



# Public Document Pack

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Committee Manager - Jane Fulton (Ext 37611)

10 February 2021

## STANDARDS COMMITTEE

A virtual meeting of the Standards will be held on **Thursday, 18 February 2021 at 6.00 pm** and you are requested to attend.

Members: Councillors Edwards (Chairman), Bennett (Vice-Chairman), Blanchard-Cooper, Mrs Baker, Bower, Coster, English, Kelly and Tilbrook.

Independent Persons: Mr J Cooke, Mr B Green, Mrs S Prail and Mr J Thompson, MBE.

**PLEASE NOTE:** *This meeting will be a 'virtual meeting' held using Zoom but as it is a Working Party meeting will be held in private and so not open to the public. The meeting invite including the meeting joining instructions will be sent out 24 hours before the meeting. This meeting will not be webcast.*

*Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.*

*This Council's revised Rules of Procedures for 'virtual meetings' can be found by clicking on this link: <https://www.arun.gov.uk/constitution>*

*For further information on the items to be discussed, please contact: [committees@arun.gov.uk](mailto:committees@arun.gov.uk)*

## AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are invited to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda, and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and Officers should make their declaration by stating:

- a) the item that they the interest in
- b) whether it is a pecuniary, personal and/or prejudicial interest
- c) the nature of the interest

3. MINUTES

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 3 December 2020 (as attached).

4. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

5. LOCAL ASSESSMENT (CASE AND HEARINGS) PROCEDURE REVIEW

(Pages 9 - 20)

This report deals with the Review of the Case Assessment and Case Hearings review of the Local Assessment Process conducted by Hoey Ainscough Associates (HAA).

6. REVIEW AND REVISION OF THE MEMBER CODE OF CONDUCT

(Pages 21 - 52)

The Local Government Association has adopted a New Model Councillor's Code of Conduct 2020.

It is open to the Council to adopt this Code of Conduct in whole, or with amendments. Alternatively, the Council can amend its existing Member Code of Conduct.

7. REVIEW OF INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE

(Pages 53 - 56)

The Localism Act 2011 requires the Council to appoint at least one independent person to its Standards Committee. This Council recently appointed two new Independent Persons to supplement the support to its Standards Committee. Their terms of appointment require a review by Standards Committee ahead of the one-year anniversary date.

8. RECRUITMENT OF A REPLACEMENT INDEPENDENT PERSON TO THE STANDARDS COMMITTEE (Pages 57 - 60)

To seek the Committee's authority to recruit a replacement Independent Person, following the resignation of one Independent Person, in order to maintain the pool of four.

9. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS (Pages 61 - 64)

This report updates the Committee on the complaints against Councillors received since the last report. The Committee is responsible for maintaining high standards of conduct by Members of the District and Town and Parish Councils, for monitoring operation of the Code of Conduct, and for considering the outcome of investigations in the event of breaches of the Code.

10. EXEMPT INFORMATION

The Committee is asked to consider passing the following resolution:-

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives from newspapers be excluded from the meeting for the following items of business on the grounds they 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 items.

11. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS (Pages 65 - 68)

This report updates the Committee on the complaints against Councillors received over the past two years.

12. REQUEST FOR A REVIEW OF A PANEL DECISION (Pages 69 - 72)

A Subject Member has requested a review of the decision against them and this report is submitted in accordance with the Local Assessment Process which states that the Review will be referred to the Standards Committee for a decision via a report presented by the Monitoring Officer.

13. DATA PROTECTION BREACH - REFERRAL FROM THE AUDIT & GOVERNANCE COMMITTEE (Pages 73 - 76)

The Council is responsible for protecting personal data that is collected, processed, stored and disposed of, in accordance with the Data Protection Act 2018.

Following a data protection breach that the Council became aware of in July 2020, the Information Commissioners Office (ICO) recommended that the Council minimised the risk of future data protection breaches, by raising awareness of the importance of Members and Officers being familiar with Council policies and completing mandatory training.

The matter was considered by the Audit and Governance Committee on 19 November 2020, as a Governance issue, who in turn referred it to this Committee for any Member conduct issues.

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

# Public Document Pack Agenda Item 3

Subject to approval at the next Standards meeting

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## STANDARDS COMMITTEE

3 December 2020 at 6.00 pm

Present: Councillors Bennett (Vice-Chairman, in the Chair), Bower, English, Huntley (Substitute for Coster), Kelly, Stanley (Substitute for Blanchard-Cooper), and Tilbrook.

Independent Persons: Mr J. Thompson, MBE, Mr B. Green, Mrs S. Prail and Mr J. Cooke

[Note: The following Councillors were absent from the meeting during the consideration of the following matters set out in Minutes 362 – Councillors Bower and English.]

### 352. WELCOME

The Chairman welcomed Members, Independent Persons of the Committee and Officers to what was the second virtual meeting of the Standards Committee.

Having explained, the virtual meeting procedure rules in place, the following introductions were made by the Committee Services Manager:

Mr N Bennett – Previous Acting Monitoring Officer  
Mr S Agutu – Interim Monitoring Officer  
Mr P Hoey – Hoey Ainscough Associates Ltd

### 353. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Edwards (Chairman), Blanchard-Cooper, and Coster.

### 354. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### 355. MINUTES

The Minutes of the meeting held on 24 September 2020 were approved by the Committee as a correct record and would be signed by the Chairman as soon as possible following the Council's resumption of normal working.

Standards - 3.12.20

356. LOCAL GOVERNMENT ASSOCIATION - MODEL MEMBER CODE OF CONDUCT

Mr Hoey explained his connection with the Council in terms of being responsible for managing Code of Conduct complaints and his work being commissioned by the Local Government Association (LGA) to draw up a new Model Code of Conduct.

The Committee was advised by Mr Hoey that further work had progressed on the LGA's Model Code and that a final submission had been presented to the LGA Board earlier in the day meaning that a final Code would be published imminently.

Mr Hoey suggested that the Code, when published, be presented to the Committee at its next meeting in February 2021 so that the Committee could consider whether to recommend it onto Full Council for adoption in March 2021.

Following some discussion,

The Committee

RESOLVED - That

- 1) To note progress with the Draft Model Code; and
- 2) Instruct the Monitoring Officer to bring a further report to the Standards Committee once the final version of the Model Code is published.

357. STANDARDS RECOMMENDATIONS PENDING NEW MODEL CODE OF CONDUCT

The Committee was advised that the Council had received a request from the Local Government Association (LGA) to advise on its progress against the 15 recommendations that emerged from the Committee on Standards in Public Life's (CSPL) recent review of the Code of Conduct and Ethical Standards. It was recognised that some of these recommendations would need some legislative changes, which the CSPL were working on.

The majority of the 15 recommendations of best practice were mostly being complied with, and some were awaiting issue of new Model Code or needed the Committee to decide whether current reporting arrangements were sufficient at this Council. Mr Hoey advised the Committee that most of the recommendations would be incorporated into the anticipated Model Code of Conduct.

In discussing the 15 recommendations, some points of clarification were raised with regard to Recommendations 1 and 15. In relation to Recommendation 1, it was felt that a clear definition of bullying and harassment was required otherwise this could be confused with vigorous debate. Mr Bennett reminded Members of information recently issued to all Councillors following behaviour at recent Full Council meetings and stated

that he understood that there would be further defining of the terms. Mr Hoey explained that consideration had been given to the length and detail of a Model Code, looking at other examples across the country. In considering this, the decision was to keep to a shorter version to make it easier to manage and using the ACAS definition of 'bullying'. The LGA was looking to provide some supporting guidance to be issued alongside of the Code which would provide further detail – this was anticipated to be released in March 2021.

Clarification was sought on the Council's process and the reporting of concerns about conduct as suggested at Recommendation 15 regarding senior officers discussing complaints with Group Leaders. Mr Bennett advised that his understanding, from a discussion with the Chief Executive, was that there would be some reporting mechanism in place in the future.

Returning to the concerns raised with regard to the definition of bullying at Recommendation 1, as this was recognised as an issue currently present within the Council, there was concern expressed that, potentially, there could be a large time delay between the Model Code being published and subsequently being adopted. Mr Bennett responded that there was commonly gaps between publication and adoption, and also decisions had to feed into agreed calendars of meetings. This, however, would not prevent continued oversight of complaints. The Committee Services Manager provided reassurance to Members by confirming that the Minutes and any recommendations from 18 February meeting of the Committee would be presented to the Full Council meeting on 17 March 2021 and so would be addressed quickly.

Returning to the concerns raised in relation to Recommendation 15, Mr Agutu commented that the Council already had a strong mechanism in place reporting concerns via its Standards Committee, attended by Senior Officers and Independent Persons, and so did not see the need for a further tier of reporting complaints. Mr Bennett explained that this was not intended to replace the Standards Committee process, but to ensure that there was an opportunity for Political Group Leaders to be involved in supporting and dealing with conduct matters outside of the formal complaint investigation process. This would act as a 'filtering' process and any serious complaints would still be referred to the Standards Committee for consideration.

A concern was expressed about the quality of Code of Conduct training provided to Members following their election, and that recent Council meetings had demonstrated a lack of understanding and so he requested further training to be provided.

Following further debate, Councillor English proposed that the CSPL Recommendation 15 be removed from the suite of recommendations included at Recommendation 2 of the report. This was seconded by Councillor Bower.

On this amendment being put to the vote it was declared LOST.

Standards - 3.12.20

The Committee then

RESOLVED - That

- (1) To note the report from the Committee for Standards in Public Life and this Council's responses to the recommendations made within the report be noted; and
- (2) It be agreed to incorporate the recommendations into the review of the Local Assessment Procedure.

### 358. REVIEW OF LOCAL ASSESSMENT PROCEDURE

At its meeting held on 24 September 2020, the Committee asked Hoey Ainscough Associates Ltd to return to this meeting with a review of the Local Assessment Procedure to enable the Committee to fully consider any recommendations for amendments, following the identification of some anomalies within the existing Procedure.

Mr Hoey explained that the Council's existing Procedure was broadly in line with that of other local authorities, but that the work of Hoey Ainscough Associates Ltd was to improve the process and address any legal compliance.

Mr Hoey was asked to address the recommendations in his report, for the benefit of the Committee. Most recommendations related to best practice, but some were necessary to bring the Procedure in line with current legislation.

In discussing the recommendations (a) to (l) set out in the appendix to the report, a steer was required from the Committee in relation to the following recommendations as set out below:

- (h) That the Committee consider whether political proportionality should apply to a Hearings Panel; and
- (k) That the Committee consider whether it wishes to retain an appeals mechanism on a Panel's decision

Most Members of the Committee agreed that the right for Panels to have political proportionality should be waived. It was explained further by Mr Hoey that, by law, Committees were required to adhere to political proportionality, but if the Committee wished to abandon this requirement for a Hearings Panel, it should be formally written into the process. Mr Hoey also added that Independent Persons were legally forbidden to cast votes and take part in decisions, only to offer independence advice, therefore should not be included in a Panel's private deliberations when deciding on the outcome of a complaint Hearing. This was accepted.



Turning debate to Recommendation (K), the majority of Councillors agreed that the Local Assessment Procedure should not retain an appeals mechanism on Panel's decisions and that this, if approved, by the Committee should be written into the revised procedures to be considered at the Committee's next meeting.

The Chairman confirmed that he wished to take a separate vote on each of the Recommendations (h) and (k) – which were:

For Recommendation (h) that political balance be waived for Hearings Panels. On this being put to the vote it was declared CARRIED.

For Recommendation (k) that an appeals mechanism be removed from the Procedure. On this being put to the vote it was declared CARRIED.

Having had both recommendations approved, it was explained that these would be implemented into a new Arun Local Assessment Procedure for new complaints coming forward and still needed to be approved when the whole procedure would be presented to the next meeting of the Committee.

The Chairman then returned to the substantive recommendations and the Committee

RESOLVED – That

- (1) The proposed amendments to the Local Assessment Procedure, as reported by Hoey Ainscough Associates Ltd and as amended at the meeting in respect of Recommendations (h) and (k) be approved; and
- (2) Hoey Ainscough Associates be instructed to finalise a revised Local Assessment Procedure to be presented to the next meeting of the Standards Committee for final approval.

359. SOCIAL MEDIA GUIDANCE FOR COUNCILLORS

A draft Guidance document had been considered at the last meeting of the Committee on 24 September 2020 and recommendations to adopt a revised Social Media Guidance for Councillors had been made to Cabinet on 19 October 2020, replacing the previous version endorsed by Cabinet on 31 May 2016.

Although Cabinet had broadly supported the guidance, non-Cabinet Councillors raised some concerns about the content of the document. Cabinet then resolved to refer the Guidance back to this meeting of the Standards Committee for further discussion.

Standards - 3.12.20

Mr Hoey referred to the list of “do’s and don’ts” in the draft Guidance document, which had been lifted from the existing Guidance document. This was the element that had been mostly challenged at Cabinet. It was the view of some Councillors that this may lead to debate being disadvantaged and would prefer not to have this entire list included in the document.

Committee questioned the item relating to criticism of Councillors and Officers. Mr Hoey referred to a definition supported by the LGA, as follows “Do not misquote, misrepresent or make personal criticisms of Councillors and Officers” which could be incorporated into the Guidance, which was then broadly supported by the Committee.

With regard to the ‘do not’ point regarding securing a benefit, Mr Hoey suggested replicating the words used in the Code of Conduct so that this line would now read “do not try to secure an improper benefit for yourself or disadvantage others improperly”.

Further discussion took place as to whether another ‘Do Not’ item should be added to cover ‘matters that had not been concluded at meetings, in view of the current situation with the recent Full Council meeting having taken place over three separate dates and as it had still not concluded all of its business. Comments were then made regarding inflammatory comments and concerns expressed that this could be subjective. Mr Hoey emphasised that this document was only guidance and had no legal weight.

Following further debate, the Committee agreed to have the wording altered to the penultimate Do Not item to read as follows “do not try to secure an improper benefit for yourself or disadvantage others improperly”.

The Committee then, as it was content with all other parts of the guidance,

RECOMMEND TO CABINET – that

- 1) The new Social Media Guidance for Councillors, as amended at the meeting, be endorsed, replacing the previous version endorsed by Cabinet on 31 May 2016; and
- 2) To authorise the Acting Monitoring Officer to make any consequential changes arising from the adoption of a new Members Code of Conduct.

### 360. REGISTER OF COMPLAINTS

In presenting this report, the Committee were advised of any updates on Code of Conduct complaints received or completed since the last meeting.

The Committee then

RESOLVED

That the Register of Complaints against Councillors and progress of any outstanding complaints be noted.

361. 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.

362. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS [EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO ANY INDIVIDUAL]

Councillors English and Bower declared Personal Interests at the commencement of this item due to them both being complainants involved in complaint cases.

Councillor English briefed the Committee on his experience with a request for a review of an Assessment Panel decision. Having made his statement, Councillor English then left the meeting for the remainder of this item and did not take part in any debate or vote on this item. Councillor Bower then left the meeting having declared his interest in this item.

Mr Bennett presented this report and also provided verbal updates on a number of the cases included in the register.

Following a brief discussion, the Committee

RESOLVED

That the Register of Complaints against Councillors be noted

(The meeting concluded at 9.00 pm)

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## ARUN DISTRICT COUNCIL

### REPORT TO STANDARDS COMMITTEE ON 18 FEBRUARY 2021

<b>SUBJECT: Local Assessment (Case and Hearings) Procedure Review</b>
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<b>REPORT AUTHOR: Solomon Agutu – Interim Monitoring Officer</b> <b>DATE:</b> February 2021 <b>EXTN:</b> 37432 <b>PORTFOLIO AREA:</b> Corporate Support
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#### **EXECUTIVE SUMMARY:**

This report deals with the Review of the Case Assessment and Case Hearings review of the Local Assessment Process conducted by Hoey Ainscough Associates (HAA).

#### **RECOMMENDATIONS:**

The Committee is asked to consider the review and decide on the various options as presented in the document.

#### **1. BACKGROUND:**

- 1.1 As part of the Review of the Code of Conduct a review was also requested of the Local Assessment process which consists of a Case Handling procedure and a Case Assessment process. The review was conducted by Hoey Ainscough Associates Ltd (HAA). HAA have now submitted their review and the attached documents consists of the work of HAA as amended for discussion by the Interim Monitoring Officer
- 1.2 Recent experience of the LAP process has highlighted areas which need to be reviewed. HAA were tasked with carrying out that review.

#### **2. PROPOSAL(S):**

Committee to receive and consider reviewed process.

#### **3. OPTIONS:**

1. To adopt the review by HAA unamended
2. To adopt the review with amendments

#### **4. CONSULTATION:**

N/A

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓

Other groups/persons (please specify)		✓
<b>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</b>	<b>YES</b>	<b>NO</b>
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
<p><b>6. IMPLICATIONS:</b></p> <p>Section 27(1) of the Localism Act 2011 (the Act) provides the authority must promote and maintain high standards of conduct by Members of the authority.</p> <p>Section 27(2) of the Act provides the authority must adopt a code of conduct that is expected of Members when acting that capacity.</p> <p>Local Government Act 1999 requires the Council to continually review the way it works in order to ensure efficiency, effectiveness and economy.</p>		

**7. REASON FOR THE DECISION:**

In order to comply with the statutory requirement to devise a local assessment process and to review it from time to time and ensure a process which is effective and efficient.

**8. BACKGROUND PAPERS:**

N/A

## ANNEXE 1

### CASE HANDLING PROCEDURE

#### BACKGROUND

Under Section 28 of the Localism Act 2011, Arun District Council must have in place “arrangements” under which allegations that an Elected or co-opted Councillor of the authority or of a Town or Parish Council within the authority’s area (herein after referred to as the ‘Subject Member’) has failed to comply with the authority’s Code of Conduct can be considered and decisions made on such allegations.

These arrangements provide for the Council to appoint at least one Independent Person whose views must be sought by the Council before it takes a decision on an allegation that it has decided to investigate, and whose views can be sought by the Council at any other stage, or by the Subject Member against whom an allegation has been made.

The Council has adopted a Code of Conduct for Councillors, which is published on the Council’s website and is available for inspection on request from the Council’s office (see below).

Each Town and Parish Council is also required to adopt a Code of Conduct which should be available on their website.

#### Initial assessment

1. All allegations, including those against a town or parish councillor, must be made in writing to the Monitoring Officer of Arun District Council (MO).
- ~~2. Within 28 days of receipt of the complaint the Monitoring Officer will decide whether or not the complaint is within the scope of the Code of Conduct and if so The MO is responsible for deciding whether or not to accept the complaint any further action is necessary. This will be completed within 28 working days.~~
- ~~3.2.~~
- ~~4.3.~~ Anonymous complaints will not be accepted unless the MO concludes that there is a compelling public interest why a serious allegation made anonymously may be taken forward.
- ~~5.4.~~ The MO may refer the matter to the Standards Committee to take the decision in his or her place and he or she may delegate the matter to his or her deputy or another officer if, for example he or she believes there is a conflict of interest. This power is at the discretion of the MO.
- ~~6.5.~~ The MO will apply an initial filter to an allegation – for example, to check that the complaint is against a Member, that they were in office at the time of the alleged incident and that the matter would be capable of being a breach of the Code. If the MO is of the view that the complaint does not

fundamentally relate to a Code of Conduct matter, then he/she will decline to progress it further under this procedure. It is generally considered that complaints relating to the consideration of planning and/or licensing applications will not be dealt with under this procedure if there is an alternative legal remedy. The Council has no authority to deal with complaints which relate solely to a councillor's private life or things they do which are not related to their role as a councillor.

**7.6.** Complaints which identify criminal conduct or breach of other regulations by any person may be referred by the MO to Sussex Police for consideration, in accordance with an agreed protocol as set out in Appendix 4, or any other regulatory agency. In such cases the MO may pause the consideration of the complaint pending action by the other body.

**8.7.** If the MO decides the matter is within scope, he or she will invite an Independent Person (IP) to give his or her views on what action should be taken ~~before reaching a final decision at this stage.~~

**9.8.** He or she will also notify the Subject Member of the complaint unless there are compelling reasons not to and invite him/her to submit any relevant comments. ~~The Subject Member will be given within 10 working days to respond, from the date of the notification.~~ In parish cases the MO may also notify the clerk and may ask for relevant factual information. However, the MO, in consultation with an IP, may withhold the complainant's identity if they can be satisfied that there are reasonable grounds for granting confidentiality, for example a belief that the complainant or any witness to the complaint may be at risk of physical harm or intimidation, or that their employment may be jeopardised if their identity is disclosed.

**10.9.** At the end of the 10 working days ~~(regardless of whether any comments have been received from the Subject Member),~~ the MO ~~will decide may consult an IP. one of the following outcomes.,~~ having regard to the ~~views of the IP and any comments made by the Subject Mmember~~ The MO will then decide one of the following outcomes:

- a) to take no further action;
- b) to seek to resolve the matter informally; or
- c) to refer the matter for investigation.

**11.10.** In deciding what action is necessary the MO will consider the following non-exclusive factors:

- a) does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?;
- b) are there alternative, more appropriate, remedies that should be explored first?;
- c) where the complaint is by one Councillor against another, a greater allowance for robust political debate (but not personal abuse or "unparliamentary" language) may be given;



- d) is the complaint in the view of the MO malicious, politically motivated, or 'tit for tat'?
- e) whether an investigation would not be in the public interest or the matter, even if proven, would not warrant any sanction (see Appendix 2);
- f) whether a substantially similar complaint has previously been considered and no new material evidence has been submitted within the current administration

~~g)~~;

~~h)g)~~ Whether a substantially similar complaint has been submitted and accepted

~~i)h)~~ does the complaint relate to conduct in the distant past (over six months before)? This would include any reason why there had been a delay in making the complaint;

~~j)i)~~ does the complaint actually relate to dissatisfaction with a Council (or Parish Council) decision rather than the specific conduct of an individual?; and

~~j)~~ is it about someone who is no longer a member of the Council (or relevant Parish Council) or who is seriously ill

k) Does the matter complained of consist of alleged misconduct in the course of a formal Council meeting and what is the view of the Chairman of the meeting in relation to the alleged misconduct?

~~42.11.~~ All parties (and the clerk for parish cases) will be notified of the MO's decision and there is no right of appeal against that decision.

~~43.12.~~ A decision notice will not be published at this stage though the Council may issue a public statement if details of the complaint are already in the public domain.

~~44.13.~~ The MO will report to the Standards Committee periodically on cases in which there has been no further action taken.

### **Informal resolution**

~~45.14.~~ Where the MO has decided to seek to resolve the matter informally, he or she may do one or more of the following:

- a) ask the Subject Member to submit an apology in writing to the complainant;
- b) convene a meeting between the Subject Member and the complainant in order to try to resolve the issue informally;
- c) notify the Subject Member's group leader (where they are a member of a group) and suggest that they may wish to take some internal party action;
- d) suggest that the Subject Member undergo relevant training;
- e) other such action that the MO deems appropriate.

~~46.15.~~ The MO will decide on a timeframe within which the informal resolution must be completed to an acceptable standard.

~~47.16.~~ If either the Subject Member or complainant\_ refuses to engage with the informal resolution proposed by the MO, or the MO deems the action

taken by the Member insufficient or the informal resolution does not take place in a timely way the MO will decide, in consultation with an IP, whether the case should be closed, whether an investigation is necessary or whether some other action should be taken.

18.17. The MO will notify the complainant (and clerk in parish cases) of the outcome of the informal resolution.

19.18. The MO will report to the standards committee periodically on the outcome of any informal resolutions proposed and/or implemented.

## Investigation

20.19. Where a matter is referred for investigation, the MO may carry out the investigation him/herself, delegate it to another officer or contract it out to an outside body.

21.20. The investigation must normally be completed within 3 months of the MO decision to accept the complaint.

22.21. The Subject Member is notified who the relevant IP is for the case and may seek his or her views at any stage during the investigation.

22. The complainant is also notified who the IP is and may make a request to the MO to seek the views of the IP. However, such a request will only be granted at the discretion of the IP in consultation with the MO.

23. At any time during the course of the investigation the MO, the Subject Member or the complainant may ask for an informal resolution. The MO will consult with the relevant IP to agree this.

24. Before being finalised, a draft report will be produced and the complainant, Subject Member and IP will be invited to comment. Witnesses may also be asked to comment as appropriate on parts of the draft report relevant to them.

25. Where the investigation has not been personally conducted by the MO, the final decision as to outcome will nevertheless be made by the MO unless there is a conflict of interest, in which case the decision will be taken by the Deputy MO.

26. There may be exceptional circumstances when the MO decides that a case should be closed before a draft or final report has been produced due to a significant change in circumstances. This may include, for example that the Subject Member is seriously ill or is no longer a member or other action has led to the matter being resolved. In such cases the MO should consult the IP before deciding that the file be closed. A record of the complaint will be kept on file in the event that the Subject Member returns to office in the future and a subsequent complaint is lodged against them.

27. At the end of the investigation the MO may conclude:

- a) that there has been no breach of the Code;
- b) to seek to resolve the matter informally; or
- c) to refer the matter to the Standards Committee for determination.

28. In cases where the MO has concluded that there has been no breach of the Code all parties (and the clerk in parish cases) will be notified of the MO's decision and there is no right of appeal against that decision. The MO will report the finding to the standards committee and issue a public decision notice.

29. Where the MO decides to seek to resolve the matter informally, he or she shall seek the views of the IP and complainant before concluding whether such an outcome is appropriate. The possible actions are those outlined above at paragraph 14. If the Subject Member refuses to engage with the informal action directed by the MO, the MO deems the action taken by the member insufficient or the informal action does not take place in a timely way the MO will decide, in consultation with the IP, whether the case should be closed or whether a hearing is necessary. The MO will notify the complainant (and clerk in parish cases) of the outcome of the informal action.

30. Where the matter is referred for determination, the ~~hearings sub-committee~~ Hearings Panel of the ~~S~~standards ~~C~~committee will convene within 2 months. The MO will notify the complainant of the date of the hearing.

#### Standards committee hearing Hearings Panel

31. A matter referred for determination by the MO will be heard by a ~~sub-committee~~ Hearings Panel, made up of members of the ~~s~~Standards ~~C~~committee.

32. The ~~sub-committee~~ Hearings Panel will meet in ~~public~~ private subject to the normal rules on exempt and confidential information. The ~~sub-committee~~ Hearings Panel will, however, retire in private to consider its findings and possible action.

33. The views of the IP will be sought by the ~~sub-committee~~ Hearings Panel and made public before the ~~sub-committee~~ Hearings Panel reaches its decision. The IP will not retire with the ~~sub-committee~~ Hearings Panel.

34. The ~~sub-committee~~ Hearings Panel may decide:

- a) that there has been no breach of the Code;
- b) that there has been a breach but to take no further action; or
- c) that there has been a breach and a relevant sanction should be imposed or recommended.

35. If the Hearings Panel sub-committee decides that a relevant sanction should be imposed or recommended it may do and impose or recommend any one or more of the following:

- a) report its findings in respect of the Subject Member's conduct to Council (or the relevant Parish Council);
- b) issue (or recommend to the Parish Council to issue) a formal censure;
- c) recommend to the Subject Member's Group Leader (or in the case of ungrouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council (or recommend such action to the Parish Council);
- d) recommend to the Leader of the Council that the Subject Member be removed from positions of responsibility;
- e) instruct the MO to (or recommend that the Parish Council) arrange training for the Subject Member;
- f) recommend to Council (or recommend to the Parish Council) that the Subject Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council (or by the Parish Council);
- g) recommend to Council (or recommend to the Parish Council) that it withdraws facilities provided to the Subject Member by the Council for a specified period, such as a computer, website and/or email and internet access; or
- h) recommend to Council (or recommend that the Parish Council) that it excludes the Subject Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings and/or restricts contact with officers to named officers only;
- i) if relevant, recommend to the Council that the Subject Member be removed from their role as Leader of the Council
- j) if relevant recommend to the Secretary or appropriate official of the Group that the Member be removed as Group Leader or other position of responsibility.

36. All parties (and the clerk in parish cases) will be notified of the sub-committee's decision and there is no right of appeal against that decision.

37. A decision notice will be published on the Council website within 7 working days of the Hearings Panel decision.

## ANNEXE 2 HEARINGS PROCEDURE

### **The procedure for hearings before a Hearings Panel of the Standards Committee.**

1. Formal hearings will be conducted by a Ppanel of three councillors drawn from membership of the Standards Committee on the basis of availability plus one of the Independent Persons who will not be a member of the Panel but whose views the Panel must have regard to.
2. The Hearings Panel need not reflect the political proportionality of the Council as a whole.
3. A member of the Standards Committee, against whom a Code of Conduct complaint has been made, shall not be selected as a member of a Hearings Panel until consideration of their complaint has been concluded.
4. Agendas for Hearings Panels shall be published and hearings panels shall be held in public unless:
  - a) This would involve disclosure of exempt information as defined by Schedule 12A, Local Government Act, 1972; and
  - b) In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Before a Hearing Panel meets, the Monitoring Officer shall write to the Subject Member and to the complainant, asking each:
  - a) whether they accept the finding in the investigation report
  - b) whether they dispute any factual part of the report, identifying any areas of dispute.
  - c) whether they wish to call any witnesses at the hearing- (only witnesses identified to the Investigating Officer by the complainant or by the Subject Member may be called as witnesses. In law, witnesses do not have to attend a Hearings Panel)
  - e)d) whether the complainant wishes to be present at the hearing (the complainant shall be invited, but is not obliged, to attend the hearing. If the complainant is not present, the procedure below shall be adapted
  - e)e) accordingly)
  - e)f) whether they wish to be accompanied at the hearing – however, that person would not have any right to speak.
6. Where the investigation has not been carried out by the Monitoring Officer, the Monitoring Officer will also ask the investigator if they wish to call any witnesses in addition to any called by the Subject Member or complainant. (Only witnesses identified as part of the investigation may be called as witnesses – as 5c above)
7. In advance of a meeting of a Hearing Panel its members shall seek to agree who will chair the hearing. The Chair may issue directions about the conduct

of the hearing, including the number and suitability of suggested witnesses. A member of a Hearing Panel shall not act as Chair unless they have received relevant training.

8. Subject to the discretion of the Chair, the hearing shall be conducted as follows:
  - a. ~~a.~~ The Investigating Officer will be invited to present their report and to call witnesses. The complainant, the Subject Member and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the Investigating Officer and any witnesses.
  - b. ~~b.~~ The complainant will be invited to comment on the report and its findings and to call witnesses. The Investigating Officer, the Subject Member and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the complainant and any witnesses.
  - c. ~~c.~~ The Subject Member will be invited to comment on the report and its findings and to call any witnesses. The Investigating Officer, the complainant and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the Subject Member and any witnesses.
  - d. ~~d.~~ The Investigating Officer, the complainant and the Subject Member will be invited, in that order, to make brief concluding remarks.
9. ~~8.~~ The Chair and Hearings Panel, including the Independent Person, may ask for advice at any stage from the Monitoring Officer or another officer appointed to advise the committee.
10. Once the hearing has been concluded, ~~the Independent Person will express their views.~~ ~~The Hearings Panel and the Monitoring Officer,~~ without the Independent Person, will then retire to consider its decision. ~~It may call on the Monitoring Officer or another officer to provide advice and guidance.~~ The Hearings Panel is required to do the following:
  - (i) to ~~make findings of the facts~~ decide on the facts,
  - (ii) to decide on whether these facts constitute a breach of the Code of Conduct, and
  - (iii) where a breach is found, to decide on the appropriate sanction.
11. In deciding whether or not to uphold the complaint the Hearings Panel must apply, as the standard of proof, the balance of probability.
12. The Hearings Panel will then return and announce its findings on whether there has been a breach of the Code, ~~with reasons.~~
13. Following announcement of the Hearing Panel's findings, the Investigating Officer, the complainant and the Subject Member will be invited to make submissions, if necessary, regarding remedies or sanctions.
14. ~~The Hearings Panel with~~ Panel with the Monitoring Officer [and the Independent Person] will then retire again to consider what, if any, sanction it wishes to impose. It will then announce its decision and give reasons.



**45.14.** Following the hearing, a Decision Notice will be issued within 7 working days, and a copy shall be sent to the complainant and Subject Member.

**46.15.** There is no right of appeal against a decision on a Code of Conduct complaint. If the complainant or the Subject Member considers that the complaint has not been considered properly by the Hearings Panel, they may be able to complain to the Local Government Ombudsman or seek permission for judicial review.

**47.16.** The decision will be published on the Standards Committee pages of the Council's website. This includes decisions relating to members of Town or Parish councils.

## **Sanctions available to a Hearings Panel**

**48.17.** The Hearings Panel has powers to take action in respect of individual councillors as necessary to promote and maintain high standards of conduct.

**49.18.** The Hearings Panel may do one, or a combination, of the following:

- a) report its findings in respect of the Subject Member's conduct to Council (or the relevant Parish Council);
- b) issue (or recommend to the Parish Council to issue) a formal censure;
- c) recommend to the Subject Member's Group Leader (or in the case of ungrouped members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council (or recommend such action to the Parish Council);
- d) recommend to the Leader of the Council that the Subject Member be removed from positions of responsibility ;
- e) instruct the MO to (or recommend that the Parish Council) arrange training for the Subject Member;
- f) recommend to Council (or recommend to the Parish Council) that the Subject Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council (or by the Parish Council);
- g) recommend to Council (or recommend to the Parish Council) that it withdraws facilities provided to the Subject Member by the Council for a specified period, such as a computer, website and/or email and internet access; or
- h) recommend to Council (or recommend that the Parish Council) that it excludes the Subject Member from the Council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings and/or restricts contact with officers to named officers only;
- i) if relevant recommend to the Council that the Subject Member be removed from their role as Leader of the Council

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## ARUN DISTRICT COUNCIL

### REPORT TO THE STANDARDS COMMITTEE ON 18 FEBRUARY 2021

**SUBJECT: Review and Revision of the Member Code of Conduct**

**REPORT AUTHOR: Solomon Agutu - Interim Monitoring Officer**  
**DATE: February 2021**  
**EXTN: 37432**

#### **EXECUTIVE SUMMARY:**

The Local Government Association has adopted a New Model Councillor's Code of Conduct 2020.

It is open to the Council to adopt this Code of Conduct in whole, or with amendments. Alternatively, the Council can amend its existing Member Code of Conduct.

#### **RECOMMENDATIONS:**

The Committee is asked to recommend to Full Council that:

- 1) Full Council notes that the adoption of a Code of Conduct for Members is merely one aspect of the overriding duty to promote and maintain high standards of conduct my Members;
- 2) The Local Government Association's New Model Member Code of Conduct 2020 be adapted with the substitution of the Arun Appendix B for the LGA Appendix B and adopted in principle as the proposed Statutory Arun Member Code of Conduct; and
- 3) Where Committee agrees to 2 above, the Interim Monitoring Officer consult with the County Council and the ADC Parish Councils with a view to adopting a consistent code across Arun District.

#### **1. BACKGROUND:**

- 1.1 All "relevant authorities" are required to promote and maintain high standards of conduct by Members and co-opted Members of the Authority. Arun District Council is a "relevant" authority for these purposes. This duty can be discharged in many ways but Parliament has required that the Council must in addition to anything else it does in promoting high standards it must in particular adopt a code dealing with conduct that is expected of Members and Co-opted Members when they are acting as Members and Co-opted Members.

- 1.2 On 20 February 2020, the Standards Committee resolved that the Group Head of Council Advice & Monitoring Officer produce a revised draft of the Members Code of Conduct. Due to COVID-19, other priorities took precedence. By coincidence, the Local Government Association (LGA) started to consult on a new Model Member Code of Conduct (New Code) between 8 June 2020 – 17 August 2020. In discussion between the Interim Monitoring Officer and Chairman of the Standards Committee, it was agreed that the LGA new Model Member Code be brought before Standards Committee as part of the review.
- 1.3 On 3 December 2020, the LGA adopted the New Model Code, as recommended by the Committee on Standards in Public Life's report into Local Government Ethical Standards. In producing and adopting the Code, the LGA consulted widely; examined good practice in local government and other professions. The LGA intends to create additional guidance, working examples and explanatory text in due course.
- 1.4 The LGA have sought to address issues arising through more communication taking place remotely and online between Members and residents, particularly through social media. It has also concluded unhappily that, abuse, threatening and intimidatory communications continue to be unacceptable, and the New Code seeks to address this.
- 1.5 The New Code has been designed to protect Members' democratic role, encourage good conduct and safeguard the public's trust in local government.
- 1.6 The New Code is explicit that it applies when a Member acts or claims or gives the impression that they are acting, as a Member. This applies to all forms of communication and interaction, including social media.
- 1.7 The New Code has as required by law been developed in line with these seven principles of public life:
  1. selflessness;
  2. integrity;
  3. objectivity;
  4. accountability;
  5. openness;
  6. honesty;
  7. leadership.

The Current Code has not incorporated these principles but has set them apart as Section 1 of Part 8 and the Member Code is set out in Part 8 Section 2.

- 1.8 The New Code sets out the specific obligations of general conduct that should be followed. These obligations are mostly already in the Arun Code. However, the new Code is seeking to clarify areas where experience has demonstrated difficulty in enforcements:

- a) Treating other Councillors and members of the public with civility where “civility” has been used in instead of “respect” which has proved to be an amorphous word.
- b) Treating Council employees, employees and representatives of partner organisations and those volunteering for the Councils with civility and respecting the role that they play.
- c) Not bullying or harassing any person - adopting the ACAS code of practice definition in order to aid clarity
- d) Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the Council.
- e) Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.
- f) Not misusing Council resources.
- g) Registering and declaring DPI and Other interests but removing reference to Personal Interests and “pecuniary interests”.
- h) Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.
- i) Registering with the monitoring officer any gift or hospitality with an estimated **value of at least £50 within 28 days of its receipt.**

1.9 If the New Code is adopted, consequential changes will be required to the Constitution, including:

- Deleting the whole of Part 8 Section 1 which has now been incorporated into the Code thus combining section 1 with Section 2 of Part 8;
- Part 8 Section 2 paragraph 2 General Conduct, this will need amending to reflect the general conduct obligations as set out in the New Code.

1.10 The LGA Model Code uses slightly different terminology for declaring interests . For instance, what is now called “Personal Interests” are renamed “Other Registrable Interests”. The Interim Monitoring Officer takes the view that the current Arun scheme for declaring interests is clearer than the Model Code and recommends that Appendix B of the LGA Model Code be substituted with the Arun Scheme of declarations of Interests.

## **2. PROPOSALS**

The Standards Committee recommends to Full Council that:

Approve the customised Code of Conduct for consultation with Parishes within Arun District Council and report back to Standards Committee on the outcome

## **3. OPTIONS:**

- 1) Recommend to Full Council the adoption in full of the Local Government Association New Model Member Code of Conduct 2020; or

- 2) Recommend to Full Council the adoption of the Local Government Association New Model Code of Conduct with local amendments as set out in the Annexe to this report after Consultation with Parish Councils within the District Council area; or
- 3) Reject the Local Government Association New Model Code of Conduct; and resolve that the Acting Monitoring Officer produces a revised draft of the existing Members' Code of Conduct for consideration at a future Standards Committee

#### 4. CONSULTATION:

Legal

Section 27(1) of the Localism Act 2011 (the Act) provides the authority must promote and maintain high standards of conduct by Members of the authority.

Section 27(2) of the Act provides the authority must adopt a code of conduct that is expected of Members when acting that capacity.

Section 28 of the Act provides the authority must adopt a Code of Conduct consistent with the seven principles of public life.

Section 28(5) of the Act provides that an authority may revise its existing code of conduct or adopt a code of conduct to replace its existing code.

The CSPL was concerned about the lack of consistency in codes of Conduct within Counties and within Districts with risk of confusion for Members who are twin or triple hatted. Limited consultation with Parish Councils has revealed that they want ADC to take a lead in recommending a way forward. It is proposed therefore that if the customised code is acceptable in principle to Standards Committee that there is a second round of consultation with the Parish Councils with a view to getting them to agree it before it is recommended to full Council for adoption.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	Yes	
Relevant District Ward Councillors	N/A	N/A
Other groups/persons (please specify)		
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		No
Legal	Y	
Human Rights/Equality Impact Assessment		NO
Community Safety including Section 17 of Crime & Disorder Act		NO
Sustainability		NO
Asset Management/Property/Land		No
Technology		No
Other (please explain)		

## **6. IMPLICATIONS:**

Adopting the New Code will provide clear expectations on Members as to their conduct and will manage public expectations.

## **7. REASON FOR THE DECISION:**

A Member Code of Conduct is required by Section 27 of the Localism Act 2011. Local Government Act 1999 requires the council to continuously improve in efficiency economy and effectiveness. The transition to Committee style government would have in any case required the review of the Code of Conduct in order to at least remove references to Cabinet and to Overview and Scrutiny.

Secondly remote working, meetings and communications has underscored the need to update the Code to reflect increased means of communication between Members and the public, including through social media.

Thirdly the council is learning from the experience of implementing the current Code.

Finally, the coincidence of the LGA producing a model code based on widespread consultation has allowed the Council to benefit from that exercise.

Retaining the current Appendix B of the Arun Code ensures that Members and co-opted Members do not need to get to grips with different terminology for declaring interests.

## **8. BACKGROUND PAPERS:**

Local Government Association Model Member Code of Conduct 3 December 2020

Committee on Standards in Public Life publication: Local Government Ethical Standards (January 2019)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777315/6.4896\\_CO\\_CSPL\\_Command\\_Paper\\_on\\_Local\\_Government\\_Standards\\_v4\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF)

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## **PART 8 – CODES AND PROTOCOLS**

### **(SECTION 1 – MEMBERS CODE OF CONDUCT)**

#### **Joint statement issued by the Local Government Association on the adoption of the LGA Model Code of conduct 2020**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## INTRODUCTION

Arun District Council (the authority) has adopted this Code of Conduct in accordance with the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the authority. The Code was originally introduced on 1 July 2012 and was updated on 8 November 2017. This version of the code is based on the LGA Councillor Mode of Conduct and was adopted by the Council in December 2020

As an elected or co-opted member of Arun District Council, councillors have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

### Definitions

For the purposes of this Code of Conduct,

“councillor” means a member or co-opted member of a local authority or a directly elected mayor. A

“co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

“meeting” means any meeting organised by or on behalf of the authority including:

- any meeting of the Council, or a Committee, Sub-Committee, Working Group, Working Party or Panel constituted by the Council
- any meeting of the Cabinet and any Committee of the Cabinet
- any briefing by officers
- any site visit.



## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. *Respect***

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## **2. *Bullying, harassment and discrimination***

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. *Impartiality of officers of the council***

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

**4. Confidentiality and access to information**

**As a councillor:**

**4.1 I do not disclose information:**

- a. given to me in confidence by anyone
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
  - i. I have received the consent of a person authorised to give it;
  - ii. I am required by law to do so;
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
  - iv. the disclosure is:
    1. reasonable and in the public interest; and
    2. made in good faith and in compliance with the reasonable requirements of the local authority; and
    3. I have consulted the Monitoring Officer prior to its release.

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor:**

### **5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a councillor:**

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. *Complying with the Code of Conduct***

**As a councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. *Interests***

**As a councillor:**

**9.1 I register and declare my interests.**

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

## ***10. Gifts and hospitality***

**As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.



## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B

### Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room

unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a friend, relative, close associate; or
  - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licences</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registerable Interests**

<b>Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;</b>	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

## **Appendix C – the Committee on Standards in Public Life**

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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## NEW APPENDIX B MEMBER CODE OF CONDUCT

### **[LGA Code but substituting this Appendix B which is the Council's current scheme for declaration of interests]**

#### APPENDIX B

#### **1. REGISTER OF INTERESTS**

- 1.1 Within 28 days of this Code being adopted by the Council, or your election (if later), you must register with the Monitoring Officer any interests that fall under any of the descriptions listed in Table 1 and 2 of this Code.
- 1.2 You must ensure that your Register of Interests is kept up to date and must notify the Monitoring Officer in writing within 28 days of becoming aware of any change in any of the descriptions listed in Table 1 and 2 of this Code.

#### **2. DISCLOSABLE PECUNIARY INTERESTS**

- 2.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary State, as set out at Tale 1 to this Code, and either:
  - a) it is an interest of yours; or
  - b) it is an interest of:
    - (i) your spouse of civil partner; or
    - (ii) a person with whom you are living as husband and wife; or
    - (iii) a person with whom you are living as if you were civil partners and you are aware that other person has the interest.
- 2.2 You must:
  - 2.2.1 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest" you need only declare the existence of the interest but not the detail;
  - 2.2.2 where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not:
    - (i) participate, or participate further, in any discussion of the matter at the meeting;

- (ii) remain in the meeting whilst the matter is being debated;
- (iii) participate in any vote taken on the matter at the meeting;

unless you have obtained a dispensation from the Monitoring Officer.

### **3. PERSONAL INTERESTS**

- 3.1 You have a personal interest in any business of the authority if it is of a description specified in Table 2 to this Code.
- 3.2 You have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a 'relevant person' to a greater extent than the majority of other council tax payers, ratepayers or residents of your ward affected by the decision; or it relates to or is likely to affect any interests you have registered as a disclosable pecuniary interest.
- 3.3 A 'relevant person' is:
  - 3.3.1 a member of your family or any person with whom you have a close association;
  - 3.3.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - 3.3.3 any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - 3.3.4 anybody of a type described in Tale 2.
- 3.4 Where you have a personal interest under paragraphs 5.3.3 or 5.3.4, you must make a verbal declaration of the existence and nature of any personal interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest", you need only declare the existence of the interest but not the detail.
- 3.5 Where you have a personal interest under paragraph 5.3.1 and 5.3.2, you need only disclose to the meeting the existence and nature of the interest when you address the meeting on that business.
- 3.6 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.
- 3.7 Where you have a personal interest and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

## **4. PREJUDICIAL INTERESTS**

- 4.1 Where you have a personal interest in any business of the authority, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest (unless the matter falls within one of the exempt categories referred to at paragraph 9) and where that business:
- 4.1.1 affects your financial position or the financial position of a person or body defined as a 'relevant person'; or
  - 4.1.2 relates to the determining of any approval, consent licence, permission or registration in relation to you or any person or body defined as a 'relevant person'.
- 4.2 Where you have a prejudicial interest:
- 4.2.1 you must make a verbal declaration of the existence and nature of any such interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent.
  - 4.2.2 you must not:
    - (i) participate, or participate further, in any discussion of the matter at the meeting;
    - (ii) remain in the meeting whilst the matter is being debated;
    - (iii) participate in any vote taken on the matter at the meeting;
- unless you have obtained a dispensation from the Monitoring Officer.
- 4.3 The only exception is that you may attend a meeting for the purpose of making representations, answering questions or giving evidence relating to the business being considered, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise. You must leave the meeting immediately after making the representations, answering questions or giving questions.
- 4.4 Where, as a Cabinet Member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by yourself, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

## **5. SENSITIVE INTERESTS**

5.1 Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, you should share your concerns with the Monitoring Officer. If the Monitoring Officer agrees, he/she will not include details of the interest in the Register of Interests, but may state that you have registered an interest, the details of which are withheld under Section 32(2) of the Localism Act 2011.

## 6. EXEMPT CATEGORIES

6.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the authority in respect of:

6.1.1 housing – where you are a tenant of the authority provided that those functions do not relate particularly to your tenancy or lease;

6.1.2 an allowance, payment or indemnity given to Members;

6.1.3 any ceremonial honour given to Members; and

6.1.4 setting council tax or a precept under the Local Government Finance Act 1992

### Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the
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	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licences</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Personal Interests**

<b>Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;</b>	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	

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## ARUN DISTRICT COUNCIL

### REPORT TO STANDARDS COMMITTEE ON 18 FEBRUARY 2021

**SUBJECT:** Review of Independent Persons to the Standards Committee

**REPORT AUTHOR:** Solomon Agutu – Interim Monitoring Officer

**DATE:** February 2021

**EXTN:** Ext 37432

#### EXECUTIVE SUMMARY:

The Localism Act 2011 requires the Council to appoint at least one independent person to its Standards Committee. This Council recently appointed two new Independent Persons to supplement the support to its Standards Committee. Their terms of appointment require a review by Standards Committee ahead of the one-year anniversary date.

#### RECOMMENDATIONS:

It is recommended to Full Council that:

1. The appointment of John Cooke and Sandra Prail as Independent Persons to the Standards Committee be confirmed for the remainder of their term of office (until July 2024); and
2. The Interim Monitoring Officer be given authority to confirm the continuation of these appointments with the Independent Persons, as set out in the report.

#### 1.0 BACKGROUND

- 1.1 Section 28 of the Localism Act 2011 requires the Council to appoint at least one Independent Person to the Standards Committee. The Act requires that the views of the Independent Person are to be sought, and taken into account, by the Council before it makes a decision on an allegation made under the Code of Conduct. The Council may also seek views from the Independent Person on other allegations not covered by the Code of Conduct.
- 1.2 Following a recruitment drive in 2019/20, two new Independent Persons were appointed with effect from 15 July 2020. The initial term of office was for one year (i.e. until 15 July 2021). These appointments were approved by Full Council at their meeting on 15 July 2020, with a recommendation that Standards Committee review any extension to these terms of office in April 2021 and the report back to Full Council.

- 1.3 The next meeting of the Standards Committee is in July 2021, at which point there may be a change in Membership following the Council's move to a committee system of governance. It is therefore believed that consideration of this matter should be discussed at this meeting (18 February 2021) where current Committee Members are familiar with the work of the two Independent Persons.
- 1.4 There are no current restrictions on the number of terms of office that an Independent Person can serve, therefore there remains the option to renew/extend a term of office upon expiry, should the Independent Person wish to continue. Any such requests would be brought before the Committee for consideration and recommendation to Full Council.
- 1.5 The Committee is therefore requested to support the continuation of the appointments, expiring in July 2024.

## 2.0 PROPOSALS

1. The appointment of John Cooke and Sandra Prail as Independent Persons to the Standards Committee be confirmed for the remainder of their term of office; and
2. The Interim Monitoring Officer be given authority to confirm the continuation of these appointments with the Independent Persons, as set out in the report.

## 3.0 OPTIONS:

1. To support the continued appointment of the two named independent persons for the remainder of their term of office.
2. To not support the continuation of these roles (see Implications at part 6 of this report).

## 4.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> <li>• Standard Committee members</li> </ul>	✓	

5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

## **6.0 IMPLICATIONS:**

If the continued appointment of the two new Independent Persons is not supported, this will leave Standards Committee with only one Independent Person to consult with on Code of Conduct complaints (the fourth Independent Person has advised of his intention to retire at the end of March 2021). The Council's Constitution (Part 3, Para 4.5) requires 3 x Independent Persons. Therefore, if the two appointments are not continued, the Council will have to recruit two further Independent Persons to comply with the requirement of the Constitution.

There are no financial implications as the overall allowance payable is divided equally between the number of Independent Persons. If Committee decide not to support the continuation of these two posts, the Council will have to recruit replacement postholders, which could incur costs for advertising etc.

## **7.0 REASON FOR THE DECISION:**

To comply with the requirements of the Localism Act 2011 in appointing Independent Persons to the Standards Committee.

## **8.0 BACKGROUND PAPERS:**

Localism Act 2011, section 28

<http://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>

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## ARUN DISTRICT COUNCIL

### REPORT TO STANDARDS COMMITTEE ON 18 FEBRUARY 2021

<b>SUBJECT:</b>	<b>Recruitment of a Replacement Independent Person to the Standards Committee</b>
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<b>REPORT AUTHOR:</b>	Solomon Agutu - Interim Monitoring Officer
<b>DATE:</b>	18 February 2021
<b>EXTN:</b>	ext 37432

#### **EXECUTIVE SUMMARY:**

To seek Committee's authority to recruit a replacement Independent Person, following the resignation of one Independent Person, in order to maintain the pool of four.

#### **RECOMMENDATIONS:**

If the Committee wish to pursue the appointment of a replacement Independent Person, it is recommended that:

- (1) the option for recruiting a replacement Independent Person to the Standards Committee, as set out in the report, be endorsed with authority being given to the Interim Monitoring Officer, in consultation with the Chairman of the Committee, to agree the application pack and advertisement;
- (2) two Members of the Committee and an Independent Person, as confirmed at the meeting, be appointed to sit on the Interview Panel; and
- (3) a vote of thanks be minuted to Brian Green for his service to the community in his role as an Independent Person.

#### **1.0 BACKGROUND**

- 1.1 Section 28 of the Localism Act 2011 requires the Council to appoint at least one Independent Person to its Standards Committee. Currently, the Committee has a 'pool' of four Independent Persons on which to draw support with regard to Code of Conduct allegations against Members.
- 1.2 The Council's current Constitution (Part 3; Para 4.5) states that Standards Committee should have access to 3 Independent Persons. The new constitution requires 4(four)IPs
- 1.3 On 22 January 2021, the Interim Monitoring Officer received an email from one Independent Person, Brian Green, giving notice to retire from the role at the end of the municipal year i.e. 31 March 2021.

- 1.4 The 'pool' of Independent Persons includes two new appointments who will shortly complete their first year in the role (Committee will consider a separate report to request approval to formally confirm the continuation of their role until July 2024). The third – John Thompson – is an experienced Independent Person who has supported the Committee for a number of years and his appointment expires in 2023.
- 1.5 At its meeting on 21 June 2018, Committee Members expressed concern over the number of Independent Persons available to them (two at that time) and whether the workload demanded a larger 'pool' to draw from. A subsequent recruitment drive resulted in two new Independent Persons being appointed in 2020, bringing the 'pool' to a total of four.
- 1.6 If Committee wish to maintain the number of Independent Persons, a recruitment drive will be required to achieve a fourth member of the 'pool'.
- 1.7 The Interim Monitoring Officer's view is that the current arrangements with the Independent Persons are working well under the Local Assessment Procedure and recommends that the Committee support the recruitment of a fourth Independent Person to fill the vacant role.
- 1.8 With regard to financial implications, Committee are respectfully reminded that the Members Allowances Scheme requires that the overall allowance be divided equally between the number of Independent Persons, therefore there will be no additional financial demand.
- 1.9 The recruitment exercise undertaken in 2019/20 incurred no costs for advertising etc as this was carried out via the Council's own website, promotion via our own social media accounts and press releases, and via the Council's own external publications. However, should that exercise not be successful, then a subsequent round of wider advertising via the local press is likely to incur costs.
- 1.10 In line with the Council's Constitution [Part 3, Paragraph 4.5(7)], any subsequent appointment of an Independent Person will be recommended to Full Council for approval.

## **2.0 PROPOSALS**

- 2.1. If a recruitment exercise is to be pursued, then it is proposed that a similar approach is undertaken to that adopted for the 2019/20 recruitment drive
- 2.2. The first stage of this approach would be to:
  - a) place an advert in the Council's e-newsletter (organised by Economic and Cultural Development) which is circulated to around 3,500 businesses on a monthly basis;
  - b) post the advert onto the Business Partnership webpages; and
  - c) post the advert on the Job Vacancies page of the Council's website
- 2.3. This would be on a 'no cost' basis. The posting of the advert would be accompanied by a news release promoting the advert on the Council's website thereby bringing it to the attention of the public as is required by the Localism Act 2011.

2.4. Should this approach be unsuccessful then the second stage would be for an advert to be placed in the local media – Bognor Regis Observer, Littlehampton Gazette and West Sussex Gazette. This option is not being recommended at the initial stage due to the costs involved and the success that the previous recruitment drive had from the no-cost options.

2.5. The advert would include an information pack explaining more about the role and this would be developed in consultation with the Chairman of the Committee and seek the views of the existing Independent Persons.

2.6. In terms of selecting a candidate(s), it is suggested that an interview panel is established comprising two members of the Committee, an existing Independent Person (all to be confirmed at this meeting) and the Interim Monitoring Officer. Any recommendation for appointment of additional Independent Persons would need to be made by the Committee to Full Council in accordance with the Council's Constitution.

### 3.0 OPTIONS:

1. To pursue the appointment of a replacement Independent Person and endorse the approach proposed for the recruitment exercise; or
2. To not take any further action based on the existing three Independent Persons being sufficient to cover the workload of this role.

### 4.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> <li>• Brian Green and John Thompson, Independent Persons</li> </ul>	✓	

5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

### 6.0 IMPLICATIONS:

None as this is a replacement for an existing role in accordance with the requirements of Section 28(7) of the Localism Act 2011.

No financial implications as outlined in para 1.8 of this report.

**7.0 REASON FOR THE DECISION:**

To take forward the request of the Committee to recruit a replacement Independent Person.

**8.0 BACKGROUND PAPERS:**

Localism Act 2011, section 28

<http://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>



## ARUN DISTRICT COUNCIL

### REPORT TO THE STANDARDS COMMITTEE ON 18 FEBRUARY 2021

<b>SUBJECT:</b>	Register of Assessments of Complaints against Councillors
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<b>REPORT AUTHOR:</b>	Solomon Agutu - Interim Monitoring Officer
<b>DATE:</b>	January 2021
<b>EXTN:</b>	ext 37432

**EXECUTIVE SUMMARY:**  
 This report updates the Committee on the complaints against Councillors received since the last report. The Committee is responsible for maintaining high standards of conduct by Members of the District and Town and Parish Councils, for monitoring operation of the Code of Conduct, and for considering the outcome of investigations in the event of breaches of the Code.

**RECOMMENDATIONS:**

The Committee is asked to resolve that:

(1) the Register of Complaints against Councillors and progress of any outstanding complaints be noted.

#### 1.0 BACKGROUND AND COMPLAINT ACTIVITY

- 1.1 A Register of Assessments of Complaints against Councillors is updated regularly by the (Acting) Monitoring Officer and distributed to Members of the Standards Committee. This assists Members in making decisions on where to direct training and to review any lessons learned. The register is also a reference source for Members of other similar complaints, when dealing with assessments.
- 1.2 Since the last report (considered by Standards Committee at the meeting on 3 December 2020), the following complaints have been received, progressed or completed.

Case Ref	Council	Allegation/Complaint	Outcome
19/14, 19/15, 19/16	Felpham Parish Council	Breach of Code Paras 1,2,5,6,7,10,11  Showing disrespect to members of the public; inferring that a Council Policy had been adopted whilst still in draft form.	Three complaints considered by Assessment Panel. A review of the Panel's decision has been requested. Monitoring Officer to agree way forward.
20/04	Arun District Council	Breach of Code – Paras 8, 9, and 10.	Investigation report received.

			Conduct at meetings	Recommended actions to be considered.
20/10	Arun District Council	Breach of Code (paras to be identified)  Misrepresentation of Councillor role.		Stage 1 investigation in progress
20/12	Arun District Council	Breach of Code – Paras 1-11 and 13 and 15-17  Non-disclosure of pecuniary interests		Police investigation underway
20/13	Arun District Council	Breach of Code (Paras to be identified)  Behaviour at Council meetings		Monitoring Officer considering options
20/15	Arun District Council	Breach of Code – Paras 9, 10, 11  Behaviour of Councillor at Council meeting		Informal resolution agreed, public apology given at Full Council 13.01.21
20/16	Arun District Council	Breach of Code (Paras not identified)  Inappropriate behaviour at Council meeting		Apology given at same meeting. Complaint not progressed.
20/17	Arun District Council	Breach of Code (paras 1-11)  Lack of communication; disrespect.		Stage 1 investigation initiated. Complainant now seeking legal advice so complaint closed.

## 2.0 REASON FOR THE INFORMATION

2.1 To comply with the adopted Code of Conduct and Local Assessment Procedure.

## 3.0 OPTIONS

1. None as all the complaints have been considered in line with the adopted Local Assessment Procedure.

#### **4.0 BACKGROUND PAPERS**

Members Code of Conduct  
Local Assessment Procedure

<https://www.arun.gov.uk/complaints-against-councillors>  
<https://www.arun.gov.uk/complaints-against-councillors>

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