

**Minutes of a meeting of the Mid Sussex District Council  
Standards Committee held on Wednesday, 9th October 2013  
from 7:00 pm to 7:40 p.m.**

**Present:**

Town Cllr Christopher Ash- Edwards	Cllr Jack Callaghan* Parish Cllr Duncan Cunningham	Cllr Denis Jones Cllr John O'Brien*
Cllr Liz Bennett*		Cllr Gordon Marples
Parish Cllr William Blunden	Parish Cllr Jenny Forbes	Cllr Simon McMenemy

\* Absent

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

**9. SUBSTITUTES**

None.

**10. APOLOGIES**

Apologies were received from Councillors Bennett and Callaghan.

**11. DECLARATIONS OF INTEREST**

None.

**12. MINUTES**

The Minutes of the meeting of the Committee held on the 18th June 2013 were approved as a correct record and signed by the Chairman.

**13. THE STANDARDS REGIME UNDER THE LOCALISM ACT 2011 – ONE YEAR ON**

Tom Clark, Solicitor to the Council, introduced the report. He explained there was a need to improve the Standards information on the Council's website to make it clear that the Standards Committee only deals with breaches of the Members' Code of Conduct. He recommended that a local assessment criteria for complaints, similar to that used by the South Downs National Park (Appendix B of the report), should be adopted. He drew attention to the Committee on Standards In Public Life's Annual Report 2012-13, in particular to the concerns raised about the new local Standards system and the reduced role of the Independent Persons. He explained that there is currently a judicial review of the Standards regime underway and advised the Committee to await the outcome of the judicial review before discussing changes to the local regime.

In response to Members' questions, the Solicitor to the Council explained that the Council had not spent a lot of money on the Standards process and that Adur District Council had spent approximately £50,000 dealing with disputes under the old Standards regime. He added that Adur District Council had adopted a process for dealing with complaints that appeared to be unique to that local authority. He also

confirmed that any agreed assessment criteria would be available on the website and included with Standards Sub-Committee papers.

There was a general discussion about the assessment criteria set out in Appendix B of the report, and how this could be amended. Gerard Irwin, the Independent Person for Standards Matters, explained that the Monitoring Officer is able to deal with complaints without having to refer them to the Standards Sub-Committee. He expressed concern that adopting the assessment criteria as set out in the report would mean all complaints would have to be dealt with by the Sub-Committee, leading to more meetings and greater cost. He suggested that the introductory paragraph to the assessment criteria should therefore be amended to include 'the Monitoring Officer in consultation with the Independent Person'. Sir Roger Sands, the Independent Person for Standards Matters, suggested that number 11 of the assessment criteria should be included in the first section, with numbers 1-4. He explained that the Sub-Committee would still be able to consider this criteria in their own deliberations.

In response to a Member's concern, the Independent Person for Standards Matters confirmed that it was acceptable for the Sub-Committee to form a different opinion to the Monitoring Officer and reject a complaint that the Monitoring Officer had referred to them.

Another Member raised concerns about numbers 6 and 8 of the assessment criteria. He pointed out that these relied on a value judgement and asked whether they were considered too early in the process. The Solicitor to the Council explained that these criteria had been part of the process under the Standards England regime as reasons why public money should not be spent on an investigation.

The Chairman suggested that any assessment criteria should be clear about what sanctions are available to the Committee. In response to Members' questions, the Chairman clarified that this was to ensure complainants were informed about the whole complaints process and it was not intended to discourage complaints at an early stage.

The Committee discussed removing number 9 from the assessment criteria, and amending number 6 to 'warrant an investigation' to reflect the lack of sanctions available to the Committee.

The Solicitor to the Council asked whether numbers 13 – 17 should be included in the assessment criteria as there had never been a request for anonymity from a complainant. In response to a Member's question, he explained that if a complainant did ask for anonymity, a judgement would be made on whether the request was reasonable or not. He added that he had no experience of anonymity increasing the number of complaints. The Independent Person for Standards Matters suggested the criteria be retained as there had been cases elsewhere where anonymity had been requested and it could be an issue in the future. The Committee agreed that it should be retained, as long as it was clear that anonymity was given only in exceptional cases.

**RESOLVED**

**It was agreed that:-**

- (1) The Committee note the report; and
- (2) The assessment criteria be amended to reflect the discussion of the Committee and circulated to the Committee members before being published on the web site.

Chairman