

**Minutes of a meeting of the Mid Sussex District Council
Standards Committee held on Thursday 1st December 2011
from 7.00 pm to 7.49 pm.**

Present:-

Town Cllr Christopher Ash-
Edwards*
Parish Cllr William Blunden
Cllr Jack Callaghan

Ian Church
Parish Cllr Jenny Forbes
Cllr Denis Jones
Cllr Andrew Lea
Andrew Lewis

Cllr Gordon Marples
Sir Roger Sands
Cllr Susan Seward*
Trevor Swainson

* Absent

8. SUBSTITUTES

None.

9. APOLOGIES

Apologies were received from Town Councillor Christopher Ash-Edwards.

10. DECLARATIONS OF INTEREST

None.

11. MINUTES

The Minutes of the meeting of the Committee held on the 13th July 2011 were approved as a correct record and signed by the Chairman.

12. LOCALISM ACT 2011

The Monitoring Officer introduced the report and explained that the provisions in the Act would likely come into force in May 2012. The Secretary of State for Communities and Local Government was expected to issue guidance on the local system for standards. The Act however seems to disqualify those independent Members of the committee that had been co-opted Members in the preceding five years from being appointed as an "independent person" as defined in the Act.

The Act requires a Code of Conduct be adopted by the principal authority, and other local authorities in West Sussex were keen to have a common Code to avoid confusion at each tier of government. West Sussex County Council and several local government organisations had offered to produce such a code but these were yet to be finalised.

Members were also asked to consider whether more details should be disclosed at the start of the process to the Member in receipt of a complaint. Members said that it was important for those Members to know the nature of the complaint and they should have the chance for rebuttal, but full background information may not be pertinent at that stage.

The Monitoring Officer clarified that an “independent person” could still attend the Standards Committee as a non-voting Member. The Council was required to appoint at least one “independent person” whose views must be sought and taken into account for each decision following an investigation, but was able to appoint more if it wished. A Member queried whether the independent persons advice could only be sought after an incident had been investigated. The Monitoring Officer clarified that they would have a wider role in which they could also be consulted by the complainant or the Member in receipt of a complaint.

Members felt that the existing system was fair and fit for purpose. Members valued the contribution of independent Members and expressed support for retaining an independent Chairman if possible. The Council should clarify the role of independent Members and retain as much of the current system as the legislation allowed.

In response to a Member’s query the Monitoring Officer said that there had recently been a higher proportion of complaints that were deemed to not justify further action. A Member said that any future standards regime should ensure that these complaints were filtered out as quickly as possible. The Chairman asked officers to bring an annual report to the Committee’s meeting on 11th January 2012.

Members highlighted the issues of not having a standardised Code of Conduct. Different regions and different tiers of government might have Codes with different interpretations which would make it difficult to establish precedents and could be confusing for the public and elected Members.

The merits of Review Panels were discussed and the Monitoring Officer said that they provide an internal appeal process through which misunderstandings can be corrected.

The Chairman summarised the views of the Committee and asked officers to prepare a more detailed scheme that would reflect these, to be presented at the Committee’s meeting on 11th January 2011. The Chairman asked the Monitoring Officer to present a compromise if this scheme was not consistent with the schemes proposed by other local authorities in West Sussex.

RESOLVED

That the Committee receive a proposal for the Council’s future standards regime at its next meeting.

Chairman