

**Minutes of a meeting of the Mid Sussex District Council
Standards Committee held on Wednesday 28th May 2008
From 7.00pm to 8.03pm**

Present:- Sir Roger Sands (Chairman)

David Brown

Ian Church

Town Cllr Richard Goddard

Cllr Gina Field

Cllr Sue Hatton

Cllr Jacqui Landriani

Cllr Heather Ross

Parish Cllr Patrick Shanahan*

Cllr Christopher Snowling*

Trevor Swainson

Parish Cllr Pat Webster

Parish Cllr Jenny Forbes

(Substitute Parish Member)

* Absent

1. SUBSTITUTES

No substitutions were notified.

2. APOLOGIES

Apologies were received from Patrick Shanahan and Christopher Snowling.

3. ELECTION OF CHAIRMAN

Trevor Swainson proposed that Sir Roger Sands be elected as Chairman of the Committee. This was seconded by David Brown.

RESOLVED

That Sir Roger Sands be elected as Chairman of the Committee for the 2008/09 year.

4. APPOINTMENT OF VICE-CHAIRMAN

Councillor Mrs. Ross asked whether a Cabinet Member would be able to chair the Committee in the absence of the Chairman. The Monitoring Officer advised that it was now a requirement that the Committee be chaired by an independent person. Whilst therefore there was no objection to a Member of the District or a Town or Parish Council being appointed to act as Vice-Chairman to assist the Chairman, if the Chairman was not present on any occasion one of the independent persons on the Committee would need to be appointed to act as Chairman for the duration of the meeting.

It was noted that the Vice-Chairman for the previous year had been Councillor Christopher Snowling and it was agreed that as he was not present at the meeting consideration of this appointment should be deferred until the next meeting.

5. DECLARATION OF INTERESTS

No declarations of interest were made.

6. MINUTES

The Minutes of the meeting of the Committee held on the 29th April 2008 were approved as a correct record and signed by the Chairman.

The Chairman informed the Committee that further to the discussion on the attendance of witnesses at hearings of complaints, he had looked through the guidance and it was stated that the Standards Committee may arrange for others to be present. Whilst therefore in most cases it would be the case that witnesses would not attend, the Standards Committee did have the discretion to ask witnesses to be present if they thought that it would be helpful. They did not have the power to compel attendance.

The Monitoring Officer advised that the Standards Committee could adjourn to allow witnesses to be called if they considered this to be necessary.

7. ASSESSMENT OF CODE OF CONDUCT COMPLAINTS

The Monitoring Officer presented a report to the Committee on the Assessment of Code of Conduct Complaints. The report presented the guidance received from the Standards Board for England and made recommendations about publicity to be given to the procedure for assessment.

He drew attention to paragraph 3.5 of the report which set out the main criteria. He stated that in addition to those matters listed, a fundamental consideration would be whether there had been a potential breach of the Code of Conduct and that this needed to be added. Paragraph 3.6 listed the points to be taken into consideration if the Standards Committee was considering referring a matter to the Standards Board.

The Chairman suggested in relation to paragraph 3.5(f) that the word “merely” should be added before “motivated”. In his experience, the matters listed in this paragraph were frequently factors in making a complaint but did not necessarily mean that the complaint was without merit. The Committee agreed that this amendment should be made.

Mr. Church asked with reference to 2(b), who was meant by “they” in this paragraph. The Monitoring Officer advised that this was the Standards Committee. It was agreed to amend this paragraph to make this reference to the Committee clear.

The Chairman drew the Committee’s attention to paragraph 3.2 and asked whether it was agreed that the Member who was the subject of a complaint should not be informed of it. The Monitoring Officer advised that at this point he would only be able to inform the Member of the fact that the complaint had been received and not the substance of it. He would be able to inform the Member of the identity of the complainant unless the complainant had marked the complaint as confidential. Members of the Committee were concerned that if the Member was not informed of the complaint then he/she would be likely to hear of it another way. The Monitoring Officer explained that the thinking behind it was to avoid raising unnecessary anxiety where a complaint may not warrant any further investigation.

Members asked how long the delay might be before the Filtration Committee might consider the matter. It was noted that this could be up to four weeks depending on the Committee cycle. The Filtration Committee would not be a public meeting and it would look at the complaint, rather than considering any evidence at that stage. It

would consider the criteria set out in the report. The Monitoring Officer clarified that neither he nor the Chairman of the Filtration Committee were permitted to disclose the substance of the complaint.

The Committee agreed that the Monitoring Officer should be asked to inform any Member subject to a complaint that it has been received and unless the complaint was made on a confidential basis, the identity of the complainant.

Councillor Mrs. Hatton asked in relation to paragraph 3.10 whether any anonymous complaints should be considered. The Monitoring Officer replied that this was in the guidance but it was not made clear what complaints might be acceptable. He suggested these would be likely to be in the area of social care, rather than matters covered by the District Council. The Standards Committee agreed that they could not envisage a situation where an anonymous complaint should be considered and agreed that this reference should be removed.

Mr. Church asked whether there were any time limit for dealing with filtration of cases. The Monitoring Officer replied that best practice was one month. A check could be kept on the effectiveness of the process in terms of the number of successful appeals.

In response to a question from Mrs. Webster the monitoring Officer informed the Committee that the number of cases considered in the previous year was around 12. None of these had gone to investigation. Two cases had been investigated during the year, but both of these had been commenced in the previous municipal year. Mrs. Ross asked how the figures would be reported. The Chairman responded that it would form part of the Committee's annual report.

RESOLVED

That:-

- (1) The Guidelines in the report, amended by the Committee as set out above be agreed and an amended copy be circulated to the Committee; and
- (2) The procedure be publicised on the Council's website and in leaflets and in the Mid Sussex District Council own newspaper and Parish and Town Clerks be informed through the email system .

Chairman