

**Minutes of a meeting of the Mid Sussex District Council
Standards Committee held on Wednesday, 27th March 2013
from 7:00 pm to 7:26 pm.**

Present:

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| Town Cllr Christopher Ash- Edwards | Cllr Jack Callaghan Parish Cllr Duncan Cunningham* | Cllr Catrin Ingham Cllr Andrew Lea Cllr Gordon Marples Cllr Simon McMenemy* |
| Cllr Liz Bennett Parish Cllr William Blunden* | Parish Cllr Jenny Forbes* | |

* Absent

Also present: Sir Roger Sands, Independent Persons on Standards Matters.

20. SUBSTITUTES

None.

21. APOLOGIES

Apologies were received from Parish Councillor William Blunden, Parish Councillor Jenny Forbes, and Mr Gerard Irwin, Independent Person on Standards Matters.

22. DECLARATIONS OF INTEREST

None.

23. MINUTES

The Minutes of the meeting of the Committee held on the 30th January 2013 were approved as a correct record and signed by the Chairman.

24. ROLE OF INDEPENDENT PERSONS TO PROMOTE AND MAINTAIN HIGH STANDARDS OF CONDUCT

Tom Clark, Monitoring Officer, introduced the report and explained that the Constitution does not currently refer to the role of the Independent Person for Standards Matters. Practice over the last 12 months and workshops attended by Mr Gerard Irwin, Independent Person for Standards Matters, had suggested ways in which the Independent Person could assist the Council in dealing with complaints. The Monitoring Officer proposed including a page relating to the role of the Independent Person in the Constitution so their role could be better understood.

Sir Roger Sands, Independent Person for Standards Matters, confirmed that he and Gerard Irwin had seen a draft of the report and that they were happy with the proposals. He added that to date his role had only been to give advice. In response to a Member's question he confirmed that both Independent Persons were content with the division of Parish and Town Councils alphabetically and that so far this had worked well, but it could be revised in the future should it give rise to any issues.

The Monitoring Officer further clarified that Gerard Irwin has connections to Lindfield and Sir Roger has connections to East Grinstead. The division of Parish and Town Councils alphabetically meant they would not have contact with these Councils should a complaint be raised.

In response to another Member's question, the Monitoring Officer clarified that Member's discussions with the Independent Person would not be minuted, but would be shared with the Monitoring Officer.

RESOLVED

That the role of the Independent Person be noted and a request made to Council to include the role as part of the Constitution.

26. WHEN SHOULD A MATTER BE REFERRED TO THE POLICE FOR A POSSIBLE PROSECUTION UNDER SECTION 30(1), 31(2) OR 31(3) OF THE LOCALISM ACT 2011?

Tom Clark, Monitoring Officer, introduced the report. He explained that he had drawn this issue to the Committee's attention as he had received a request from a member of the public to report a matter to the police on the basis that elected serving Member had failed to publicly declare an interest. The Monitoring Officer noted that this is a technical breach that can be rectified and, in this instance, the failure to disclose was not prejudicial to business of the Council. He pointed out that prosecutions could only be brought by the Director of Public Prosecutions and that any investigation would cost money and police time. He also noted that any prosecution would be a rare event. He sought a view from the Committee on what action to take should this situation arise again.

One Member supported the option that the Monitoring Officer takes a view of the complaint and if it raises issues of potential public interest, refers it to the police and that the Monitoring Officer should also request the Member to rectify the declaration.

Another Member expressed concern that Members should also have the opportunity to put forward their explanation. She also asked whether the issue of checking registers to ensure they were accurate should be raised at Council.

The Monitoring Officer confirmed that making declarations of interest could be included in Member training sessions and that he will write to all the Parish Councils to ensure that their Registers of Interest were checked and updated.

Several Members supported options d) and e) of the report where the issue could be considered by a Sub Committee, who would decide whether to refer the matter to the police.

Sir Roger Sands, also supported a solution that reflected options d) and e) of the report. He stated that the Monitoring Officer should tell the member of the public who is making the complaint that they have a right to go to the police, but could decide whether to refer it to the Council instead as prosecutions are rare. If it is referred to the Council it should be dealt with as a complaint.

In response to a Member's question, the Monitoring Officer confirmed that there was no Sussex-wide practice for dealing with this issue and that the matter did not fall within the existing Concordat with the police.

The Chair supported the approach outlined in options d) and e) of the report and asked for the views of the Monitoring Officer.

The Monitoring Officer confirmed that his preferred approach reflected that already outlined by Sir Roger Sands.

RESOLVED

That an appropriate form of words to reflect the Committee's discussions be submitted to the next meeting for approval.

27. FUTURE MEETING DATES

Members noted the amended dates of future meetings and that the number of meetings had been reduced to three a year to reflect the level of business. The Monitoring Officer confirmed that the Chairman can request additional meetings should they be required.

RESOLVED

That the amendment to the programme of meetings be noted.

Chairman