

SPECIAL STANDARDS COMMITTEE

20 August 2014 at 6.00 p.m.

Present: - Councillors Evans (Vice-Chairman in the Chair), Brooks, Edwards, English and Haymes.

Independent Persons - Mr B Green and Mr J Thompson.

186. WELCOME

The Chairman welcomed Members, Independent Persons and Officers to the meeting.

187. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs Goad (Chairman) and Dr Walsh and from Independent Persons – Mr M Howdle and Mrs K Vagg.

188. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the Government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions on the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a member declares a "Prejudicial Interest", this will, in the interests of clarity for the public, be recorded in the minutes as a Prejudicial and Pecuniary Interest.

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Councillor English declared a Personal Interest in Agenda Item 8 (Review of Decision on Complaint against an Angmering Parish Councillor – Exempt – Paragraphs 1 and 7C – Information Relating to any Individual and the Deliberations of the Standards Committee) as he was Chairman of Felpham Parish Council. He wished to have recorded within the minutes that he was attending this meeting as an Arun District Councillor and that he would make any decision on this basis.

Independent Person, Mr J Thompson, also declared a Personal Interest in Agenda Item 8 (Review of Decision on Complaint Against an Angmering Parish Councillor – Exempt – Paragraphs 1 and 7C – Information Relating to any Individual and the Deliberations of the Standards Committee) as he had acted in his capacity as an Independent Person of the Committee as an advisor to the Subject Member.

189. MINUTES

The Minutes of the meeting held 17 October 2013 were approved by the Committee as a correct record and signed by the Chairman.

190. INDEPENDENT PERSONS

The Chairman stated that under Agenda Item 2 (Declarations of Interest), that the Committee, under the new arrangements that the Council had adopted in approving its new Local Code of Conduct and how this affected the appointment of the Committee's Independent Persons, needed to resolve that the Independent Persons be allowed to remain in the meeting for all items to be considered, including the consideration of Exempt items and so he requested, and the Committee agreed, to this being considered at this point in the meeting.

The Chairman stated that the Head of Legal and Administration would be looking to put to the next meeting of the Committee a form of words for it to agree so that a resolution on this could be agreed for the remainder of the 2014/2015 Municipal Year.

The Committee then

RESOLVED

That the Independent Persons be allowed to remain in the meeting for all items to be considered but could not vote on any of the items.

191. START TIMES

The Committee

RESOLVED

That the start times for meetings during the remainder of 2014/2015 be 6.00 pm.

192. ASSESSMENT SUB-COMMITTEE DECISION CONCERNING ALLEGATION AGAINST A FINDON PARISH COUNCILLOR

The Committee received and noted an information report regarding a case dealt with by the Assessment Panel relating to Findon Parish Councillor – Peter Goldsworthy.

193. EXEMPT INFORMATION

The Committee

RESOLVED

That under Section 100A (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

194. REVIEW OF DECISION ON COMPLAINT AGAINST AN ANGMERING PARISH COUNCILLOR (Exempt – Paragraphs 1 and 7C – Information Relating to any Individual and the Deliberations of the Standards Committee.

The Chairman invited the Planning Solicitor to introduce his report including the report and the several enclosures considered earlier by the Assessment Panel and the submissions seeking a Review by the Subject Member. The Planning Solicitor also provided the Committee with a brief summary of the history surrounding the complaint leading up to the decision made by the Assessment Panel.

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The Planning Solicitor stated that this had been a very complex complaint to deal with and as the Subject Member had been dissatisfied with the decision reached by the Assessment Panel, the Subject Member had requested that a review of the complaint by the Standards Committee be undertaken.

The Planning Solicitor in providing a further summary of the complaint advised the Committee to work through each Paragraph of the Code of Conduct that the Subject Member had allegedly breached so that it could discuss; review; and assess whether it felt that the Subject Member had breached that Paragraph of the Code of Conduct and whether it agreed with the decision reached by the Assessment Panel. The Committee agreed to this approach as it felt this was the easiest way to work through the complex and large amount of information that had been provided.

The Planning Solicitor reminded the Committee that it had three options to consider which were to (1) either agree with and confirm the decision as a whole; (2) either disagree with the decision in whole or in part, and (3) or to substitute new conclusions and new recommendations to substitute those of the decision.

The Chairman then asked the Planning Solicitor to explain each of the complaints relating to twelve Paragraphs of the Code of Conduct that had been made against the Subject Member, what the complainant comments were; what the Monitoring Officer's comments were; what comments had been made by the Assessment Panel and whether the decision reached by that Panel could be agreed by the Standards Committee.

The Committee considered the Paragraphs in the Code of Conduct listed below.

Firstly, the Committee considered the question "Did the Code apply?". The Committee agreed that the Code of Conduct did apply to the circumstances covered by the complaint; the Monitoring Officer's report and the Subject Member being an Angmering Parish Councillor and his carrying out the office of Parish Council Chairman:

Paragraph 1 *A Councillor must champion the needs of residents – the whole community and in a special way their constituents, including those who did not vote for them – and putting the whole community's interest first.*

The Committee agreed that there was evidence that the Subject Member had breached Council Rules and so having debated the complainant's comments it agreed with the Monitoring Officer's and Assessment Panel's views and recommendations. The Committee agreed that the decision reached by the Assessment Panel be agreed, this being that the Subject Member had breached Paragraph 1 of the Member Code of Conduct.

Paragraph 2 A Councillor must deal with representations or enquiries from residents, members of their community and visitors fairly, appropriately and impartially.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed that the decision reached by the Assessment Panel be agreed, this being that the Subject Member had breached Paragraph 2 of the Member Code of Conduct.

Paragraph 3 A Councillor must not allow other pressures, including the financial interests of themselves or others connected to them, to deter them from pursuing constituents' casework, the interests of the district of Arun (or Parish/Town Council if the complaint, is against a Parish or Town Councillor) or the good governance of the authority in a proper manner.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed with the decision made by the Assessment Panel, that the Subject Member had not breached Paragraph 3 of the Member Code of Conduct.

Paragraph 4 - This Paragraph did not form part of the complaint and so therefore it was not considered.

Paragraph 5 A Councillor must listen to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed that the decision reached by the Assessment Panel be agreed, this being that the Subject Member did breach Paragraph 5 of the Member Code of Conduct.

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Paragraph 6 A Councillor must be accountable for their decisions and co-operate when scrutinised internally and externally, including by local residents.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed that the decision reached by the Assessment Panel be agreed, this being that the Subject Member did breach Paragraph 6 of the Member Code of Conduct.

Paragraph 7 A Councillor must contribute to making their authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding themselves and other Members to account but restrict access to information when the wider public interest or the law requires it.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed that the decision reached by the Assessment Panel be agreed, this being that the Subject Member did breach Paragraph 7 of the Member Code of Conduct.

Paragraph 8 A Councillor must behave in accordance with all the legal obligations, alongside any requirements contained within their authority's policies, protocols and procedures, including on the use of the authority's resources.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed that the decision reached by the Assessment Panel be agreed, this being that the Subject Member had breached Paragraph 8 of the Member Code of Conduct.

Paragraph 9 A Councillor must value their colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect between them that is essential to good local government.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed that the decision reached by the Assessment Panel be agreed, this being that the Subject Member had breached Paragraph 9 of the Member Code of Conduct.

Paragraph 10 A Councillor must always treat people with respect, including the organisations and public they engage with and those they work alongside.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed that the decision reached by the Assessment Panel be agreed, this being that the Subject Member had breached Paragraph 10 of the Member Code of Conduct.

Paragraph 11 A Councillor must provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within their authority.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed that the decision reached by the Assessment Panel be agreed, this being that the Subject Member had breached Paragraph 11 of the Member Code of Conduct.

Paragraphs 12 - 14 These Paragraphs did not form part of the complaint and were therefore not considered.

Paragraph 15 A Councillor (unless dispensation has been granted) must not participate in any discussion of, vote on, or discharge any function related to any matter in which they have a Pecuniary Interest as defined by regulations made by the Secretary of State.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed with the decision reached by the Assessment Panel, that the Subject Member had not breached Paragraph 15 of the Code of Conduct.

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Paragraph 16 – This Paragraph did not form part of the complaint and so was therefore not considered by the Committee.

Paragraph 17 A Councillor must observe the restrictions their authority places on their involvement in matters where they have a Pecuniary or non-Pecuniary interest as defined on their Register of Interest Form.

The Committee having debated the complainant's comments agreed with the Monitoring Officer's and the Assessment Panel's views and recommendations. The Committee agreed with the decision reached by the Assessment Panel, that the Subject Member had not breached Paragraph 17 of the Code of Conduct.

Having worked through the detail of the complaint and having considered the Assessment Panel's recommendations and decisions, the Planning Solicitor advised the Committee that it now needed to agree; disagree; or amend the Assessment Panel's recommended action to the Parish Council concerned.

The Committee worked through what the Assessment Panel had proposed and made the following changes which can be seen with additions shown in **bold** and with deletions shown in ~~strikethrough~~:

Recommendations to Parish Council

The Standards Committee recommends that the Parish Council:

- (1) reminds the Subject Member that following their election the Subject Member signed an undertaking to comply with the Localism Act 2011, and comply with the Local Code of Conduct and any consequential request made to the Subject Member by Arun District Council's Standards Committee;
- (2) informs the Subject Member that their conduct is not considered by the **Standards Committee** or by the Assessment Panel to be appropriate and/or is considered to be damaging to the reputation of Local Government and Angmering Parish Council in particular, by reason of being contrary to the high standards of conduct expected of the Subject Member and contrary to one or more of the following principles of acting with:

- 1.a.a. selflessness
- 1.a.b integrity
- 1.a.c objectivity
- 1.a.d accountability
- 1.a.e openness
- 1.a.f honesty
- 1.a.g leadership

~~(3) Requests that the subject Member attends Chairmanship Skills training with the National Association of Local Councils or Sussex Association of Local Councils or a similar training course provider.~~
Angmering Parish Council considers any training provided by the National Association of Local Councils or the Sussex Association of Local Councils or a similar training course provider.

The Standards Committee also advises that:

(4) Angmering Parish Council considers any suitable training for its Parish Clerk;

~~(4)-(5)~~ the period that this decision shall remain on Arun District Council's website shall be 12 months. This is in view of the number of breaches, the relative seriousness of the breaches, their timescale and perceived reputational harm to the Parish Council;

~~(5)-(6)~~ it shall write to the Parish Council and be informed of its this finding and request that the Parish Council **be asked to** consider what action to take in relation to the Subject Member, having regard to these recommendations; and

~~(6)-(7)~~ although Arun District Council is the relevant authority and it may have regard to the Subject Members' failure when deciding what action to take, in practical terms Arun District Council cannot enforce that such action is taken and therefore it is for the Parish Council to make a decision about what action to take and how to achieve compliance.

The Committee then

RESOLVED - That

- (1) the recommendations and reasoning of the Assessment Panel be agreed as set out in the minutes above;

- (2) it reminds the Subject Member that following their election the Subject Member signed an undertaking to comply with the Localism Act 2011, and comply with the Local Code of Conduct and any consequential request made to the Subject Member by Arun District Council's Standards Committee;
- (3) it informs the Subject Member that their conduct is not considered by the Standards Committee or by the Assessment Panel to be appropriate and/or is considered to be damaging to the reputation of Local Government and Angmering Parish Council in particular, by reason of being contrary to the high standards of conduct expected of the Subject Member and contrary to one or more of the following principles of acting with:
 - 1.a.a. selflessness
 - 1.a.b. integrity
 - 1.a.c. objectivity
 - 1.a.d. accountability
 - 1.a.e. openness
 - 1.a.f. honesty
 - 1.a.g. leadership
- (4) Angmering Parish Council considers any training provided by the National Association of Local Councils or the Sussex Association of Local Councils or a similar training course provider;
- (5) Angmering Parish Council considers any suitable training for its Parish Clerk;
- (6) the period that this decision shall remain on Arun District Council's website shall be 12 months. This is in view of the number of breaches, the relative seriousness of the breaches, their timescale and perceived reputational harm to the Parish Council;
- (7) the Parish Council be informed of this finding and the Parish Council be asked to consider what action to take in relation to the Subject Member, having regard to these recommendations; and

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- (8) although Arun District Council is the relevant authority and it may have regard to the Subject Members' failure when deciding what action to take, in practical terms Arun District Council cannot enforce that such action is taken and therefore it is for the Parish Council to make a decision about what action to take and how to achieve compliance.

(The meeting concluded at 8.17 pm)