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Minutes of the meeting of the **Standards Committee** held in Committee Rooms, East Pallant House on Tuesday 4 June 2024 at 9.30 am

**Members present:** Mr J Vivian (Chair), Mr R Bates, Mr R Briscoe, Mx R Chant, Ms M Corfield, Ms E Newbery, Mr R Andrews and Cllr Richard Hitchcock

**Not present:** Mr S Boulcott, Mr J Thompson and Cllr Sean McHale

**Officers present all items:** Mrs L Baines (Democratic Services Manager) and Mr N Bennett (Divisional Manager for Democratic Services)

## 18 **Chair's Announcements**

Cllr Vivian took the opportunity to thank Cllr Corfield for her time as Chair of the Committee.

Apologies for absence were received from Cllr Boulcott and Cllr McHale.

Mr Hitchcock was welcomed as a Parish Representative.

## 19 **Approval of Minutes**

There were some amendments to the minutes.

The first to correct the spelling of Cllr McHale's surname.

The second to correct the pronouns for Cllr Chant to they/them.

Cllr Vivian and Cllr Newbery did not vote as they were not present at the previous meeting.

In a vote the minutes of the previous meeting held on 6 November 2023 as amended were approved.

### **RESOLVED**

That the minutes as amended of the Standards Committee held on November 2023 be approved and signed as a correct record.

20 **Declarations of Interests**

There were no declarations of interest.

21 **Public Question Time**

On this occasion there were no public questions.

22 **Standards Arrangements**

Mr Bennett was invited to introduce the report. He explained that the Task and Finish had been instructed to look at the policies and procedures that the Committee is responsible for. He drew attention to the creation of the flowchart included in the agenda pack at section 3.4 of the report.

It was noted that Cllr Vivian took over from Cllr Todhunter as a member of the Task and Finish Group by agreement with the Group.

Mr Bennett explained that the Task and Finish Group had looked in great depth at models used by other authorities as well as considering the council's own current model. He noted that Cllr Corfield had chaired the Group.

In addition to the flowchart the Group had requested the creation of a glossary to explain terminology.

Mr Bennett explained that the council is required to have arrangements. The Group carried out a line by line review ensuring a concise user friendly outcome. The Group were also tasked with agreeing the format of the arrangements.

Cllr Vivian then invited the Committee to make comments.

Cllr Bates explained that he found it very productive as a member coming into the Committee. He asked whether the information provided to members at the Induction training relating to Standards and the Code of Conduct have changed. Mr Bennett clarified that the Induction content remained accurate. He explained the arrangements are now more concise rather than losing any content.

Cllr Bates noted that the glossary is helpful.

With regard to section 2.1 of the report Cllr Bates asked for clarification of the inclusion of social media. He asked at the time of General Election whether members are allowed to be party political. Mr Bennett explained that social media is a technology that was not there before. He wished to make it clear that members making social media comments about local issues is important as an expression of free speech. He added that often social media comments can become more personal. He reminded members that it is a permanent record.

Cllr Bates also asked in relation to section 12.3 of the report if there is a breach of Code of Conduct is it correct that there is no way for members to suspend a member or withdraw their members allowances. Mr Bennett explained that no

suspension rights for Standards Committee is a matter of national debate. He outlined that a number of recommendations had been taken to the Government which included a process by which members could lose their role. Those adoptions were not approved at national level. Mr Bennett declared that he had participated in the debate. He added that it is important to remember that the Standards Committee provides a public scrutiny. He explained that a Standards Sub-Committee can be streamed live and is a way to discuss a member not abiding by the Code of Conduct in a public forum. He emphasised the importance of the influence of the Committee.

Cllr Chant asked whether the policy document will be made available online. With reference to section 3.2 of the report Cllr Chant asked whether a hyperlink will be provided. Mr Bennett confirmed that there could be a hyperlink at the point of publication.

Cllr Chant with regard to section 5.4 of the report questioned the use of the word 'may' in reference to informing a parish council about a complaint. Cllr Chant questioned why it is not 'will' instead of 'may'. They asked whether it could be tightened to specify that it is the parish clerk that is informed. Mr Bennett explained that it is there as an exception. 99% of the time it is a 'will'. In terms of who finds out it is gradual filter out. Mr Bennett clarified that often if it is outside the scope Mr Andrews or Mr Thompson the Independent Person would be made aware as sense check for Mr Bennett as the Monitoring Officer.

Cllr Chant with regard to section 12.4 of report asked what the benefit of publication is and what the precedent is nationally. Cllr Vivian explained that it is standard across council's. Mr Bennett confirmed that having it public often helps people realise the consequence to their actions.

Cllr Chant with regard to sections 4.1 and 4.2 of the report asked whether it is normal not to have a right to appeal within the council. They asked whether it would be worth putting a link in the document. Mr Bennett explained that if members wished to add a link that could be done. All of the letters that are sent will detail the ways to get in touch of the Ombudsman. Mr Bennett then clarified that it is normal process. Independent Persons are made aware. He added that Cabinet and Full Council cannot overturn a Standards Sub-Committee decision so the Ombudsman is the next step.

Cllr Vivian spoke in favour of adding the link suggested by Cllr Chant.

Mr Hitchcock felt that the Parish Council 'will' be informed would be more appropriate than 'may'.

Cllr Newbery explained that the document is clear, helpful and easy to follow. With regard to the Independent Person she asked how they are chosen. Mr Bennett explained that Full Council go through a selection process to advertise with the positions. There are then interviews prior to a vote from Full Council to formally appoint the positions. He drew attention to page 17 of the report and suggested changing the word 'the' to 'Full' in front of Council to clarify.

Mr Bennett suggested 'will always attempt to' in suggestion to Mr Hitchcock's suggestion.

Cllr Newbery asked if the Glossary use within the document could be made consistent so that the terms match. With regard to 5.3 and 5.5 of the report she asked if they are the same. Mr Bennett explained an initial assessment is different to an assessment. The initial assessment is looking at whether you are within the process. An assessment is when it sits within the code. With regard to typographical errors Mr Bennett confirmed that he would look back through the document.

Cllr Briscoe disagreed on section 5.4 of the report and felt 'may' should be maintained. He explained that this would allow Mr Bennett discretion. Cllr Bates agreed it is for the Monitoring Officer to decide if a complaint is serious enough it is then important that it goes to the parish council. Mr Hitchcock explained that 'may' and 'will' are both appropriate. He added that there could be a change of wording to demonstrate both examples. Cllr Chant asked if section 5.4 would come after 5.3. Mr Bennett clarified that section 5.4 does follow on from 5.3. Cllr Briscoe suggested 'will where appropriate' or 'will where possible' as possible wording.

Cllr Vivian asked the Committee to take a short break to formulate wording.

On the Committee's return Cllr Vivian invited Mr Bennett to read out the proposed amendments:

- 5.4 to be amended to say 'Monitoring Officer should inform the Parish Council' as this will replace the word 'may'.
- 14.2 to be amended to add a hyperlink to the Health and Social Care Ombudsman.

Mr Bennett also noted that he would follow up the following points which did not require voting

- Glossary clarification of Independent Person by referring to Full Council.
- Typographical check with be carried out.

The amendments were moved by Cllr Corfield and seconded by Cllr Chant.

In a vote the amendments were carried.

In a vote the following recommendation was then agreed:

**That this Committee should recommend the adoption of the attached Standards Arrangements to Full Council as amended.**

## 23 **Update on Parish Representatives**

Mr Bennett was invited to introduce the item. He explained that the terms of reference for the Committee allow for up to three Parish Representatives. He outlined that there is a vacancy.

Mr Bennett wished to thank Mr Galego for his work.

Mr Bennett explained that he has previously taken an advert out to parish clerks to request candidates. Another method had been an item at the council's All Parishes meeting.

Mr Bennett gave two options. The first is an email to the parish clerks. The second is to take an item to the All Parishes meeting with Cllr Vivian as Chair of Standards presenting a report to the meeting. The next Standards Committee would then have candidates to consider.

Mr Bennett expressed the importance of the role of the Parish Representatives. He explained that it is important to have members of the Committee who are in that role.

Cllr Vivian supported Mr Bennetts view to speak at the All Parishes meeting. Cllr Chant asked when the next meeting would be. It was confirmed that it would be September. Mr Hitchcock drew attention to the clerks or chairs being those who attend All Parishes and therefore the chairs being those who would end up on Standards Committee. Mr Bennett explained it should be encouraged at the All Parishes meeting that the representatives who attend should feedback the request to their parish members.

On behalf of the Committee Cllr Vivian noted the update and agreed to speak at the All Parishes.

## 24 **Task and Finish Group - Complaints and Website Review**

Mr Bennett was invited to introduce the report. He explained that the report had come from the Task and Finish Group for the Standards Arrangements. It had been suggested that the website could be updated and could be made more user friendly. He added that the Group was looking to at the start of September.

*Post meeting note: a date of Tuesday 10 September 2024 was agreed.*

Mr Bennett wished to note that the previous Task and Finish Group had worked really well.

Cllr Bates asked what members do for members of the public that do not have any access to the internet. He asked that the Task and Finish Group consider that.

Cllr Corfield asked how long the Task and Finish Group would take. Mr Bennett explained that there would be one meeting in early September. Then the work will happen in the middle. A second meeting of longer length to look at the review line by line. The hope is that the documents would be much shorter.

Cllr Vivian sought volunteers to sit on the Task and Finish Group.

The following members were agreed:

Cllr Briscoe  
Cllr Chant  
Cllr Vivian  
Mr Andrews  
Mr Hitchcock

In a vote the following resolution was agreed:

**That the Committee should establish a task and finish group to review the ways in which complaints about members can be made.**

## 25 **Complaints in respect of Members 2023**

Mr Bennett was invited to introduce the report. He explained that members had received a tabled part II appendix to the report.

Mr Bennett explained that line 2 is meant to refer to complaints in 2022/23.

Mr Bennett explained that the number of complaints had increased slightly. He added that he grouped the complaints into categories for the members. He noted that most complaints relate to lack of respect. He also drew attention to planning complaints but they are often outside of the scope of the Code of Conduct. He then explained that social media makes up a third of complaints. In relation to parish council complaints Mr Bennett explained that more emotive feelings are involved.

With regard to informal complaints Mr Bennett explained that the record keeping is in list form.

Mr Bennett drew attention to the fact that some complaints can be very broad so do not fit into one category. In those instances Mr Bennett chooses the primary reason.

Mr Bennett outlined that lack of respect often linked to social media. Most were between members. Mr Bennett wished to address that at the All Parishes meeting.

Mr Bennett wished to note that he put a lot of time into bullying and fraudulent related complaints.

Mr Bennett outlined that declaring an interest relates to members actions at meetings.

With regard to abuse of position Mr Bennett clarified that those cases are rare.

With regard to confidentiality issues Mr Bennett explained that members are in a position of great privilege and have a wide range of confidential information such as personal and health issues of peoples lives. This also includes commercial contracts. He emphasised that confidentiality matters. Members should always check with the Data Protection Officer Mr Thrussell in the first instance or a member of the legal team. The sharing of data inappropriately is never acceptable.

Mr Bennett asked if the structure of the information is helpful or whether there are amendments to make for next years report.

Cllr Vivian explained that it is helpful. The outcome of the Task and Finish Group may inform the structure.

Mr Hitchcock asked what proportion of parish councillor complaints were raised by parish councillors. Mr Bennett explained that of the formal complaints 9/22 are parish councillor to parish councillor. Informally the data would need to be circulated after the meeting but likely more than a third.

Mr Hitchcock asked if this includes complaints about parish clerks. Mr Bennett explained that Parish Clerk complaints are not included on the statistics. Mr Bennett explained that he will provide information locally if there are parish HR policies and also the details of SALC. There is no direct role of the Committee for parish clerks. Cllr Vivian explained that the different procedures for staff and members can be confusing for the public.

Cllr Briscoe thanked Mr Bennett for the report. He raised concerns about informal complaints relating to bullying or fraudulent behaviour. Cllr Vivian noted that an informal complainant is directed to the formal complaints process. Mr Bennett explained that there are a number of reasons why people do not go to formal complaint. If they choose not to proceed then there is not much that can be done. It is however noted and shared with the Chair. Mr Bennett explained that one persons view of bullying is someone else defending their view. Cllr Briscoe thanked Mr Bennett for the explanation. Cllr Briscoe spoke about bullying and how important it is to ensure it is dealt with effectively. Mr Bennett confirmed that he takes bullying incredibly seriously and will always follow those cases up. Cllr Vivian thanked Mr Bennett for providing an outline of the informal complaints.

Cllr Newbery asked how many complaints resulted in a breach of the Code of Conduct. Mr Bennett explained that the outcome is led by the complainant. The decision making once agreed it is a valid complaint for the complainant to explain what they want. If that is not possible then it is explained and a list of what is available is provided. He added that for most people it is not about punishment but about acknowledgement of the mistake and not doing it again. The sanction has to be accepted and carried out by the councillor. Cllr Newbery asked if the response relates to just those that are valid. Mr Bennett explained that six complaints were outside of the Code of Conduct. The rest of the complaints by agreement had the sanctions agreed.

Cllr Bates asked whether or not officers have a complaints procedure. He asked about officers of the district council. Mr Bennett explained that there is a 'proper officer' and a financial officer. Not all parishes have a set process in writing about their officers. Mr Bennett has worked with parishes locally to adopt those. At the council there is a complaints and compliments procedure. It reports to the Corporate Governance and Audit Committee annually with the number of complaints and compliments. The council has more compliments than complaints. There is Stage 1, normal supervisor will investigate. There is a Stage 2, Strategic Management Team to look at the complaint and how Stage 1 was carried out. Mr Bennett clarified that

Corporate Governance and Audit Committee receive a collated report with the figures.

Mr Hitchcock asked about grievous complaints and the difference between those and whether a person has been offended. Mr Bennett explained that is why there is the process. He added that if someone feels aggrieved enough to raise it there should be consideration given. Mr Bennett explained that it is not easy to make a complaint. He added that it is important that there is accessibility. Mostly the concerns around lack of respect is based upon a reasonable response to particular content and appears to be based upon genuinely felt impacts..

Cllr Vivian wished to note that 18 complaints involved the Independent Persons.

In a vote the following resolution was agreed:

**That this Committee should note the activities of the Monitoring Officer in investigating complaints about District and Parish members in 2023.**

26 **Late Items**

Cllr Vivian noted that following agreement of the Task and Finish Group a Standards Committee would be held in December.

*Post meeting note: a date of Tuesday 10 December 2024 was agreed.*

27 **Exclusion of the Press and Public**

There was no requirement to exclude the press or the public.

The meeting ended at 11.45 am

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CHAIRMAN

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Date: