

**Minutes of a meeting of the Mid Sussex District Council  
Standards Committee held on Tuesday 20<sup>th</sup> January 2009  
From 7.00pm to 8.40pm**

**Present:-** Sir Roger Sands (Chairman)

David Brown	Cllr Sue Hatton	Cllr Christopher Snowling*
Ian Church	Cllr Jacqui Landriani	Trevor Swainson
Town Cllr Richard Goddard	Cllr Heather Ross	Parish Cllr Pat Webster
Cllr Gina Field*	Parish Cllr Patrick Shanahan	Parish Cllr Jenny Forbes (Substitute Parish Member)

\* Absent

**20. SUBSTITUTES**

No substitutions were notified.

**21. APOLOGIES**

Apologies were received from Councillor Christopher Snowling.

**22. MINUTES**

The Minutes of the meeting of the Committee held on the 1<sup>st</sup> October 2008 were approved as a correct record and signed by the Chairman.

**23. CHAIRMAN'S REPORT ON SOUTH AREA INDEPENDENT MEMBERS' FORUM  
23<sup>RD</sup> OCTOBER 2008**

The Chairman informed the Committee that this was presented only as points of interest for their consideration.

Members of the Committee discussed the presentation given by the Isle of Wight and whether any of their local procedures could be beneficial in Mid Sussex.

With regard to immediate notification of a complaint to a Member the Committee felt that there was no benefit to waiting until after an assessment sub-committee had sat. Although this protocol would avoid some stress for the individual if the complaint was found to have no substance, there would always be the risk of information leaking out in an uncontrolled manner during the waiting period.

Members felt that holding separate sub-committees to undertake initial consideration and subsequent hearings relating to a complaint created an unnecessary step. It was considered that Mid Sussex did not have sufficient Members on the Standards Committee to ensure completely fresh membership of a hearings sub-committee. The Chairman stated that if a breach of the code was found by the investigating officer a hearing would have to follow.

The Committee felt that until a problem was experienced with the local media publishing details of a complaint there was no benefit in trying to come to a local arrangement with them. Members stated that although as a matter of principle no details of a complaint should be published prior to the outcome of a hearing, in practical terms there was no way the local press could be controlled. The Chairman asked whether a decision of a dismissed complaint was published. The Solicitor to the Council replied that this would only happen if a full hearing was required.

The Solicitor to the Council informed the Committee that no Ethical Governance statement was produced by the Council, though a more general governance statement was provided to the Audit Commission.

The Chairman clarified that paragraph 8 of the report related to the monitoring of partnerships with outside parties where public functions were performed. The Solicitor to the Council informed the Committee that this would generally be considered as under the remit of the Performance and Scrutiny Committee. A Member asked whether the Standards Committee should be involved with Member behaviour at partnership meetings. The Chairman replied that the Standards Committee would become involved if the Code of Conduct were to be breached at such a meeting. He stated his preference for waiting for further guidance to be issued from government before investigating whether the oversight of the Committee should be extended.

The Chairman then proposed that the chairing arrangements for the sub-committees should be reversed for the next six months, which met with the agreement of the Committee.

## **RESOLVED**

The Committee noted the report on the South Area Independent Members Forum and considered whether any protocols discussed there should be adopted by the Committee.

## **24. STANDARDS COMMITTEE HEARINGS PURSUANT TO THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008**

The Solicitor to the Council introduced the report to Members. He explained that the training exercise to be performed was based on the hearing that was required after a sub-committee had assessed a complaint. He referred to paragraph 4.5, and informed the Committee that it should read "If the report is recommending *no breach of the code and* no further action.

The Committee then carried out a training exercise to simulate the events of a Standards Committee hearing.

Afterwards Members of the Committee discussed the issues that had arisen:

- Should the Committee refer a motion of censure to Full Council.
- Should the process take into account the severity of the breach of the code, not just the actuality.
- The need to take into consideration the public perception of a breach of the code.

- The limited nature of the sanctions open to the Standards Committee and the fact that a decision could not be rescinded even if the code had been breached in making it.
- The difficulty of defining who should receive an apology.
- How the Committee could enforce the taking of additional training by a Councillor who had breached the code of conduct.

## **RESOLVED**

That the Committee noted the requirements of the Standards Committee (England) Regulations and applied them in the workshop exercise.

Chairman