

**Minutes of a meeting of the Mid Sussex District Council
Standards Committee held on Wednesday 11th January 2012
from 7.00 pm to 7.35 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

13. SUBSTITUTES

None.

14. APOLOGIES

Apologies were received from Ian Church, Councillor Denis Jones and Andrew Lewis.

15. DECLARATIONS OF INTEREST

Sir Roger Sands disclosed that he may have a personal interest in item 6 on the agenda if it were determined that existing independent members of the committee were eligible to be appointed to the new role.

16. MINUTES

The Minutes of the meeting of the Committee held on the 1st December 2011 were approved as a correct record and signed by the Chairman.

17. ANNUAL REPORT 2011

The Monitoring Officer introduced the report and agreed to correspond with town and parish clerks regarding the use of colourful language at meetings in order to avoid complaints of this nature in the future. The report would be reported to Council at a future date alongside any proposals to change the Standards regime following the enactment of the Localism Act 2011.

One Member highlighted that Appendix 1 of the report should be reworded as the seventh complaint listed was misleading. The complaint related to several Councillors and not all Parish Councillors in Ashurst Wood. Members agreed to the amendment.

The Chairman moved as recommended with the amendment to change the words "all the Councillors" to "several Councillors" in Appendix 1. This was agreed unanimously.

RESOLVED

That the Committee note the report and refer it to full Council alongside recommendations for the Standards Committee post the enactment of the Localism Act 2011, subject to amending the words in Appendix 1 from “all the Councillors” to “several Councillors”.

18. THE WAY FORWARD FOR MID SUSSEX FOLLOWING THE ENACTMENT OF THE LOCALISM ACT 2011

The Monitoring Officer introduced the report and said that the Association of Council Secretaries and Solicitors were awaiting clarification about whether existing independent members could be appointed to the new role. Having one uniform Code of Conduct across the County would avoid complications for those Councillors who are elected Members at more than one tier of government. A number of groups, including West Sussex County Council, are preparing a uniform Code of Conduct that we could adopt.

A Member queried whether the Council could continue to use its existing Code of Conduct. The Monitoring Officer said that this would be possible but as failure to disclose interests was a criminal offence under the new legislation it would have to be removed. Any future Code of Conduct was likely to be similar to the existing Code of Conduct.

The Chairman highlighted that although the Committee had stated a preference for an independent Chairman of the Committee this would not be possible under the new legislation. Independent members shall be non-voting consultants that can be consulted by those in receipt of a complaint which would make the role incompatible with that of the Chairman. Members queried whether additional independent members could be appointed with distinctive roles to counter this but the Monitoring Officer advised that the Localism Act would not allow for independent members to sit on assessment and review panels.

A Member welcomed the clarification and asked if it would be possible for an independent member to be present at an assessment panel hearing to provide guidance. The Monitoring Officer advised that it would be difficult for the independent member to maintain independence under this arrangement. He clarified that the recipient of a complaint would have access to the independent member before the assessment panel met and was intended to provide support and guidance.

The Chairman said that the Committee had narrowed the range of options and should await further guidance. He moved as recommended and this was agreed unanimously.

RESOLVED

That the Committees noted the report.

Chairman