

## **UPDATE ON STANDARDS ISSUES**

REPORT OF: Solicitor & Head of Regulatory Services  
Contact Officer: Tom Clark, Solicitor & Head of Regulatory Services  
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Wards Affected: All  
Key Decision No  
Report to: Standards Committee at 6.00pm on 5<sup>th</sup> December 2018

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### **Purpose of Report**

1. To update the Standards Committee on various Code of Conduct matters in the past 6 months.

### **Summary.**

2. To request the Standards Committee to consider the following issues:
  - i) Outcome of the government's consultation on sex offenders and those with anti-social behaviour orders and their ability to stand for the local elections in May 2019.
  - ii.) The review of the Committee for Standards in Public Life into the Local Government Standards regime.
  - iii) A reminder on the Code of Conduct and in particular in the development of planning policy documentation.
  - iv) Points from recent cases.

### **Recommendations**

3. **To note and comment on the report.**
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### **Background**

4. Further to the recommendations discussed at the meeting of the Standards Committee on the 30<sup>th</sup> October 2017 to widen the disqualification criteria for standing for election and during a term of office in respect of sex offenders and anti-social behaviour orders, the proposals have been endorsed by government. The approved order is awaited and will apply to the local elections on 2<sup>nd</sup> May 2019 and thereafter.
5. At your meeting on the 12<sup>th</sup> March 2018 you discussed the consultation from the Committee for Standards in public life in connection with Local Government Ethical Standards. Following consultation across the country it is expected that the Committee will publish their report in December 2018 recommending a Standard Code of Conduct for Councils at all levels and some sanctions for the breach of the Code of Conduct beyond those currently available. This is unlikely to include disqualification but may include suspension.

6. During the work on Neighbourhood Plans in Town and Parish Councils, and the District Plan and Housing Allocation Work at Mid Sussex District Council possible Code of Conduct interests have arisen where either there has been a connection between a Member and a particular site or a Member has a land interest close to a site under consideration. At District level this will continue with the site allocation work and at parish/town level it would continue with the completion of outstanding Neighbourhood Plans and the review of such plans which must now occur every 5 years. The Appendix to this report sets out possible guidance to District Council members which could be adapted for onward dispatch to parish and town council clerks so that their Members can be advised. Any such new Code of Conduct is likely to apply from May 2019. It is likely to be along the lines of our present Code of Conduct given that this is based on the model Code of Conduct which existed until 2012.
7. There have been reports of cases from around the country. A councillor at Coventry was found to have failed to properly declare interests within 28 days of his election. He was elected in May 2016 but only finally completed his declaration of interest form in February 2018. This matter was reported by a fellow councillor. There was a further complaint as a result of the councillor's behaviour during the investigation of the earlier complaint. It was found the Councillor had breached the Code of Conduct for failing to make a proper declaration of his interest. However, the comments during his interview about a fellow councillor were thought ill-considered but not judged to be a breach of the Code of Conduct. The case was widely reported locally and by the BBC.
8. A former Leader of Devon County Council was found to have sexually harassed 4 employees at the Council. The matter proceeded to judicial review. The Court found nothing wrong with the procedure adopted by Devon County Council but emphasised that all sanctions must be proportionate. This judicial note accords with the Ledbury Town Council case which was considered by the Standards Committee in June 2018. A Standard Code of Conduct will enable learning to be taken more easily from cases considered across the country.

### **Policy Context**

9. The District Council is responsible promoting good standards of conduct both at District Council level and Town and Parish Council level within its District. It is also responsible for investigating any breaches of the Codes of Conduct and the Ledbury case makes clear there is no power for a parish council to investigate such conduct.

### **Other Options Considered**

10. The Council must have a committee that deals with Standards matters. The District Standards Committee meets at least 3 times a year and reports its work to the Council meeting annually.

### **Financial Implications**

- 11 The District Council is responsible for any costs involved in investigating complaints from whatever level of local government save for at a County Council.

### **Risk Management Implications**

12. It is important that the District Council promotes good ethical standards to reduce the risk of a lot of possible breaches of the Code of Conduct that have to be investigated and dealt with.

### **Equality and customer service implications**

13. The Code of Conduct applies to all elected councillors.

### **Other Material Implications**

14. A failure by the District Council to promote good standards of conduct would raise the work level within the District for such standards matters.

### **Appendix 1**

Guidance on Code of Conduct interests and consideration of District wide planning policy.

### **Background Papers.**

Previous Standards Committee agendas and minutes.