

**Minutes of a meeting of the Mid Sussex District Council
Standards Committee held on Wednesday 26th January 2011.
From 7.00pm to 7:44pm**

Present:-

Ian Church
Parish Cllr Jenny Forbes
Town Cllr Richard Goddard
Cllr Jacqui Landriani

Andrew Lewis
Cllr Gordon Marples
Cllr Heather Ross
Sir Roger Sands

Cllr Susan Seward
Trevor Swainson*
Cllr Mike Watts
Parish Cllr Pat Webster

* Absent

13. SUBSTITUTES

None

14. APOLOGIES

Apologies were received from Trevor Swainson.

15. DECLARATIONS OF INTEREST

Sir Roger Sands declared a personal interest as the report asked for opinion regarding retention of independent members and the extension of his term of appointment. Ian Church and Andrew Lewis declared personal interests as the report asked for opinion regarding retention of independent members.

16. MINUTES

The Minutes of the meeting of the Committee held on the 22nd September 2010 were approved as a correct record and signed by the Chairman. The Chairman confirmed to the Committee that he had checked the text of the report to Council and was happy that the amendments resolved by the Committee were made.

17. THE STANDARDS COMMITTEE AND THE PROVISIONS IN THE LOCALISM BILL

The Monitoring Officer introduced the report to the Committee. He noted that West Sussex County Council had resolved to maintain their Standards Committee, with the inclusion of independent Members, and that their local Code of Conduct would be published in July 2011. He suggested that the March meeting of the Committee could be cancelled until the WSCC Code of Conduct could be considered. He clarified that three of the four independent Members of the MSDC Standards Committee still had three years left to run on their term of appointment, but that the term of the Chairman was due to expire before July. He noted that it would be difficult to carry out a proper appointment process while the future Standards regime was unclear, and asked the Committee to consider whether it would wish to recommend to Council that the Chairman's term of office be extended by twelve months.

During the debate Members expressed their support for the continuation of the MSDC Standards Committee with independent membership. Several Members noted

the need for public confidence in a unbiased and transparent process. Concern was expressed that without the Committee there would be no middle ground between no action and a complaint made to the police, and that the possibility of police involvement might deter potential candidates from standing. A Member expressed support for the extension of the Chairman's term by twelve months. Several Members noted the role the Committee had played in training District and Parish Members on the current code of conduct, and that this may well have reduced the number of complaints received by the Monitoring Officer.

In response to questions from Members the Monitoring Officer replied that the Localism Bill did not provide guidance or information to Parish Councils regarding what arrangements they could put in place. He stated that if Parish Councils wished to use a retained MSDC Standards Committee to process a complaint then a recharge might be made. He clarified that the proposed criminal offence would be to knowingly fail to declare an interest, and that this may be difficult to prove. He confirmed that if the MSDC Standards Committee was retained then it would no longer have the current sanctions to suspend or disqualify a Member. He also confirmed that there would be no standing requirement for town or parish council membership of the Committee, though if MSDC were requested by one or more parish councils to continue processing parish level complaints then this might need to be reviewed.

Several Members expressed concern about the lack of provision for parish councils in the Localism Bill. Two Members noted the influx of new Members that would occur after the local elections in May 2011. It was suggested that parish councils might wish to seek advice and guidance from the National Association of Local Councils, Sussex Association of Local Councils and the Mid Sussex Association of Local Councils. A Member suggested that the local MP should be informed of the implications of the section of the Bill that pertained to the Standards regime.

In response to a suggestion from a Member The Monitoring Officer confirmed that he could alert the parish councils in the District to the effects of the Bill. In response to questions from Members he stated that local authorities were free to adopt and retain any code of conduct once the Bill had been passed, and that local authorities in the county could come together to agree a local code of conduct. He added that this was likely to be after WSCC publish their own code.

RESOLVED

That:

(1) The Committee recommend to Council that:

(a) Mid Sussex District Council should retain a Standards Committee, whose membership should include independent members, after the Localism Bill has received Royal Assent.

(b) The term of appointment of the Committee Chairman be extended by twelve months.

(2) The Monitoring Officer contact town and parish councils, and the Mid Sussex Association of Local Councils, to alert them to the impacts of the Bill.

The Committee noted that the current Code of Conduct remains in force until the Localism Bill is passed, and that Councillors could make representation to the local Member of Parliamentary regarding the provisions of the Bill if they so wished.

18. URGENT BUSINESS

The Chairman noted that there would be no meeting of the Committee prior to the scheduled elections and wished everyone well for those elections

Chairman