

**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