

**Minutes of a meeting of the Mid Sussex District Council  
Standards Committee held on Tuesday 8<sup>th</sup> December 2009  
From 7.00pm to 9.05pm**

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

Cllr Brenda Binge\*

David Brown

Ian Church

Town Cllr Richard Goddard

Parish Cllr Jenny Forbes

Cllr Gordon Marples

Cllr Heather Ross

Cllr Christopher Snowling

Trevor Swainson

Cllr Mike Watts

Parish Cllr Pat Webster

\* Absent

**12. SUBSTITUTES**

No substitutions were notified.

**13. CHANGE OF MEMBERSHIP**

The Committee noted that Cllr Gordon Marples had replaced Cllr Gina Field as a member of the Committee. The Chairman welcomed Cllr Marples to the Committee.

**14. APOLOGIES**

None.

**15. MINUTES**

The Minutes of the meeting of the Committee held on the 28<sup>th</sup> July 2009 were approved as a correct record and signed by the Chairman.

The Committee discussed points arising from item 11 of the minutes. The Chairman thanked the Independent members who had addressed the Mid Sussex Association of Local Councils and other parish councils since the last meeting of the Committee. The Committee were informed of comments made by local councillors during those meetings: delays in previous assessments of complaints had led to stress for the councillor concerned; more information of the nature of complaints during the assessment process was requested; enquiries were made relating to the political balance of assessment sub-committees and issues of pre-determination and bias.

**16. INDEPENDENT MEMBERS FORUM REPORT**

An Independent Member of the Committee introduced the report. He highlighted the conclusion reached by the report. It was stated that Mid Sussex had not been put forward as a host for future meetings of the forum as the procedure for booking facilities needed to be checked. It was also stated that the document containing the Standards Board criteria for an Effective Standards Committee had been located.

During the discussion by members the procedure for booking the Council Chamber at Mid Sussex District Council was clarified. Clarification was sought regarding the

assessment panel sanction known as 'other action'. It was explained that other action avoided making a final decision based on the finding of the fact, but was a voluntary and informal resolution to an issue that could be suitable for certain situations. These resolutions could involve training, mediation or other activity. Comment was made that Standards Committees of some other authorities informed local press of a complaint prior to the matter being considered by the Assessment Sub-Committee, but this was felt to be unnecessary in Mid Sussex. It was also noted that the lack of a district wide newspaper meant that coverage of a district council complaint might be erratic.

The Chairman undertook to contact the Deputy Monitoring Officer to make arrangements for hosting the Independent Members Forum in the future. The Monitoring Officer undertook to circulate the Standards Board criteria for an Effective Standards Committee to members.

## **RESOLVED**

That:

1. Standards Board criteria for an Effective Standards Committee to be circulated to members.
2. The Deputy Monitoring Officer to be advised that Mid Sussex District Council should make arrangements to host an Independent Members Forum at some point in the future.

### **17. ASSESSMENT MADE CLEAR – DVD PRESENTATION**

The Chairman moved the DVD presentation forward as it pertained to the subsequent agenda item.

After the DVD clarification was sought as to why a Monitoring Officer might be conflicted out of carrying out an investigation into a complaint if it pertained to a meeting they had attended, but not when they had given advice to a complainant prior to a complaint being made. It was agreed that the critical point in deciding whether a Monitoring Officer was conflicted out was whether they could be a witness to the investigation.

Overall it was felt that the DVD demonstrated that the assessment sub-committees at Mid Sussex had been carrying out their duties according to the guidelines.

### **18. STANDARDS COMMITTEE ASSESSMENT AND REVIEW HEARINGS WORK**

The Monitoring Officer introduced the report. He noted that a new Code of Conduct, pertaining to issues arising when Members are not acting as Members, had yet to be published. He confirmed that if this was not available before January 12<sup>th</sup> 2010 the Code of Conduct training scheduled for that date would still go ahead.

He informed Members that they could attend a training session relating to bias and predetermination in planning on Wednesday 9<sup>th</sup> December 2009.

The Committee debated the amount of information and detail that should be given to a Member when a complaint is first made about them. It was noted that prior to 2008 no information was provided to them, but that subsequent to the revised Code of Conduct being published the Committee had agreed to provide information regarding

the section of the code that the alleged breach pertained to and the date that the Assessment Sub-Committee would consider the complaint. The name of the complainant could also be included provided that they had given their consent.

Members asked for confirmation when the Member against whom a complaint had been made would receive full information of the complaint. It was felt by some Members that there ought to be a right to know that nature of the complaint for the Member concerned and that there should be a presumption to impart as much as possible. It was noted that the most stressful part of the process for an affected councillor occurred after assessment when the investigation phase took place.

The Monitoring Officer informed the Committee that he currently used Standards Board for England template letters when informing councillors of complaints made against them. It was stated that too much information given out prior to assessment of the complaint would risk disputes occurring in the early stages of the process. This would be a particular issue if the assessment ruled that there was no potential breach of the code or that no further action was to be taken. It was also stated that the current policy on disclosure agreed by the Standards Committee was already at the further end of the guidance issued by the Standards Board.

The Committee discussed the amount of information given in the letter at Stage 2 of the process, in particular the emphasis placed on the right to request a review hearing. It was felt that recent amendments to the letter and the availability of email made requesting reviews easier.

## **RESOLVED**

Members noted the content of the report.

## **19. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS URGENT BUSINESS**

A member asked whether the six month deadline for the independent chairs of the sub-committees to swap had been reached. The Chairman confirmed that this was the case.

Members discussed whether members of assessment sub-committees could receive a summary of completed reviews, indicating the reasons for decisions. The Chairman agreed in principal but stated that there should be no critical discussion.

Chairman

