

Contact:

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Your Ref:
Our Ref:

Date:
28 December 2023

Various email recipients
By email only

Dear Sir or Madam,

Code of Conduct Complaints regarding East Grinstead Town Mayor Cllr Frazer Visser

The Complaint

On 24 November 2023 I received a complaint regarding Cllr Frazer Visser, current Town Mayor of East Grinstead Town Council ("EGTC"). For reasons which will become apparent, the complainant has requested anonymity through the process, and I consider that it is appropriate to withhold their personal details.

This complaint was followed, on 24, 25 and 26 November with 4 further complaints from different members of the public. Notably with regard to some of these complaints, they do not originate within the District, with one being from as far afield as Taunton in Somerset.

Redacted copies of the complaints were provided to the Independent Person for the purposes of consultation as required under the Council's protocol for dealing with Code of Conduct complaints.

The complaints concern the same subject matter and I therefore propose to deal with them together. Distilling the various complaints, the salient allegations appear to be:

- Cllr Visser attended a Scientology event to receive a cheque for £50,000 on behalf of his nominated charity. He has attended other Scientology events and "*[was] due to switch on the Christmas lights at the Scientology headquarters tomorrow, Saturday 25th November.*"
- He has "*expressed his public support for Scientology on Twitter...*"
- He attended a hospitality event for a film premiere where he met the actor Tom Cruise.
- Allegations are made about the practices of the Church of Scientology ("CoS") with regard to local politicians and the PR strategies of the CoS.
- Allegations are made about "*recent US lawsuits that allege human trafficking, child labour and harassment*" against the CoS.
- The first complaint alleges that "*[Cllr Visser's] support for Scientology is extremely concerning, especially considering the number of events attended in relation to the small percentage of residents involved with the group*". It concludes that "*Cllr Visser's continued support of*

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Scientology, despite their lack of charitable status and failure to pass the public benefits test and especially considering the current lawsuits made against the church that allege human trafficking, child labour and harassment, has resulted in the integrity of himself and the Council to be questioned.”

It is worth noting at this stage that the anonymous complaint was made by a former member of the CoS. They expressed a fear that they could face reprisals if their identity was made public. I am aware of some high-profile publicity regarding some of the practices of the CoS and it appears that these fears could (on the balance of probabilities) be well founded. I therefore consider it is appropriate to withhold the identities of all of the complainants.

It also seems apparent, from the wording of the various complaints, that these may have been triggered by an online article on “scientologybusiness.com”. A link to this article was provided to me within the complaints, and a copy of this article was provided to the Independent Person as part of the consultation process. It seems apparent that this website is an anti-Scientology organisation or, at least, seeks to expose the practices of the CoS.

Relevant Facts

It is important to distinguish between allegations made concerning the CoS and those relating to Cllr Visser. The relevant facts, as they relate to Cllr Visser appear to be:

- He attended an event at the CoS to receive a cheque for £50,000 for his nominated charity (and other charities);
- He appears to have switched on the Christmas lights at the CoS;
- He attended a hospitality event in circa July 2023 to attend a film premiere and to meet Tom Cruise;
- Having apparently received online criticism regarding his “involvement”, made two public statements on social media stating:
 - o *“I’m non-political as mayor and support all members of our community. I’m not a Scientologist but they are a valued and large part of East Grinstead. Switching in [sic] their Christmas lights will be fun. I’m sorry about the fireworks affecting pets” – 22 November 2023 at 7:08PM*
 - o *“As a legal religion in the UK I represent all evenly. My personal views are not important. All residents are even.” [undated, but screenshot taken 23 November 2023]*
- The EGTC also issued a statement when contacted by “scientologybusiness.com” as follows:

“We treat all organisations with good faith and the Town Mayor makes his/ her own decision as to whether they wish to attend events.

The East Grinstead Town Council has previously stated that the Church of Scientology is part of the town. The Church has no influence on the workings of the Town Council, however they do support community events often volunteering at Council organised events, for which the Council values their contribution in the same way as the Lions, Rotary and other volunteers.

The Church of Scientology has raised money for many charities over the years, they don’t always choose the Mayors charity but often are supporting local charities. The Town Mayor and Council are mindful that the contributions have been important for these charities to

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continue to support the wider towns folk in the delivery of local services. To this end, this years' Town Mayor has chosen to attend some events at St Hill in order to acknowledge and receive a cheque on behalf of his Charity.

The Council does not endorse nor promote any religion, nor belief system, but does acknowledge that many are active in the town and, are by their nature interested in supporting the wider community. This is the view and the practical experience that the Council has as to the Church of Scientology in East Grinstead. The Council will not comment on any matters which may be subject to legal processes concerning members of the Church nor the Church as a whole.

There really is nothing further that we can add.

East Grinstead Town Council"

The Code

EGTC has adopted the Local Government Association (LGA) Model Code of Conduct 2020. Whilst the complainants refer to the Nolan principles, they have not sought to identify which, if any, of the member obligations they consider have been broken by Cllr Visser.

Under the Code, there are set out "minimum standards of conduct" for Councillors. The Code states that "*should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.*"

I consider that the relevant obligations are those set out at paragraphs 5 and 10 of the Code. These are as follows:

"5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

...

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence

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on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.”

Guidance on application of the Code

The LGA issues guidance on how the obligations apply, and what circumstances might amount to a breach of those obligations.

Disrepute

As to “disrepute”, the Guidance says that *“in general terms, a councillor’s behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:*

1. reducing the public’s confidence in them being able to fulfil their role; or 2. Adversely affecting the reputation of your authority’s councillors, in being able to fulfil their role.”

It goes on to say that *“conduct by a Councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring the authority into disrepute.”*

Gifts and Hospitality

With regard to hospitality, the Guidance says that:

“The code makes it clear that the presumption is that you do not normally accept gifts or hospitality. While gifts or hospitality can be offered for benign reasons it is important for your reputation, the reputation of the local authority and the need to reassure the public that decision-making is not being improperly influenced that you do not accept gifts or hospitality wherever possible.

Simply accepting gifts or hospitality and then registering it does not mean that it may be seen as reasonable. Accepting an expensive meal from somebody who is negotiating for a contract with the council, for example, is not ‘made right’ by being recorded on a public register.

There will be times, however, where turning down hospitality or gifts could be seen as causing unnecessary offence. For example, if you have been invited as a ward councillor to a local festival or faith celebration along with other members of the community then it may be entirely appropriate to accept the hospitality. However, you should always exercise particular caution if the organisers are involved in ongoing negotiations with the local authority on a particular matter.”

Analysis

The Process for Dealing with Member Code of Conduct Complaints

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Under the District Council's process, the initial role is for the Monitoring Officer to consider, in consultation with the relevant Independent Person, whether a complaint *"appears to relate to the Code of Conduct and to have sufficient substance to justify consideration by the Standards Committee."*

Whether a complaint *relates to* the Code requires consideration of whether the subject member was, at the time of the alleged conduct, acting in the capacity of an elected member.

With regard to Cllr Visser's attendance to receive the cheque for his nominated charity, it is apparent that he was attending that event in his role as Town Mayor. The very purpose of his attendance was to receive a cheque for the Town Mayor's nominated charities and indeed I have been provided with pictures of him wearing the chain of office at this event. Equally it seems reasonably clear that the social media comments related to his attendance at the CoS Christmas lights as Town Mayor, other than in any personal capacity.

It is likely, on the balance of probabilities, that the hospitality he accepted (the film premiere) was also accepted in an official capacity as it is unlikely to have been offered had he not been a Town Councillor/ the Town Mayor. I am therefore satisfied that the complaints relate to the Code of Conduct.

The second question to be answered is therefore whether the complaints have sufficient substance to justify consideration by the Standards Committee.

The Functions and Roles of a Town Council, Town Councillors and the Town Mayor

By s.1 and Schedule 3 of the Local Government Act 1972 the former Urban and Rural District Councils became districts in non-metropolitan counties. The urban district councils of Burgess Hill, Cuckfield and East Grinstead, and part of the rural district of Cuckfield became Mid Sussex District Council. Powers were also set out for the establishment of new parishes.

Under the Local Government (Successor Parishes) Order 1973, East Grinstead was established as a new parish.

By s.245(6) of the Local Government Act 1972 the

"council of a parish... may resolve that the parish shall have the status of a town and thereupon:

- (a) The council of the parish shall bear the name of the council of the town;*
- (b) The chairman and vice-chairman of the council shall be respectively entitled to the style of town mayor and deputy town mayor"*

...

Legally, therefore, it can be seen that the functions of a Town Council and its councillors are the functions of a Parish Council and its councillors. Predominantly such functions relate to local matters such as the provision of allotments, bus stops, play areas and the maintenance of closed churchyards.

The Town Council also plays an important representative role in the community, often being the first point of contact for local residents facing difficulties. It also acts as a consultee on

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certain matters to the District Council; being able to represent the views of the local community to the District.

It is an important part of any parish or Town Council to represent a complete cross-section of the community and to work with community organisations.

The allegations made with regard to Cllr Visser relate to his attendance at events and a perception of “involvement” or “defence” of the CoS. In his role as Town Mayor, it would be considered normal to be invited to occasions where a cheque is to be presented to him on behalf of his charities. The comments made by Cllr Visser on social media indicate that he is aware that his role is to represent the whole of the East Grinstead community and that the CoS is one part of that community. I did not see anything in those comments which could be characterised as “defending” the CoS.

Having regard to the functions and duties of the Town Council there is nothing in the allegations which could reasonably be regarded as reducing confidence in the Town Council’s ability to perform its functions.

It is important to note that the allegations made regarding the involvement of CoS in various US lawsuits merely allege that the organisation is being investigated. There is no allegation that CoS has been found guilty of any of the matters alleged and it would not be appropriate for me to comment further on these matters.

It should also be noted that Cllr Visser has not (in any of the material I have been provided with) made any statement in support of the CoS in relation to those or other matters. At most, he identifies them as a “*valued and large*” part of the community. Whilst I note what is said in the complaints regarding the number of scientologists in East Grinstead as a percentage of its population, I do not consider that the use of the term “large” has any bearing on the substance of the complaint.

Again, having had regard to the responsibilities of a town councillor, and Town Mayor, there is nothing in the allegations which could reasonably be regarded as reducing public confidence in Cllr Visser’s ability to perform that role.

In relation to the matter of hospitality, I am mindful that a breach of the obligation under the Code of conduct requires “***real or substantive personal gain or a reasonable suspicion of influence on [the Councillor’s] part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.***” (my emphasis).

I have not been provided with any evidence (nor is any direct allegation made) of any real or substantive personal gain to Cllr Visser, nor that CoS is seeking to do business with the Town Council or seek any other “significant advantage”. There is no evidence presented which indicates that Cllr Visser would show any particular favour to the CoS in Town Council matters.

For a Town Council, the Town Clerk retains the record of gifts and hospitality and I have not been provided with any evidence (nor is any direct allegation made) that the hospitality was not registered with the Town Clerk. In any event even if the hospitality had not been registered, I do not consider that such a matter alone would have sufficient substance to

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justify consideration by the Standards Committee. Such matters could be addressed through correspondence with the Town Clerk.

I am not satisfied on the evidence provided that the allegations have sufficient substance to be considered by the Standards Committee.

Yours sincerely,

Kevin Toogood
Monitoring Officer

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The Office of the Corporate Solicitor

