

STANDARDS COMMITTEE

26 October 2016 at 6.00 p.m.

Present: - Councillors English (Chairman), Maconachie (Vice-Chairman), Mrs Bence and Dr Walsh.

Independent Persons – Mr B Green and Mr J Thompson.

Councillors Mrs Brown and Bence were also in attendance.

272. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Dillon, Edwards, Mrs Rapnik, Tyler and Wheal.

273. 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.

There were no Declarations of Interest made.

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274. MINUTES

The Minutes of the meeting held on 13 October 2016 were approved by the Committee as a correct record and signed by the Chairman.

275. 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 and Part 5 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

276. COMPLAINT REFERENCE 3031 – ARUN DISTRICT COUNCILLOR FRANCIS OPPLER

(Please note that the late Mrs Smee was a Councillor of Arun District Council until 6 May 2015. All the requests from the Standards Committee relating to this matter had been made during Councillor Mrs Smee's term of office with Arun District Council, so for the purpose of these Minutes she has been referred to throughout as Councillor Mrs Smee.)

The Committee received a report on the complaint made under the Local Code of Conduct against Councillor Oppler by the Full Council of Arun District Council, as Resolved at Minute 143 of Full Council on 20 July 2016. The subject of the complaint was that Councillor Oppler had failed to treat the Standards Committee with respect, by his continued failure to apologise in writing to Councillor Mrs Smee and his extensive delay in apologising in writing to the Officer of the Council, in accordance with the decision of the Assessment Panel of the Standards Committee on 14 November 2014, as upheld by the Standards Committee at Review on 22 January 2015.

The Investigating Officer, Richard Orridge, of Spencer Howard Solicitors, outlined the chronology of events as set out in the report. It was made clear that the Committee was not required to revisit the issues of the complaint by Councillor Mrs Smee in 2014 as that matter had been adjudicated upon at two previous hearings and had been concluded. It was

pointed out that the remit of the Standards Committee was solely to consider whether or not Councillor Oppler's continued failure to abide by the request of the Standards Committee, that he apologise in writing to Councillor Mrs Smee, and his extensive delay in apologising in writing to the Officer of the Council, amounted to treating the Standards Committee with disrespect.

The Committee was advised that:

- Councillor Oppler had signed undertakings in the Members' Code of Conduct form on the 26 June 2012 and 14 May 2015 as follows –
'I hereby undertake to Arun District Council that I will comply with my statutory responsibilities under the Localism Act 2011 and I further undertake to comply with Arun District Council's Local Code of Conduct as set out above and any consequential request made to me by its Standards Committee.'
- Councillor Oppler delivered his written apology addressed to the Officer of the Council to the Monitoring Officer on 13 January 2016.
- At the time of the meeting of Full Council on 20 July 2016 Councillor Oppler had not apologised in writing to Councillor Mrs Smee.
- Councillor Oppler delivered his written apology addressed to Councillor Mrs Smee to the Monitoring Officer on 18 October 2016 together with his written apology to the Standards Committee and the Council.

Following this update the Committee invited Councillor Oppler into the meeting so that he could speak on the matter. A discussion took place with respect to the complaint. Councillor Oppler's reason for not complying with the request of the Standards Committee was that he did not accept the decision of its Assessment Panel or the Review Hearing. Councillor Oppler then left the meeting so that the Standards Committee could make their decision.

Having heard from the investigating officer, Councillor Oppler and the Independent Persons of the Committee took these views into account and debated the issues at length.

In considering the evidence relating to three separate breaches of the Local Code of Conduct by Councillor Oppler with respect to the Standards Committee, the Council Officer and the Original Complainant, the Chairman asked the Committee to vote on whether each alleged breach was agreed. It was agreed to record this vote as follows:

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1. Failure to comply with the request made by the Standards Committee and thereby failing to treat the Standards Committee with respect – Councillors Mrs Bence, English, Maconachie and Dr Walsh were in agreement of a breach.
2. Delay of almost one year to comply with a request made by the Standards Committee to make a written apology to an Officer of the Council – Councillors Mrs Bence, English and Maconachie voted to agree a breach. Councillor Dr Walsh voted against a breach.
3. Failure to comply with the request made by the Standards Committee to make a written apology to Councillor Mrs Smee and thereby failing to treat the Standards Committee with respect – Councillors Mrs Bence, English and Maconachie voted to agree a breach. Councillor Dr Walsh voted against a breach.

Having agreed that breaches in the Local Code of Conduct had been made by Councillor Oppler, the Committee considered what action should be taken. Members of the Committee were advised that Councillor Oppler does not currently sit on any Committees (this was not checked at the meeting) this formed part of the Committee's decision to dismiss the sanction to suspend membership of Committee meetings for a period of 3 months.

(Following the meeting it was clarified that Councillor Oppler is a member of:

- *The Local Plan Sub- Committee*
- *The Housing and Customer Services Working Group*
- *The Chief Executive's Appraisal Panel, by virtue of being the Leader of the opposition of the Majority Group.)*

The Committee

RESOLVED – That

- 1) Councillor Oppler breached the Local Code;
- 2) the Standards Committee do not condone Councillor Oppler's conduct in this matter;
- 3) the Standards Committee accepts that Councillor Oppler belatedly made written apologies to Councillor Mrs Smee, the Council Officer, Full Council and the Standards Committee;
- 4) Councillor Oppler's written apology to Full Council be included in the agenda for the next meeting of Full

Council and Councillor Oppler be requested to read that apology out to the next meeting of Full Council that he attends;

- 5) that for a period of three months from the date of the Standards Committee Decision Notice in this matter that Councillor Oppler be denied access to all officers of the Council other than the Head of Legal and Administration, the Head of Democratic Services and the Chief Executive; and
- 6) the Monitoring Officer prepare the draft Decision Notice setting out the findings of this Standards Committee on 26 October 2016 and circulate to those Members who were present at the meeting for their confirmation that the Draft Decision Notice represents the decision reached and their reasons for that decision.

(The meeting concluded at 7.57 pm)