council's Standards Committee.

**4. TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 7 JUNE 2021.**

The Minutes of the meeting of the Committee held on 7 June 2021 were approved as a correct record and signed by the Chairman.

**5. FURTHER REPORT TO STANDARDS COMMITTEE ON THE LGA CODE OF CONDUCT.**

Tom Clark, Head of Regulatory Services, introduced the report which noted that the Committee considered the recommended Code of Conduct by the Local Government Association (LGA) for Councils in January 2021. He confirmed that Code put before the Committee has since been updated and that both the revised Code and LGA guidance are appendices in the papers. He highlighted that the many authorities

have adopted the LGA's Code of Conduct which would if agreed make Mid Sussex District Council consistent with other authorities across the county.

The Vice-Chairman supported moving to the LGA's Code of Conduct as it provides a number of benefits in case anything changes.

A Member stated he was happy to follow the Head of Regulatory Services' suggestion but asked for the differences of the LGA Code of Conduct and the West Sussex County Council's (WSCC) Code of Conduct to be highlighted.

The Head of Regulatory Services explained that there is no material difference between the two Codes however the LGA Code will be the same across many Councils whereas WSCC's Code of Conduct is unique to West Sussex.

The Independent Person on Standards Matters stated that the extensive guidance in the committee papers is very useful and noted the absence of such in WSCC's Code.

The Chairman noted that no Member wished to speak so moved to the recommendation to advise Council at Mid Sussex and the Town and Parish Councils in the Mid Sussex District area to adopt the LGA Model Code of Conduct which was approved unanimously.

#### **RESOLVED**

The Standards Committee advised Mid Sussex District Council and the Town and Parish Councils in the Mid Sussex District area to adopt the LGA Model Code of Conduct.

#### **6. QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 6.12 pm

Chairman

## STANDARDS COMMITTEE ANNUAL REPORT 2021

REPORT OF: TOM CLARK  
Contact Officer: Tom Clark, Solicitor, Head of Regulatory Services and Monitoring Officer  
Email: [tom.clark@midsussex.gov.uk](mailto:tom.clark@midsussex.gov.uk) Tel: 01444 477459  
Wards Affected: All  
Key Decision: No  
Report to: Standards Committee - 7<sup>th</sup> March 2022 at 6 pm

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### Purpose of Report

1. To report the work of the Standards Committee in 2021.

### Summary

2. The Committee has had a quieter year than in 2020 with 5 matters that have gone before Standards Committee Panels and 3 matters that have been dealt with otherwise. At its meeting in November, the Standards Committee have recommended to Council the adoption of the revised LGA Code of Conduct in the light of the comprehensive guidance also published to assist in Members complying with the Code and dealing with any complaints under the Code. The Council adopted the LGA Code of Conduct to take effect from 1<sup>st</sup> March 2022 at their January 2022 meeting

### Recommendations

3. To comment on the Report and forward the same to Council for information.

### Introduction

4. There were 4 Committee meetings in 2020. At the first meeting in January, the Committee considered the possible adoption of the LGA Model Code of Conduct following the Report of the Committee on Standards in Public Life. The Committee were concerned about the approach to Social Media and the lack of any guidance at that stage for the new Code of Conduct. The matter was therefore deferred. At the March meeting, the Annual Report for 2020 was considered. It was noted that in future Annual Reports, matters that did not go to a Standards Panel should be explained. At the July meeting, a new Chairman was elected. Councillor Liz Bennett was agreed as the new Chairman with Councillor Chris Ash-Edwards remaining as Vice Chairman. The Committee also looked at the criteria for assessing Code of Conduct complaints and found them satisfactory. At the final meeting of the year, the Committee looked again at the slightly revised LGA Model Code of Conduct alongside the guidance that was now provided and considered whether to recommend this or the revised Code of Conduct adopted at West Sussex County Council. Given the very comprehensive LGA guidance, the Committee felt that the LGA Code of Conduct would serve the Council and indeed Town and Parish Councils in Mid Sussex better at this stage. West Sussex County Council are now also minded to adopt the LGA Code of Conduct.

5. In the early part of 2021, there were 2 complaints involving Social Media. There were then complaints from a Parish Council about the conduct of a Member incurring expenditure before it had been authorised by the Council. There was then a complaint by a member of the Public about the aggressive way a local Councillor had behaved towards her in respect of a matter regarding land ownership and planning enforcement. Finally, there was a complaint about the conduct of Members at a Parish Council meeting in which one member sang a song which was allegedly racist in nature in a modern sense. Further details of these complaints are set out in Appendix 1.
  6. There were 3 complaints that were dealt with without reference to the Panel. A member of the Public complained that a Member at a virtual Planning Committee was not on camera during the meeting. This is not a legal requirement, but the Member was advised to ensure they would be on camera at future meetings. There were allegations from one Member about the conduct of other Members at a Council Meeting. The posting from the Member was thought to be inappropriate and a face-to-face meeting was arranged to discuss the use of Social Media. Those Members who had made the complaint were satisfied when this work was reported back to them. At a Parish Council meeting, one Member said that the other Members who opposed his view had behaved aggressively to him. The Minutes of the meeting indicated that the Members had expressed their position firmly, but in a polite and orderly way. There was no possibility of a breach of the Code of Conduct and therefore no reference to a Standards Panel in respect of this complaint.
  7. The Pandemic does mean that the Monitoring Officer has not been to Parish Council meetings which have generally been in-person since May 2021. The Standards Committee had their first in-person meeting in November 2021 and have continued to meet always at 6 pm.
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### **Financial Implications**

8. None of the complaints required an independent investigation which is quite costly to the District Council.

### **Risk Management Implications**

9. At the Parish Council where allegations of expenditure being wrongly incurred, there was a breakdown in personal relations involving both Members and, at one stage, the Clerk. This generated a lot of work for both the Council itself and for the staff at Mid Sussex. Efforts need to be made to ensure that Councils remember that they are there to serve the Public and not to pursue personal disagreements.

### **Equality and Customer Service Implications**

10. Most of the complaints now come in by email which fulfils the requirement for them to be written. If people need assistance in filing their complaint, this can be given. There is an online form if this assists.

**Cases Considered in 2021**

1. Comments were made by one Member about another Member in relation to a matter that was not the business of the District Council. It was concluded that this was a private matter and therefore the Members Code of Conduct did not apply.
2. One Member commented about another Member's Planning Application in polite language. The Standards Panel concluded that the Code of Conduct did apply to this posting given it was talking about a Mid Sussex District Council matter. While they concluded it was not a breach of the Members Code of Conduct, the majority felt that the posting was ill judged.
3. There were complaints from one Member of a Parish Council against another Member of a Parish Council some twelve months after the event that money had been expended without Council authority albeit this had been sought and given retrospectively. The Committee noted an apparent breakdown in relationships at the Parish Council which they had worked hard to repair. The Standards Panel noted that at the time the payments were made, there was no obvious person to authorise these payments and that the Councillor making the payments had made no financial gain. It was unwise for the Member to expose themselves in this way, but there was no finding of a breach of the Code of Conduct.
4. A member of the Public complained about a Councillor allegedly approaching her in an aggressive way about a land ownership/planning issue. The Member should have left the normal enforcement authorities to sort this matter out and not try to do so direct with the member of the Public. There was a potential breach of the Members Code of Conduct, but the Panel noted the Member had acknowledged that his involvement was wrong and had undertaken not to get involved further. They thought this was sufficient.
5. There was a complaint from a Member of a Parish Council against another Parish Councillor who had allegedly sung a racist song while the Parish meeting went into exempt. The Standards Panel accepted the Member who had sung the song had no knowledge of its modern racist connection and had not intended it to be racist. The singing of the song was a potential breach of the Code of Conduct given that it may bring the Councillor into disrepute but accepted that the Councillor now acknowledged his mistake and had offered a face-to-face apology to the complainant Member. They also noted that the other Councillors had closed down this issue very quickly at the meeting.

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