

**Minutes of a meeting of the Mid Sussex District Council
Standards Committee held on Tuesday 29th April 2008
From 7.30pm to 8.52pm**

Present:- Sir Roger Sands (Chairman)
Cllr Christopher Snowling (Vice-Chair)

David Brown
Ian Church
Richard Goddard
Cllr Gina Field

Cllr Sue Hatton
Cllr Jacqui Landriani
Cllr Heather Ross*
Patrick Shanahan

Trevor Swainson
Pat Webster
Jenny Forbes

* Absent

1. SUBSTITUTES

None.

2. APOLOGIES

Apologies were received from Councillor Heather Ross.

3. DECLARATION OF INTERESTS

Pat Webster, Councillor Christopher Snowling and Councillor Gina Field all declared personal interests in the minutes of the Sub-Committee hearing held on the 24th January as members of Hassocks Parish Council are known to them.

4. MINUTES 22ND JANUARY

The Minutes of the meeting of the Committee held on the 22nd January 2008 were approved as a correct record and signed by the Chairman.

5. MINUTES 24TH JANUARY

The Minutes of the meeting of the Standards Sub-Committee held on the 24th January 2008 were approved as a correct record and signed by the Chairman.

The Members then discussed whether there were any procedural lessons that could be learnt from the sub-committee hearing.

The chairman of the sub-committee noted that it was unclear when, and if, an individual could be asked to leave a hearing because of their conduct.

The Monitoring Officer clarified that this would only be the case if it became impossible to proceed with the meeting.

The Members commented on the need to avoid long delays between a complaint being made and the matter appearing before a sub-committee and were hopeful that the new procedures being introduced in May would avoid these. It was felt that the production of a set of guidance notes for those involved with a Standards Committee hearing would be beneficial.

Questions were raised whether any reports submitted to a Sub-Committee by the Monitoring Officer or Deputy Monitoring Officer should be supported in person by those involved with the investigation, so that they could respond if their statements were refuted in any way. It was also considered whether the complainant should be present at any hearing, and whether not having both 'sides' present meant that the hearing lacked balance.

The Monitoring Officer clarified that the report presented to the sub-committee should be the established facts of the case. The presence of the complainant and other individuals involved with the complaint is discouraged by current guidance to avoid any potential conflict and allow the sub-committee to focus on the issues themselves. He commented that although there is no limit on the number of people who might speak at a sub-committee it was generally encouraged that only the minimum number of spokespeople participate to avoid repetition.

It was felt by Members who were present at the sub-committee that the issue of member conduct became muddled with the original issues from the parish council meeting. It was suggested that all parties involved in a hearing agree a written statement of facts relevant to the local issue prior to the sub-committee. There would therefore be no need to debate these agreed facts any further and the sub-committee would be able to focus solely on the issues arising from the complaint.

It was questioned whether the recommendation by the sub-committee on the 24th January for training of the parish councillors involved had been carried out. The Chairman confirmed that he had attended the training session of those involved.

The Chairman brought to the attention of the Committee a meeting he had attended with David Brown at West Sussex County Council concerning issues pertaining to standards committees across the county. He informed the committee that topics under discussion had included reducing the amount of time taken to perform an investigation and the resources required by a committee to adequately form filtration and hearing sub-committees. The possibility of 'pooling' independent members between different authorities had been suggested. The Chairman also noted that Mid Sussex District Council's Standards Committee is well provided with independent members when compared to other authorities in West Sussex.

Other topics arising from the West Sussex County Council meeting that were brought to the attention of members were the existence of a list of precedents that would help guide the sub-committee; the possibility for joint training in the conduct of a hearing; and a potential issue in deciding which body would pursue a complaint if the member in question sat on more than one council.

The Chairman commented that any complaint would be likely to be specific to a single body, and that the complaint would be pursued by the appropriate committee for that council.

The Monitoring Officer noted that the possibility of establishing a county wide Investigating Officer has been under consideration. This would allow complaints to be considered with increased speed.

The Members determined that they were happy with the proposals to produce a written summary of the local issue that gave rise to any complaint, and to furnish a set of guidance notes for the participants of a sub-committee hearing but felt that any other proposals should be revisited after the Standards Board had published their guidance on the new code of conduct complaints procedure.

Resolved

That:-

- (1) The minutes be noted.
- (2) A set of guidelines be written for participants of a standards hearing sub-committee.
- (3) A written summary of any local issue that gave rise to a complaint to the Standards Committee be agreed by all parties prior to a hearing sub-committee.

6. MEMBER CODE OF CONDUCT COMPLAINTS PROCEDURE

The Solicitor to the Council introduced the report, which updated Members on the provisions of the Standards Committee (England) Regulations 2008 and made comment on the progress made in bringing them to the attention of the public.

He noted that the regulations come into effect on the 8th of May 2008, and that guidelines for these regulations were yet to be published by the Standards Board. He confirmed that District Council Members Declarations of Interest would be published from the 14th of May unless objections were received.

The Solicitor also stated that the established committee is large enough to provide the resources for the filtration, appeals and hearings panels. He noted that only final hearings would be public, the committee would sit in private for initial hearings, and that the Standards Board will have the power to intervene if a the process is not carried out correctly.

The Chairman then raised the issue of publicising the new process. He noted that that officers had already arranged for a notice to be given on the council's website and that clerks of the parish councils had been informed. It was for the committee to determine whether any other steps were necessary.

Members then discussed other methods of publicising the procedures. It was felt that a notice should be included in the Mid Sussex Matters publication for residents of the district who do not have access to the internet. Members decided that as Mid Sussex Matters is delivered to every household in the district it would be more effective than placing a notice in local newspapers.

The Chairman informed the Members that on a procedural point the Committee did not have to pass on details of the complaint if it was deemed contrary to the public interest to do so. The Solicitor confirmed that if there was a suggestion of a criminal offence then proceedings would be suspended whilst a police investigation was carried out.

The Chairman then asked the Members to address how frequently the filtration committee should be convened, and whether there should be a threshold number of complaints for the committee to sit. The Solicitor to the Council suggested that the committee should initially be diarised once a month and this was assented to.

Members then discussed the chairing of the filtration and appeals sub-committees. It was felt that these would pass between the independent members on a semi-rota system, though it was acknowledged that ad-hoc alterations to this might be necessary due to personal availability or prejudicial interest in a complaint.

The Chairman responded to questions from a Members regarding the new procedures. It was not clear whether it will still be a requirement for a member of a parish council to sit on the sub-committees. The Chairman felt it would be best to wait for the Standards Board's guidance to be issued before making a definitive answer. Regarding mediation of a complaint he informed the Members that the mediator could be nominated by the filtration committee.

RESOLVED

That:-

(1) The date for the Standards Committee (England) Regulations 2008 coming into force be noted.

(2) The steps taken to advertise the new regulations be noted, and that they also be advertised in Mid Sussex Matters.

(3) To convene the filtration sub-committee once a month, and to await publication of the Standards Board for England's guidelines before further considering how the sub-committees should operate.

7. Items Taken as Urgent Business by the Chairman

The Solicitor to the Council responded to a question from a Member regarding whether a complaint against a member resulting from a planning decision would go before the filtration committee. He confirmed that an investigation of the complaint would be considered by the filtration committee, but it was not possible to speculate on any action taken after that.

The Chairman then drew the Committee's attention to the Annual Assembly of Standards Committees, taking place in Birmingham in October; but it was considered that the costs of attendance (over £400 per person) were disproportionate to the likely benefits.

Chairman