



# Public Document Pack

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Committee Manager Helen Burt (Extn 37614)

21 June 2021

## STANDARDS COMMITTEE

A meeting of the Standards Committee will be held virtually on **Thursday 1 July 2021 at 6.00 pm** and you are requested to attend.

Members: Councillors Tilbrook (Chair), English (Vice-Chair), Bennett, Bicknell, Buckland, Caffyn, Daniells, Mrs English, Gregory, Haywood and Kelly

### PLEASE NOTE:

*This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least **24 hours** before the meeting.*

*This meeting is held in accordance with the resolution of Extraordinary Council on 12 May 2021 which continues Section 5 Part 5 of the Constitution (The Virtual Meeting Procedure Rules) and declares the use of Council powers, under Section 111 of the Local Government Act 1972, and the general power of competence under Section 1 of the Localism Act 2011, for making advisory decisions, as appropriate.*

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

*Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email [Committees@arun.gov.uk](mailto:Committees@arun.gov.uk) by 5.15 pm on **Wednesday 23 June 2021** in line with current Procedure Rules. It will be at the Chief Executive's/Chairman's discretion if any questions received after this deadline are considered.*

*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 declaration 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 items or as soon as the interest becomes apparent.

Members and Officers should make their declaration by stating:

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

3. MINUTES

(Pages 1 - 12)

To approve as a correct record the Minutes of the meeting held on 18 February 2021 (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. PUBLIC QUESTION TIME

To receive questions from the public (for a period of up to 15 minutes)

6. START TIMES

The Committee is required to agree its start times for the year 2021/22.

7. COMMITTEE TERMS OF REFERENCE

(Pages 13 - 20)

This report asks the Standards Committee to note its terms of reference as given by Full Council and to ask the Constitution Working Party to recommend to Council that the terms of reference of the Standards Committee explicitly include the coordination of Member Learning and Development.

8. MONITORING OFFICER REPORT

(Pages 21 - 24)

This report asks the Standards Committee to note the report of the Monitoring Officer (MO) by reference to the MO functions.

9. WORK PROGRAMME (Pages 25 - 26)

The Committee is required to note the Work Programme for 2021/22.

10. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS (Pages 27 - 30)

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.

11. 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 of newspapers be excluded from the meeting for the following item of business on the grounds that they 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.

12. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS (Pages 31 - 42)

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

Note : If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link [Filming Policy](#)

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# Agenda Item 3

Subject to approval at the next Standards meeting

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## STANDARDS COMMITTEE

18 February 2021 at 6.00 pm

Present: Councillors Edwards (Chairman), Bennett (Vice-Chairman), Bower, Coster, English, Kelly and Mrs Warr [Substituting for Councillor Blanchard-Cooper].

Councillor Dixon was also present at the meeting.

Also presented were 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 indicated: Councillor Mrs Warr – Minute 483 [Part] to Minute 492; and Councillor English – Minute 492.

### 479. WELCOME

The Chairman welcomed Members and Officers to this 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 S Agutu – Interim Monitoring Officer  
Mr P Hoey – Hoey Ainscough Associates Ltd

### 480. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Blanchard-Cooper and Tilbrook.

### 481. DECLARATIONS OF INTEREST

No Declarations of Interest were made.

### 482. MINUTES

The Minutes of the meeting held on 3 December 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.

#### 483. LOCAL ASSESSMENT (CASE AND HEARINGS) PROCEDURE REVIEW

The Interim Monitoring Officer introduced this report following a review of the Local Assessment Procedure which had been undertaken as part of the review of the Code of Conduct.

The Interim Monitoring Officer explained that the review of the procedure undertaken formed two parts, the hearing process and the case handling process. Also, to be noted in reviewing this matter was that the Appendices to the report contained tracked changes to highlight points raised by the Council's Officer team in reviewing the procedure and those raised by Hoey Ainscough Associates (HAA) who had conducted this review. The purpose was for the Committee to consider the changes and to confirm if these could be accepted.

In view of HAA's role in this review, Mr Hoey was then invited to explain the detail of the draft document produced and to respond to any questions or queries from Members. He explained that both appendices had been drafted to be used as internal documents and so once approved there would be the need to draft a simplified procedure for public viewing.

The Committee worked through the Appendices to the report section by section with many issues being raised which have been set out below:

##### **Appendix 1 – Case Handling Procedure**

- On the Initial Assessment – Paragraph 2 - the wording “This will be completed within 28 working days” had been struck out. Since it had been proposed to reduce this to ten days further on in the documents, the question asked was if this was workable and would this place undue stress onto Officers in terms of meeting this deadline? Mr Hoey provided clarification in that the 10 days referred to and the 28 days referred to were two completely different elements of the process. The 28 days was saying that when a complaint was submitted, the Monitoring Officer (MO) had 28 days to complete the process, to decide if any action should or should not be taken. The 10 days referred to later formed part of the process where the Subject Member (SM) would be invited to comment on the complaint before them – it was at that time that the SM had 10 days, within the 28 day timeframe to provide their views.
- Concerns were expressed on this and reassurance was requested that the timeframe for complaints would not be extended to 38 days as this would make it too stressful for those involved. Mr Hoey confirmed that the 28 days was an absolute and that the 10 days were a sub-set within those 28 days. He then reminded Members of the process and the timeline in place for processing and dealing with complaints. There were Councillors who were not happy with the wording in this section stating that it was not clear. It was agreed that this would be looked at again and that the

wording “This will be completed within 28 working days” should be reinstated in this paragraph.

- Paragraph 3 stated that anonymous complaints would not be accepted unless the MO concluded that there was a compelling public interest. The rationale behind this was questioned as some Councils did allow these and some didn't. Mr Hoey outlined that some Councils had dealt with anonymous complaints as they had sufficient evidence and seriousness that they should and could be investigated as the evidence was sufficient. In most cases, it was not possible to pursue these types of complaints without knowing who the complainant was.
- A suggestion was made that a simple flowchart be inserted to illustrate the process more simply. Mr Hoey responded stating that once the procedure was in its final form; this would be a great approach to use with the public facing document.
- Paragraph 7 – An Independent Person (IP) thought that it might be helpful to set out how and with whom the IP's confidence in this part of the process was shared in terms of transparency so that it was clear whether the IP's part in the process was being shared with just the MO or with a wider audience and/or the complainant. Mr Hoey outlined that there were some Information Commissioner cases around this in terms of at what stage could the IP's views be disclosed. He presented his views confirming at this stage in the process (Initial Assessment) it be kept simple with the complainant being told that an IP had been consulted and had agreed with their views but not disclosing these as they were confidential but later in the process, when an IP was giving views at a hearing, then those views would be public views and needed to be published as part of the decision notice. Mr Hoey confirmed that he would be happy to reflect this in the process, but caution needed to be raised in terms of it being too open and transparent at this stage in the process.
- Concerns were expressed on the fact that the Council had no authority to deal with complaints which related solely to a Councillor's private life or things they did which were not related to their role as a Councillor. Clarification was sought. Mr Hoey confirmed that the law [the Localism Act 2011] was very clear in that the Code of Conduct could only apply when acting as a Councillor – the law did not allow for investigation into Code of Conduct complaints when these were about a Councillor's private life or what they may have placed onto social media as an individual rather than a Councillor. This explanation generated many questions and queries in terms of examples and instances where it had been seen that this was not the case.
- Lengthy discussion then took place on this matter and it was felt that the final sentence to Paragraph 5 [The Council has no authority to deal with complaints which relate solely to a Councillor's private life ..... Should be deleted. This was because in the examples discussed, there was no opportunity for such cases to be then investigated further by the MO which was felt to be dangerous and would prevent people from reporting instances and having them heard and then having the judgement made to

determine if a breach of the Code had taken place or that the matter was personal and could not be investigated further.

- On Paragraph 7 – when an IP was invited to take part in an investigation, then that the same IP would be used for all steps in the case handling and hearing parts of the investigation. Mr Hoey agreed that it should be the same IP throughout the process and that this should be made clear in the procedure – he would review and check that this was the case.
- On Paragraph 10(k) and the additional discretionary factor incorporated around misconduct at formal Council meetings, did this really add anything in terms of picking up additional points and if retained, should it not be made clear that this should apply just as much to Committee meetings not just Council meetings and that it also should apply to Town and Parish Councils, being fairly applied across all tiers of local government. Discussion on this was expanded because this mentioned that the view of the Chairman would be required. What would happen if it was the Chairman of the meeting that was being attacked? Mr Hoey confirmed that this paragraph had been added at the request of Officers. The Interim MO outlined that he had been trying to strengthen the role of the Chairman of a meeting [Council or Committee] to make them aware of the sanctions that role had and that they could refer some misconduct to the Standards Committee for investigation. It was hoped that this might encourage better behaviour and would strengthen the authority of the Chairman of a Committee or Council meeting. The Interim MO stated that this had been left open for discussion by the Committee.
- This generated wide discussion with many Members of the Committee not being sure if this should or needed to be included. It was pointed out that there were many differences between being Chairman of the Council and Chairman of a Committee and that these differences needed to be recognised and enforced.
- Other Members of the Committee were against this being included because in the case of any breach taking place, the process to be followed was clearly set out.
- Following further discussion, it was agreed that the Interim MO would take another look at this paragraph for the Committee to consider.

### **Informal Resolution**

No comments were raised.

### **Investigation**

- Paragraph 21 - On the role of IP it was felt by an IP that it should set out exactly what the Subject Member (SM) could seek more from the IP, the role of the IP should be very clearly defined setting out what views the SM could or should be able to consult the IP on and if these should be shared with the MO to reflect good practice. More clarity on the role and the process for recording such views was thought to be needed.



- This point was agreed by some Members of the Committee.
- On Paragraph 22, there were concerns that the SM and the Complainant could speak to the IP – how easy did it then make it for the IP to remain independent? It was therefore felt that some clarity needed to be applied to Paragraphs 21 and 22 to confirm when a SM or complainant might not have the ability to consult an IP.
- John Thompson confirmed that this had not at any time been an issue for him during his time as an IP.
- Mr Hoey confirmed that Paragraph 21 was a statutory requirement and for during the investigation stage. With regard to what the IP could or could not say, he would not wish to write this into the process, however, it was important that there be in place desk instructions that would underline this process; a piece of work to be actioned to ensure that the IP would be aware of what they could and could not say to each party; that it be made clear in any correspondence with the SM that they could consult with the IP.
- Paragraph 22 was not a statutory requirement meaning that the Council could choose to include this into its processes or not.
- Arun had four IPs and so it was felt that there was even greater need to fully set out the consistency of the role in relation to Paragraphs 21 and 22 so that it underlined exactly what the IP role was.

### **Hearings Panel**

- Paragraph 32 – there was concern from one Member that the word ‘public’ had been crossed out and been replaced with ‘private’. This was queried as it was this Member’s recollection that hearings in the future should be held in public. Clarity was requested. Mr Hoey stated that in his view the law was very clear in that hearings had to be held in public unless there were lawful reasons why a matter needed to be confidential.
- The Interim MO explained why ‘public’ had been crossed out. He stated that if a hearing was public and papers had been placed into the public domain, if during the course of the hearing there was a need for it to be heard in private session, those papers had already become publicly available. Whereas, if the hearing started in private session, and it was then decided that it could be heard in public, then it could become a public hearing without having put confidential information in the public arena.
- This response had mixed views and it was felt that perhaps the way the procedure had been written needed to change – it was one Councillor’s view that the hearings should be public.
- The Interim MO explained the difference at Arun which was the status of the Sub-Committee had been changed to a Panel. The law required Committees to be open to the public, but Panels could be private bodies. There were some cases when it was clear that the hearing had to be either public or private.

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- An IP was of the view that it should be public subject to the normal rules being able to be put into place to cover exemption. On Paragraphs 33 [the view of the IP be sought and made public] it needed to be clear in terms of what was meant by 'public' – what was the process for this? On Paragraph 36 'Sub-Committee' needed to be changed to 'Hearings Panel' to be compatible with the rest of the procedure. Steps for the IPs views to be shared before the Panel retired, also needed to be built into the procedure. This had been built into the procedure later on but not at this point. It was felt that under the procedure for hearings at Paragraph 14 – the IP retiring again to consider what if any sanctions be imposed, needed to be looked at again.
- Other Committee Members felt uneasy about hearings being held in public. The minutes which were part of the adjudication process were public documents and this should suffice. Also, a private hearing could become public if it needed to be. The consequences of a holding a hearing in public and the possibility of legal challenge needed to be properly thought through.
- A very lengthy discussion followed with the Committee ending up being in the position where it could not agree whether a hearing should be public or private.
- It was felt that Paragraph 32 be reworded to reflect the views of the Committee – but the Committee could not agree what its view should be.
- Paragraph 33 – it was felt that the IP should retire with the Hearings Panel as the IP had a vital input to the entire process.
- It was felt that it should not be for the Hearings Panel to determine if a Panel should be held in public or private session – this should be for the MO to determine.
- The draft procedure written made it sound that it was for the Hearings Panel to determine if the hearing should be private or public and there were Members who could not agree to this – referring it to the MO to make that decision.
- Mr Hoey to assist explained his understanding of the law and Interim MO explained his.
- This left the Committee split in terms of how it should proceed.

Following further debate, a consensus decision could still not be reached. Councillor Bennett then proposed:

“Agendas for Hearing Panels shall be published and held in public unless the exemptions set out under the procedure for hearings before a Hearings Panel of the Standards Committee at Paragraph 4 – a) and b) could be applied”

Councillor Mrs Warr seconded this proposal.

In discussing this amendment, Councillor Bower confirmed that he could not support this and that this would not work and then proposed a further amendment to read:

“That the wording as set out at Paragraph 32 under Hearings Panel be accepted, this being that the Hearings Panel will meet in private subject to the normal rules on exempt and confidential information”.

Mr Hoey provided further advice and following further debate on Councillor Bennett’s proposal being put to the vote it was declared LOST.

The Chairman then returned to Councillor Bower’s counter proposal which he reconfirmed. Having reconfirmed the wording, the Chairman outlined that this almost duplicated the wording at Paragraph 32, but that with the Committee’s permission, that the wording as follows be added **in bold**:

“The Hearings Panel will meet in private subject to the normal rules on exempt and confidential information **being met at Paragraph 4 (a) and (b) of the procedure for hearings**. This was agreed by Councillor Bower.

Having got to this stage, Mr Hoey asked if he could provide some further clarity on the views of the Independent Person – as raised by an IP earlier on in the meeting in relation to Paragraph 33. Mr Hoey confirmed that the IP’s views would be given as part of the full session of the Hearing. It was accepted that this did need to be clarified in more detail. He referred to case law confirming that the IP could not then retire with the Hearings Panel.

In response, an IP stated that in Paragraph 14 on the procedure for hearings, this stated that the IP would retire again with the Hearings Panel to consider what any sanction it wished would be imposed. Mr Hoey outlined that this appeared to be an error and should have read WITHOUT the IP.

The Committee then moved on to discuss Annexe 2 – the procedure for hearings and the sanctions available to a Hearings Panel.

A query was raised as to whether the SM should remain in the hearing at all times as this had not been listed clearly in the procedure. Mr Hoey confirmed that the SM should be present throughout the hearing so that they could hear the evidence against them. It was agreed that the procedure rules needed to be checked to ensure that this requirement was accurately included.

The Chairman made an observation and it was agreed that under Paragraph 35 (j) “if relevant recommend to the Secretary or appropriate official of the Group that the Member be removed as Group Leader of other position of responsibility” should have been carried over to be included in the list of sanctions available to a Hearings Panel”. This was noted and agreed.

The Chairman then returned to the options that were available to the Committee in reviewing the Local Assessment (Case and Hearings) Procedure.

Standards - 18.02.21

The Committee

RESOLVED

To adopt the Local Assessment (Case and Hearings) Procedure Review as conducted by Hoey Ainscough Associated Ltd to include the amendments discussed and approved at the meeting.

484. REVIEW AND REVISION OF THE MEMBER CODE OF CONDUCT

The Interim Monitoring Officer introduced this report, outlining the Model Code of Conduct that was produced by the Local Government Association. It was open to the Council to adopt this Code in whole, or with amendments. Alternatively, the Council could amend its existing Member Code of Conduct.

It was explained that the LGA Model Code used slightly different terminology for declaring interests. The Interim Monitoring Officer had taken the view that the current Arun scheme for declaring interests was clearer than the LGA Model Code and so it was being recommended to the Committee that Appendix B of the LGA Model Code be substituted with the Arun Scheme of declarations of interest.

In discussing the new Code, it was emphasised how important it was to ensure that as much as possible the Town and Parish Councils would also sign up and adopt this new code.

The Committee

RECOMMENDED TO FULL COUNCIL - That

- 1) It 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.

485. REVIEW OF INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE

The Interim Monitoring Officer presented this report, which referred to the continuation of the appointment of two Independent Persons, in line with the terms of their original appointment.

The Committee

RESOLVED – 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; 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.

486. RECRUITMENT OF A REPLACEMENT INDEPENDENT PERSON TO THE STANDARDS COMMITTEE

The Interim Monitoring Officer presented this report which informed the Committee that an existing Independent Person had resigned from the role, effective from 31 March 2021. The Committee was asked to consider whether it wished to recruit a replacement in order to maintain the 'pool' of four Independent Persons.

The Committee was reminded that the Localism Act 2011 (Section 28) required local authorities to appoint at least one Independent Person to its Standards Committee. The Council's Constitution at Part 3, Paragraph 4.5 required the Committee to have access to three Independent Persons.

The Committee was advised that, should it agree to pursue a recruitment drive to fill the fourth post, any appointment of a successful candidate would be recommended to Full Council in line with the Constitution at Part 3; Para 4.5[7]).

In debating this item, the Committee thanked Mr Green for his long service as an Independent Person and for the dedication he had given to this role.

The Committee had mixed views in terms of whether the recruitment of a replacement IP was needed. One Councillor supported the proposal to recruit a further IP in view of the number of Code of Conduct complaints that had been submitted recently as this would allow the workload of IPs to be more fairly distributed.

Other IPs spoke and confirmed that they felt the additional person was not needed as to have three IPs was adequate with the current workload not being overwhelming in any way at all. It was also important for each IP to experience consistency of work which with another IP would become less frequent.

Standards - 18.02.21

Following discussion, Councillor Bennett proposed an amendment to Recommendations (1) and (2) in that they be replaced with a new Recommendation (1) to read “that the decision to recruit a replacement Independent Person to the Standards Committee at this time be deferred for twelve months to allow time to assess the workload for the Independent Persons with an update report being brought back to the Committee”

Councillor Edwards seconded this amendment. On this being put to the vote it was declared CARRIED.

The Committee then returned to the substantive recommendations and

RESOLVED – That

(1) the decision to recruit a replacement Independent Person to the Standards Committee be deferred for twelve months to allow time to assess the workload for the Independent Persons with an update report being brought back to the Committee”; and

(2) a vote of thanks be recorded in the minutes to Brian Green for his service to the community in his role as an Independent Person.

487. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS

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.

488. 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 items of business on the grounds that they 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 items.

489. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS  
[EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO INDIVIDUALS]

The Interim Monitoring Officer presented this report and provided verbal updates on several the cases included in the register.

Following a brief discussion, the Committee

RESOLVED

That the Register of Complaints against Councillors be noted.

490. CHANGE TO THE ORDER OF THE AGENDA

The Chairman requested and the Committee agreed to a change in the order of the agenda to bring forward Item 13 [Data Protection Breach – Referral from the Audit & Governance Committee] to be considered next.

491. DATA PROTECTION BREACH - REFERRAL FROM THE AUDIT &  
GOVERNANCE COMMITTEE [EXEMPT - PARAGRAPH 1 - INFORMATION  
RELATING TO INDIVIDUALS]

The Committee received a report from the Interim Monitoring Officer outlining that the Council was responsible for protecting personal data that was collected, processed, stored and disposed of in accordance with the Data Protection Act 2018.

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

As a result of the data breach, the Audit & Governance Committee, at its meeting held on 19 November 2020, had considered the matter as a governance issue and had recommended that this Committee also be made aware of the matter to consider any needed Member Conduct issues.

The Standards Committee was therefore asked to consider the matter and whether any further action should be taken.

The Committee

RESOLVED

That the referral from the Audit & Governance Committee be noted and that no further action be taken.

Standards - 18.02.21

492. REQUEST FOR A REVIEW OF A PANEL DECISION [EXEMPT - PARAGRAPH 1- INFORMATION RELATING TO INDIVIDUALS]

*(Prior to the consideration of this matter, Councillor English declared a Personal Interest in this matter and chose to leave the meeting as he was a complainant involved in this complaint).*

The Committee received a report from the Interim Monitoring Officer who reported that a Subject Member had requested a review of the decision made against them. In line with the Council's Local Assessment Process the Subject Member had submitted an appeal request which the Committee now needed to consider

Following discussion, the Committee

RESOLVED

That the request for a review of the Panel decision be refused.

(The meeting concluded at 9.30 pm)



## **ARUN DISTRICT COUNCIL REPORT TO STANDARDS COMMITTEE ON 01 July 2021**

### **PART A : REPORT**

**SUBJECT** Terms of Reference of Standards Committee

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

**DATE:** 01 July 2021

**EXTN:** 37432

**COMMITTEE:** Standards Committee

#### **EXECUTIVE SUMMARY:**

This report asks the Standards Committee to note its terms of reference as given by Full Council and to ask Constitution Working Party (CWP) to recommend to Council that the terms of reference of Standards Committee explicitly include the coordination of Member Learning and Development.

#### **RECOMMENDATIONS: That Committee**

1. Notes the general terms of reference for Committees in Part 3 paragraph 3 of the Constitution and further notes the specific terms of reference of this Committee as established by Full Council on 19 May 2021 as set out in part 1 and Part 2 of Appendix 1 (attached).
2. To ask CWP to recommend to Council that the terms of reference of Standards Committee explicitly include the coordination of Member Learning and Development.
3. Note the schedule of Committee meetings set out in the Calendar of Meetings attached.
4. Agree a workplan for the municipal year.

#### **Background**

1.This is the first meeting of the Committee under the new Committee System and it is appropriate that this Committee considers its terms of reference and where necessary seek clarification of these terms of reference from Full Council by way of a co-ordinated report from the Constitution Working Party (CWP), which is charged with reviewing the Constitution and coordinating suggestions from other Committees.

2.The Key role of this Committee is promoting and maintaining high standards of conduct by District Councillors, Town and Parish Councillors and co-opted Members. To date this role has been performed by adopting codes of conduct and arranging for training of Members on the Code of Conduct, hearing complaints. The Independent Persons are also involved in giving independent advice to the Monitoring Officer and to panels at all stages of the Local Assessment Process.

It is submitted that Member conduct goes hand in hand with Member knowledge. For this reason Members on some Committees are required to undergo training before sitting on a Committee. The Committees which require such training are set out in Appendix 2. There is no central coordination of such training

The new Committee System places all members in decision making roles and there is no corresponding requirement for training. Having a co-ordinated approach to Member learning and development will build and free member capacity in carrying out their roles.

**2. PROPOSAL(S):**

The proposal is that Committee notes and accepts its terms of reference and asks CWP to recommend to Council that the terms of reference of Standards Committee explicitly include the coordination of Member Learning and Development. The delivery of such training will still be with the relevant Officer

**3. OPTIONS:**

1. Do nothing
2. Agree the proposals as recommended
3. Agree the proposals as recommended but with suggested amendments for clarifications to be made to CWP for consideration and recommendation to Full Council

**4. CONSULTATION:**

N/A

Has consultation been undertaken with?	YES	NO
Relevant Town/Parish Council		
Relevant District Ward Councillors		
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	x	
Legal	x	
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

**6. IMPLICATIONS:**

Legal: the legal implications are set out in the background paragraph above

Finance: the financial implications of delegations are set out in the contract standing Orders and in the Financial Regulations

**7. REASON FOR THE DECISION:**

To allow the Council to effectively discharge its' duties.

**8. BACKGROUND PAPERS:**

[Calendar of Meetings](#)

## APPENDIX 1

### Standards Committee terms of Reference from 2021/2022

#### PART 1 - GENERAL TERMS OF REFERENCE

Extract from Part 3 Paragraph 3 of the Constitution

#### 3.0 TERMS OF REFERENCE OF COMMITTEES

3.1 Committees will work to the following general terms of reference in discharging the specific functions allocated to them:

3.1.1 Each Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do other things that they reasonably consider necessary to inform their deliberations.

3.1.2 Each Committee is expected to determine by resolution all matters falling within their purpose and functions with the exception of:

- a) any plans and strategies listed in the Policy Framework at Article 4 of this Constitution;
- b) compulsory purchase orders;
- c) limitations set out in the Financial Procedure Rules and Purchasing, Procurement, Contracts & Disposals Rules as set out in Part 6 of this Constitution; and
- d) any matter which by law must be reserved to the Full Council which will be recommended to the Full Council or Corporate Policy and Performance Committee, as appropriate.

3.1.3 Where a function does not clearly fall within the remit of one particular Service Committee, the Corporate Policy and Performance Committee shall direct which Committee shall deal with the function, or deal with the matter itself.

3.1.4 Each Committee is authorised to establish Sub-Committees and Working Parties as it considers necessary for the effective conduct of the Committee's powers and duties. The establishment of any Sub-Committees and Working Parties shall have regard to the overall resource parameters and advice of the Chief Executive and officers.

3.1.5 Each Committee is authorised to delegate to officers such further powers as it thinks fit to facilitate the effective management of the Council's and the Committee's business.

3.1.6 In discharging its functions, Committees must have regard to the ongoing requirement to make savings and efficiencies.

## APPENDIX 1 PART 2 - SPECIFIC TERMS OF REFERENCE

### EXTRACT FROM PART 3 OF THE CONSTITUTION - RESPONSIBILITY FOR FUNCTIONS

#### 5.4 STANDARDS COMMITTEE

##### **Membership**

11 Members + minimum of 3 Independent Persons

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Monitoring Officer in consultation with the Chair has been undertaken.

##### **Purpose**

The Committee has delegated authority to exercise the following functions of the Council:

- Members' Code of Conduct
- Code of Conduct complaint reviews

##### **Specific Functions**

The Committee shall also exercise the following specific functions by or on behalf of the Council:

1. Promoting and maintaining high standards of conduct by District Councillors, Town and Parish Councillors and co-opted Members.
2. Advising the Council and Town and Parish Councils on the adoption or revision of the Members' Code of Conduct.
3. Monitoring the operation of the Local Assessment Procedure and recommending any revisions to the Full Council.
4. Where not covered by the Local Assessment Procedure, determining the action to be taken on any failure of a District Councillor, Town or Parish Councillor or co-opted Member to comply with the relevant authority's Code of Conduct following a report from the Monitoring Officer.
5. Determining any review made under the Local Assessment Procedure following a report from the Monitoring Officer.
6. Advising and supporting the Monitoring Officer in the delivery of training on the Members' Code of Conduct to District Councillors, Town and Parish Councillors and co-opted Members.
7. Considering membership and recruitment of Independent Persons to the Committee and making recommendations for appointments to the Full Council.
8. All other functions relating to standards of conduct of District Councillors, Town and Parish Councillors and co-opted Members under the Localism Act 2011 or Regulations made under it.

##### **Role of Independent Persons**

- a) They will have a consultative role when the Standards Committee or Assessment Panel makes decisions on complaints made against Councillors.

- b) They will be invited to meetings of the Standards Committee and may remain in meetings for all items to be considered unless they have a conflict of interest. Where they do, the Chair and Vice-Chair will have authority to decide if they may take part in the debate or request that they leave the meeting.
- c) They will not be entitled to vote at or chair meetings.

## Appendix 2

### **Extracts from Terms of Reference of Committees relating to Training**

#### 4.3 PLANNING POLICY COMMITTEE

Membership  
11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Chair has been undertaken

#### 5.1 AUDIT AND GOVERNANCE COMMITTEE

Membership  
11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Group Head of Corporate Support in consultation with the Chair has been undertaken.

#### 5.2 PLANNING COMMITTEE

Membership  
11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Chair has been undertaken.

#### 5.3 LICENSING COMMITTEE

Membership  
11 Members

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Director of Place in consultation with the Chair has been undertaken.

#### 5.4 STANDARDS COMMITTEE

Membership

11 Members + minimum of 3 Independent Persons

No Member can serve on this Committee in any capacity unless all of the required training determined to be necessary by the Monitoring Officer in consultation with the Chair has been undertaken.



## **ARUN DISTRICT COUNCIL REPORT TO STANDARDS COMMITTEE ON 1 July 2021**

### **PART A : REPORT**

**SUBJECT** Monitoring Officer Report

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

**DATE:** 16 June 2021

**EXTN:** 37432

**COMMITTEE:** Standards Committee

#### **EXECUTIVE SUMMARY:**

This report asks Standards Committee to note the report of the Monitoring Officer (MO) by reference to the MO functions.

#### **RECOMMENDATIONS: That Committee**

1. Notes and comments on the Monitoring Officer Report

#### **Background**

The functions of the Monitoring Officer are set out in Part 2 of the Constitution (Articles). Those functions relevant to Standards Committee are:

- (a) Maintaining the Constitution – the Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, Officers and the public.
- (b) .....
- (c) Supporting the Standards Committee – the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) Conducting investigations – the Monitoring Officer will consider allegations of misconduct by Councillors in accordance with the Council's adopted Local Assessment Procedure.

These functions are reflected in the Committee Terms of Reference.

#### **Promoting and maintaining high standards of conduct by District Councillors, Town and Parish Councillors and co-opted Members.**

The promotion of high standards of conduct is not only through the code of conduct but also through the promotion and adoption of protocols. There is currently a Member/Officer protocol in Arun which needs to be reviewed in the light of the change to the Committee style of governance. In Parishes, the cases show that breakdown in relationships between

Members and Officers can be improved by a higher profile being given to the Member/Officer protocol. The MO will be contacting Parish Councils with a view to discussing the need to review their own Member/Officer protocols or adopting one where one does not exist.

Another issue which has become prominent in Arun is how Members conduct themselves during online meetings, specifically eating, drinking, smoking. The Monitoring Officer has received complaints about this and will be seeking the views of the Committee on whether a protocol is needed for this

**Advising the Council and Town and Parish Councils on the adoption or revision of the Members' Code of Conduct.**

The Council has adopted a new Code of Conduct based partly on the LGA model. Following adoption, the MO held a briefing session for all Parish Clerks to promote the adoption of the new code in the Parish Councils. The Briefing was supported by Independent Persons. The new code was then submitted to the Parishes for adoption. So far about three Parish Councils have advised that they will not be adopting the new Code.

**Monitoring the operation of the Local Assessment Procedure and recommending any revisions to the Full Council.**

The Local Assessment Procedure was adopted in March 2021 and the MO has no current recommendations for revision.

**Where not covered by the Local Assessment Procedure, determining the action to be taken on any failure of a District Councillor, Town or Parish Councillor or co-opted Member to comply with the relevant authority's Code of Conduct following a report from the Monitoring Officer.**

The MO has nothing to report on this issue.

**Conducting Investigations and arranging for the establishment of Hearing Panels under the Local Assessment Procedure**

The report on another agenda item sets out the Register of Complaints under consideration and investigation.

**Delivery of training on the Members' Code of Conduct to District Councillors, Town and Parish Councillors and co-opted Members.**

Following the adoption of the new Code of Conduct the Monitoring Officer has been considering rolling out training. This has been delayed by the by-elections and the adoption of the new Committee style governance. The numbers involved will require more than one session at a time which is convenient to all District and Parish Councillors. Due to the logistic difficulties the MO is now considering whether it would be more efficient to record a training session to be made available online. This would be supplemented by live sessions.

**Recruitment of Independent Persons**

There is nothing to report under this heading as we currently have the correct number of Independent Persons. However, we need to consider how we can best use the skills and capabilities of Independent Persons.

**Related Functions**

The MO is constantly monitoring supporting the training and development of Members on other areas related to their work.

LGA Guidance on Code of Conduct - LGA has been promoting the LGA Model Code of Conduct. Some Councils have held back from adopting the code because they are waiting for guidance. The LGA is in the process of preparing guidance which will be useful to Arun as Arun has partially adopted the LGA Code.

**2. PROPOSAL(S):**

The proposal is that Committee notes the report and comment on the proposed work of the MO on refreshments during online meetings and work on Member/Officer protocols.

**3. OPTIONS:**

NA

**4. CONSULTATION:**

N/A

Has consultation been undertaken with?	YES	NO
Relevant Town/Parish Council		
Relevant District Ward Councillors		
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	x	
Legal	x	
Human Rights/Equality Impact Assessment	x	
Community Safety including Section 17 of Crime & Disorder Act	x	
Sustainability	x	
Asset Management/Property/Land	x	
Technology	x	
Other (please explain)	x	

**6. IMPLICATIONS: N/A****7. REASON FOR THE DECISION:**

NA

**8. BACKGROUND PAPERS:**

NA

# Agenda Item 9

## STANDARDS COMMITTEE WORK PROGRAMME 2021/22

Standards Committee	Report Author	Date of Meeting	Full Council Meeting Date
Monitoring Officer			
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer (via Shirley)	<b>1 July 2021</b>	14 July 21
2. Register of Assessments of Complaints Against Councillors (Exempt)	Monitoring Officer (via Shirley)		
3. Standards Committee Terms of Reference	Monitoring Officer		
4. Monitoring Officer Report	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer (via Shirley)	<b>16 September 21</b>	10 November 21
2. Register of Assessments of Complaints Against Councillors (Exempt)	Monitoring Officer (via Shirley)		
3. Monitoring Officer Report	Monitoring Officer		
4. Member Learning & Development	Monitoring Officer		
5. Review of Protocol of Member/Officer Relations	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer (via Shirley)	<b>16 December 2021</b>	10 Nov 2021
2. Register of Assessments of Complaints Against Councillors (Exempt)	Monitoring Officer (via Shirley)		

## STANDARDS COMMITTEE WORK PROGRAMME 2021/22

3. Monitoring Officer Report	Monitoring Officer		
4. Member Learning & Development	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer (via Shirley)	<b>16 December 2021</b>	12 Jan 22
2. Register of Assessments of Complaints Against Councillors (Exempt)	Monitoring Officer (via Shirley)		
3. Monitoring Officer Report	Monitoring Officer		
4. Member Learning & development	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer (via Shirley)	<b>15 March 2022</b>	11 May 2022
2. Register of Assessments of Complaints Against Councillors (Exempt)			
3. Monitoring Officer Report	Monitoring Officer		

## ARUN DISTRICT COUNCIL

### REPORT TO THE STANDARDS COMMITTEE ON 1 JULY 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>	June 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 (Interim) 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 18 February 2021), 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; breaches identified and sanctions agreed. A review of the Panel's decision was requested and rejected. Complaint closed.

20/04	Arun District Council	Breach of Code – Paras 8, 9, and 10.  Conduct at meetings	Investigation report received. Recommended action that further training be delivered. To be addressed by training on new 2021 Code of Conduct.
20/10	Arun District Council	Breach of Code (paras not identified)  Misrepresentation of Councillor role.	Stage 1 investigation completed – no further action. Complaint closed.
20/12	Arun District Council	Breach of Code – Paras 1-11 and 13 and 15-17  Non-disclosure of pecuniary interests	Being progressed as Code of Conduct complaint.
20/13	Arun District Council	Breach of Code (Paras to be identified)  Behaviour at Council meetings	No further action following attempts by Group Leaders to improve Member behaviour. Complaint closed.
20/18	Arun District Council	Breach of Code (Paras not identified)	Code of Conduct not engaged. No further action. Complaint closed.
20/19	Arun District Council	Breach of Code (Paras 5, 8, 9, 10)  Being present in two virtual meetings at the same time.	Explanation given by Subject Member accepted. No further action. Complaint closed.
20/20	Arun District Council	Breach of Code (Paras 9, 10, 11)  Showing disrespect to colleague Councillors.	Apology offered at Council meeting – not accepted by complainant. Monitoring Officer to consider way forward.
20/21	Arun District Council	Breach of Code (Paras 4, 5, 6)  Alleged mis-use of social media.	Insufficient evidence to demonstrate breach. No further action. Complaint closed.



20/22	Arun District Council	Breach of Code (Paras 9 & 10)  Unacceptable conduct at a training event.	Monitoring Officer conducting initial assessment.
<b>2.0 REASON FOR THE INFORMATION</b>			
2.1 To comply with the adopted Code of Conduct and Local Assessment Procedure.			
<b>3.0 OPTIONS</b>			
1. None as all the complaints have been considered in line with the adopted Local Assessment Procedure.			
<b>4.0 BACKGROUND PAPERS</b>			
Members Code of Conduct Local Assessment Procedure		<a href="https://www.arun.gov.uk/complaints-against-councillors">https://www.arun.gov.uk/complaints-against-councillors</a> <a href="https://www.arun.gov.uk/complaints-against-councillors">https://www.arun.gov.uk/complaints-against-councillors</a>	

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