

Minutes of a meeting of the Mid Sussex District Council Standards Committee held on Monday 25 June 2018 from 6:00 p.m. to 6:34 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: Dr David Horne, Independent Person on Standards Matters.
Mr Anthony Cox, Independent Person on Standards Matters*.

1. ELECTION OF CHAIRMAN

Parish Councillor Blunden nominated Councillor Bradbury as Chairman of the Committee and this was seconded. There were no further nominations and Councillor Bradbury was duly elected.

RESOLVED

Councillor Bradbury be elected Chairman of the Standards Committee for 2018/19.

2. APPOINTMENT OF VICE-CHAIRMAN

The Chairman nominated Town Councillor Christopher Ash-Edwards as Vice-Chairman and this was seconded by Councillor Bennett.

RESOLVED

That Town Councillor Christopher Ash-Edwards be appointed as Vice Chairman of the Standards Committee for 2018/19.

3. APOLOGIES

Apologies were received from Mr Anthony Cox and Councillor Gordon Marples.

4. DECLARATIONS OF INTEREST

None.

5. MINUTES

The Chairman requested a number of amendments to elaborate on the answers to the questions which the report requested. After the amendments were made, the Minutes of the meeting of the Committee held on the 12 March 2018 were approved as a correct record and signed by the Chairman.

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

None.

7. CAN PARISH COUNCILS STILL CARRY OUT A GRIEVANCE INVESTIGATION WHEN THERE IS A COMPLAINT FROM A MEMBER OF STAFF THAT COULD BE CONSIDERED UNDER SECTIONS 27 TO 35 OF THE LOCALISM ACT 2011?

Tom Clark, Monitoring Officer, introduced the report for the discussion of the judgment in the recent case of the Queen (on the application of Elizabeth Harvey) and Ledbury Town Council and Herefordshire County Council and interested party Andrew Harrison. He confirmed that the outcome of the case established that where there is a potential breach of the Code of Conduct then matters should be reported to the relevant authority and Town and Parish Councils should not seek to take their own formal action and impose their own sanctions.

A Member said she would like more involvement from the District Council where usually it is difficult to manage when the Parish have in-house disputes as most of the councillors are personally involved. She added that there would need to be clear guidelines as to what will happen and clerks would need to be content to receive guidance on the matter.

A Member sought clarification on what other councils do under the current regime.

The Head of Regulatory Services confirmed that Parish Clerks would usually seek advice from the District Council by phone, ask for advice and then the clerks would work on the advice. He noted that Councillor Harvey said there should be a rigid approach however the judge said that there is not a need to follow the formal procedure at the outset.

A Member said that there should be more of a protection focus rather than controlling focus when dealing with Parish Council Code of Conduct issues. She added that MSALC should involve clerks with more and better training.

The Independent Person on Standards Matters said sanctions must be proportionate and pondered whether Mid Sussex's Code of Conduct is sufficient enough to outline what is meant as proportionate.

A Member felt that there should be a straight-forward formula on how to handle breaches of the Code of Conduct and only when it is deemed to be out of hand then there should be arbitration.

A Member suggested that having independent counsel would be helpful as they can see the facts of the case and would be welcomed as long as there is a clear process with timelines so Clerks know what to do.

The Vice-Chairman said that there is no great choice when dealing with Code of Conduct issues as the only way to judge whether a breach has occurred is through the Code of Conduct.

A Member read out the information regarding the councillor who had so many sanctions that she could not carry out her duty of a councillor. She felt that in this case they should either be allowed to continue as a councillor or not be able to do it at all.

A Member said all Code of Conduct issues should be dealt with by the responsible authority which in this case is the District Council. He added that while it should be approached in a collaborative way it should also be approached in a straightforward way.

The Chairman noted that Parish & Town Councils' might need to give thought to amending their Code of Conducts.

The Monitoring Officer commented that a National Code of Conduct may come into effect alongside possible new sanctions. He noted a Member comment that the Council should keep good communication between Parish Clerks and MSALC and expressed his support.

A Member thought that there should be a notice of breach and prior to that there should be a conversation with clerks that outlines what type of incident has occurred. She believed that a stepped approach prevents a “big brother” type of administration but outlines the correct procedure.

The Monitoring Officer confirmed that the sub-committee can be involved when dealing with certain breaches.

The Chairman summarised the discussion. He confirmed that the Monitoring Officer should write to Parish & Town Council Clerks to explain the precedent of this case, the Monitoring Officer should remind Parish Clerks that the District Council is the statutory body for resolution and should amend their Code of Conduct to reflect this if necessary and there should normally be some effort to resolve matters informally before reference to the statutory authority. He then enquired whether the Monitoring Officer can communicate the information to MSALC and asked for their support and cooperation to aid the training of the clerks.

RESOLVED

Members considered and noted the report and confirmed that the Monitoring Officer should communicate the discussed issues to Parish & Town Council Clerks and MSALC.

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

None.

9. MEETING DATES OF THE STANDARDS COMMITTEE IN 2018/19

15TH OCTOBER 2018 and 4TH MARCH 2019

Meeting closed at 6:34

Chairman