



# Public Document Pack

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Committee Manager Helen Burt (Ext 37614)

06 September 2021

## STANDARDS COMMITTEE

A meeting of the Standards will be held in **the Council Chamber at Arun District Council, Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Thursday 16 September 2021 at 6.00 pm** and you are requested to attend.

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

**PLEASE NOTE:** Subject to Covid-19 Risk Assessments members of the public are advised of the following:

Where public meetings are being held at the Arun Civic Centre, in order to best manage safe space available, members of the public are in the first instance asked to watch the meeting online via the Council's Committee pages – the meeting will be available to watch live via the internet [here](#).

- a) Where a member of the public has registered a request to take part in Public Question Time, they will be invited to submit the question in advance of the meeting to be read out by an Officer. In response to the continuing health guidelines, there will be very limited public access to this meeting. Admission for public speakers will be by ticket only, bookable when submitting questions. Attendees will be asked to sit in an allocated seat in the public gallery on a first come first served basis. Only one ticket will be available for per person.
- b) It is recommended that all those attending take a lateral flow test prior to the meeting.
- c) All those attending the meeting will be required to wear face coverings and maintain safe distancing when in the building/meeting room.
- d) Members of the public must not attend any face to face meeting if they or a member of their household have Covid-19 symptoms.

*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 08 September in line with current Procedure Rules. It will be at the Chief Executive's/Chair's*

*discretion if any questions received after this deadline are considered. Permitted questions will be read out by an Officer.*

*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 - 6)

To approve as a correct record the Minutes of the meeting held on 01 July 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. **MONITORING OFFICER REPORT**

(Pages 7 - 16)

This report asks the Standards Committee to note the report of the Monitoring Officer and to give directions as set out in the report.

7. REVIEW OF CODE OF CONDUCT COMPLAINT FORM (Pages 17 - 26)

This report seeks Committee Members' views and ultimate approval of a revised Code of Conduct Complaint form.

8. WORK PROGRAMME (Pages 27 - 28)

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

9. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS (Pages 29 - 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.

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 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.

11. 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](#)

## STANDARDS COMMITTEE

1 July 2021 at 6.00 pm

Present: Councillors Tilbrook (Chair), P. English (Vice-Chair), Bicknell, Caffyn, Daniells, J. English, Gregory, Haywood and Kelly

Councillors Edwards and Pendleton were also in attendance for all or part of the meeting.

Also present were Independent Persons Mr J Thompson, Mrs S Prail and Mr J Cooke.

### 95. WELCOME

The Chair welcomed Members and Officers to this virtual meeting of the Standards Committee.

The Chair confirmed that this meeting was being held in accordance with the resolution made at the Extraordinary Council Meeting held on 12 May 2021 (Minute 551) which continued Section 5 Part 5 of the Constitution (The Virtual Meeting Procedure Rules) and declared 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.

### 96. APOLOGY FOR ABSENCE

An apology for absence had been received from Councillor Bennett.

### 97. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

The Monitoring Officer explained that some Non-Committee Members had asked to join the meeting and see the exempt papers. The Constitution allowed non-Committee Members to attend the Committee meetings, and it was at the discretion of the Chair whether or not they be allowed to speak. If non-Committee Members attended meetings they must declare any interest they had in items discussed, in particular if they had made a complaint or been complained about. Non-Committee Members had been advised the decision to allow access to the exempt papers would be made by the Committee and depended on that Member demonstrating they had a 'Need to Know'. Being a complainant or the subject of a complaint, did not count as a 'Need to Know'.

Standards - 1.07.21

98. MINUTES

The Minutes of the meeting held on 18 February 2021 were approved by the Committee with the agreement for them to be signed as soon as practicably possible.

99. PUBLIC QUESTION TIME

The Chair confirmed that there were no questions submitted for this meeting.

100. START TIMES

The Committee

RESOLVED

That its start times for meetings for 2021/22 be 6.00 pm.

101. COMMITTEE TERMS OF REFERENCE

The Chair invited the Interim Monitoring Officer to present his report, who then provided an introduction to the Terms of Reference for the Standards Committee. He drew Members' attention to items 1, the general Terms of Reference of the Committee, and 2, the recommendation for Committee to ask the Constitution Working Party (CWP) to recommend to Full Council that the Terms of Reference of Standards Committee explicitly include the coordination of Member Learning and Development. The Monitoring Officer went on to explain that in several other Committees each Member was required to carry out training before they could sit on the Committee, and that this was not currently coordinated by any one Committee.

Members then took part in a full debate where the following points were raised:

- Some companies used an online training matrix that is visible to all, could this be considered for Arun.
- Could the list of training that Members had completed, and their entitlement to sit on each Committee be published, which would make finding a suitable substitute easier. The Committee Services Manager provided reassurance that Committee Services kept a list of who was eligible to sit on each Committee and provided this for the purposes of finding substitutes when required.

The recommendations were then proposed by Councillor Tilbrook and seconded by Councillor Bicknell.

The Committee

RESOLVED - that

1. the general Terms of Reference for Committees in Part 3 paragraph 3 of the Constitution be noted, and 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 be further noted.
2. the Constitution Working Party (CWP) be asked to recommend to Full Council that the terms of reference of Standards Committee explicitly include the coordination of Member Learning and Development.
3. the schedule of Committee meetings for 2021/22 set out in the Calendar of Meetings attached be noted.

#### 102. MONITORING OFFICER REPORT

The Chair invited the Interim Monitoring Officer to present his report. He explained the report was the first of its kind in Arun, and the purpose was to give Members an overview of the work of the Monitoring Officer. The report went through the Terms of Reference of the Committee so Members could see how it had evolved. The Monitoring Officer went on to talk about promoting and maintaining high standards of conduct, and explained the report made clear the promotion of high standards sat not just with the Code of Conduct, but also through the adoption of protocols. The report also pointed out that Arun was seeking to train Parish Councils on the new Code of Conduct, although not all had so far chosen to adopt the new code.

The Monitoring Officer drew Members' attention to page 21 where it mentioned Member/Officer Protocol. It was important that the Member/Officer Protocol be re-examined because it had not been looked at for some time and also the change to the Committee Structure implied a new way of working with Officers. The Monitoring Officer also highlighted that he had been asked to look at how Members conducted themselves during online meetings, as there had been complaints about Members eating, drinking, smoking or being in a café/restaurant. He noted Members may wish for this to be looked at in the Work Programme. The Monitoring Officer also mentioned that The Local Government Association (LGA), whose code Arun had partly adopted, were in the process of writing guidance on the code, which would be drawn to Members' attention as and when it became available.

The Chair thanked the Monitoring Officer for the report.

Standards - 1.07.21

The Committee

RESOLVED

That the Monitoring Officer Report be noted.

103. WORK PROGRAMME

The Chair invited the Interim Monitoring Officer to present the Work Programme. He explained that Member Learning and Development may be added to it if responsibility for this was given to Standards Committee.

The recommendation was then proposed by Councillor Tilbrook and seconded by Councillor Gregory.

The Committee

RESOLVED

That its Work Programme for 2021/22 be noted.

104. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS

The Chair invited the Interim Monitoring Officer to present his report. He explained that this was a record made available to the public, to show what activity had taken place in terms of complaints about Councillors.

A discussion took place around the Complaint Form, and whether or not there was a section on the form that highlighted if the Member had been carrying out their duties as a Councillor when the complaint was made. The Monitoring Officer said he would review this.

Clarification was sought around anonymous complaints and whether these were allowed. The Monitoring Officer confirmed that these were not usually allowed, unless there was an obvious good reason for this or that the incident had happened in a public place in which other people could verify it.

It was asked whether anything sent to Members in relation to the Standards Committee, be also sent to the Independent Persons.



The Committee

RESOLVED

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

105. 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.

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

Councillor P. English declared a prejudicial interest and was placed in the waiting room.

The recommendation was then proposed by Councillor Tilbrook and seconded by Councillor Gregory.

Following a discussion, the Committee

RESOLVED

That the Register of Complaints against Councillors be noted.

(The meeting concluded at 7.37 pm)

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## ARUN DISTRICT COUNCIL REPORT TO STANDARDS COMMITTEE ON 16 SEPTEMBER 2021

### REPORT

**SUBJECT: Monitoring Officer Report**

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

**DATE:** 01 September 2021

**EXTN:** 37432

#### **EXECUTIVE SUMMARY:**

This report asks Standards Committee to note the report of the Monitoring Officer and to give directions as set out in the report.

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

1. Notes the Monitoring Officer Report and comment on the proposal for review of Member/Officer Protocol

#### **Background**

The functions of the Monitoring Officer (MO) 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) N/A
- (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.

#### **Member/Officer Protocol.**

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 governance. Appendix 1 to this report sets out the issues and seeks Committee views on the approach to review.

In Parishes, national level 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.

### **Behaviour during Virtual meetings**

Another issue which has become prominent in Arun is how Members behave during online meetings, specifically eating, drinking and smoking. The Monitoring Officer received complaints about this while meetings were still online. The Monitoring Officer has decided not to prioritise this issue as Council meetings are going back to normal physical meetings and the issue of refreshments during physical meetings has not caused concern.

### **Monitoring take-up of the Arun new Code of Conduct**

Following adoption of the new Code, the Monitoring Officer (supported by Independent Persons) held a briefing session for all Parish Clerks to promote the adoption of the new Code in the Parish Councils. The new Code was then submitted to the Parishes for adoption. So far, 19 Parishes have agreed to adopt the Code. Of these

- 14 have adopted the Code and completed their documentation (namely Aldwick, Barnham & Eastergate, Bersted, Clapham, Clymping, East Preston, Felpham, Ferring, Findon, Kingston, Patching, Rustington, Slindon, Walberton)
- 5 have agreed to adopt but we are still waiting for a full suite of signed documents: - Aldingbourne, Angmering, Lyminster & Crossbush, Pagham, Yapton
- Middleton-on-Sea are remaining with the 2012 Code
- Littlehampton and Bognor Regis Town Councils have their own Codes
- Arundel Town Council and Ford have yet to advise us

In summary, 19 Councils have confirmed adoption. Of the remainder, 1 x staying with the 2012 Code, 2 x have their own Codes, 2 x yet to advise.

### **Signing Acceptance of the Code**

The Monitoring Officer monitors the signing of acceptance by Members of the new Code. There are 12 District Councillors who have not yet submitted their signed Declarations – Cllrs Baker, Batley, Bicknell, Buckland, Dendle, Goodheart, Oppler, Seex, Stainton, Stanley, Warr, and Yeates

### **Monitoring the Operation of the Code - the complaint form.**

The adoption of the new Code also led to the adoption of a new form for submitting complaints. Officers consulted Members by email on a series of proposed improvements to the form. The result of the consultation has been varied and so the new form is being submitted to this Committee as a separate item on the agenda for final decision.

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

The Monitoring Officer has no current concerns about the Local Assessment Procedure. However, in the course of arranging a Hearing Panel concern was raised about the process and the Monitoring Officer will be explaining how we go about assembling a Panel. By coincidence it also emerged that the only Members who had made themselves available for a recent Hearing Panel were Members of the same political party as the Subject Member. The Hearing Procedure makes no provision for this as in those Councils where you have a

“one party state” it is no bar to being a Member of the same political party. In Arun where there is no overall control the issue is more sensitive and Committee views are sought on this as a matter of good administration.

**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 Monitoring Officer has nothing to report on this issue at this meeting.

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

The register of complaints under consideration and investigation is a separate item on the agenda.

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

An online training session has been held for Members of Felpham Parish Council as part of the outcome of a Panel decision. A modified Seminar is now under preparation for Arun District Council Members and for the other Parishes in the District who have adopted the Code. The training will benefit from the LGA guidance on the Code which is now available.

**LGA Guidance on Model Code**

LGA has been promoting the LGA Model Code of Conduct. Some of our Parish Councils have held back from adopting the Code because they are waiting for Guidance. The LGA has now prepared the guidance. This guidance is useful to Arun Councillors as Arun has partially adopted the LGA Code. This guidance will be factored in the Member Training on the Code of Conduct. The Guidance can be found here. <https://local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

**Recruitment of Independent Persons**

We have a full complement of Independent Persons.

**Related Functions**

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

**Member Learning and Development**

At the last meeting, Committee Members expressed a wish to see a list of those Members who have been trained to sit on various Committees in order to make it easier to be able to arrange substitution. This list is set out in Appendix 2.

**2. PROPOSAL(S):**

The proposal is that Committee notes the report and comment where necessary.

**3. OPTIONS:**

NA

<b>4. CONSULTATION:</b>		
N/A		
Has consultation been undertaken with?	<b>YES</b>	<b>NO</b>
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)		✓
<b>6. IMPLICATIONS:</b>		
This is a standard report to keep Committee Members abreast of the relevant work of the Monitoring Officer since the last meeting of the Committee		

<b>7. REASON FOR THE DECISION:</b>
NA

<b>8. BACKGROUND PAPERS:</b>
NA

## APPENDIX 1

### REVIEW OF MEMBER OFFICER PROTOCOL

Standards Committee Members will be aware of the Committee on Standards in Public Life (“the CSPL”) review of local government ethical standards published in January 2019. In addition to the 26 recommendations made by the CSPL to improve ethical standards in local government, the CSPL made 15 best practice recommendations for local authorities that should be considered as a benchmark of good ethical practice, which it expected that all local authorities could and should implement. The adoption of the new Code of Conduct by Arun has implemented some of these recommendations.

In accordance with CSPL and in response to the transition to Committee governance the Monitoring Officer recommended that a review be undertaken of the current Member/Officer Relations Protocol. This document currently forms part of the Council’s Constitution and provides a high-level position with regards to Member/Officer interactions from which the Members Code of Conduct and Officers Code of Conduct flow.

A review will need to be undertaken by both the Monitoring Officer and the Head of Human Resources. As well as the CSPL best practice recommendations, this review will take into account feedback from both Officers and Members.

The language to be reviewed to reflect the Committee system of governance and in addition:

- to clarify that the Protocol relates to interactions and relations between Members and Officers both in-person and via other means, including through Social Media.
- To clarify a mutual appreciation of work/life balance from Members and Officers and reflect the growing use of technology which allows communications to be sent and accessed 24 hours a day, 7 days a week and the need to ensure respect in terms of requests for responses and turn-around expectations.
- the Monitoring Officer/Chief Executive will meet regularly with political group leaders to discuss standards. This is a CSPL best practice recommendation
- To affirm that in the new Committee system the authority of Members is collective and, as individuals, they have no authority to issue specific directions to any employee or make criticism directly.
- In the light of some aggressive conduct by Councillors to document that individual Councillors are under a duty not to engage in conduct likely to

undermine the trust and confidence required in contracts of employment. Although the Council collectively is the employer, the unofficial actions of an individual Councillor could destroy the entire basis of the employer/employee relationship and that employees were entitled to a *“reasonably congenial working relationship”*.

- Submitting agenda items and workplans of Committees

### **Process for review**

The Monitoring Officer and Head of Human Resources to consider the current scheme and make suggestions for amendments.

The Monitoring Officer to circulate Standards Committee Members and Constitution Working Party (CWP) members (by email) with the suggested changes for comments.

A revised protocol be prepared for the consideration of Standards Committee who will then recommended to CWP to refer to Full Council.



## APPENDIX 2

### **Member Training Schedule – as at 31 August 2021**

#### **List of Members Fully Trained in line with Constitutional Requirements**

<b><u>Name of Committee</u></b>	<b><u>Members of Committee Trained</u></b>	<b><u>Non-Members Trained [that could be used as Subs]</u></b>	<b><u>Notes</u></b>
<b><u>Planning Policy</u></b>	<ul style="list-style-type: none"> <li>• Bower</li> <li>• Chapman</li> <li>• Charles</li> <li>• Coster</li> <li>• Elkins</li> <li>• Goodheart</li> <li>• Hughes</li> <li>• Jones</li> <li>• Lury</li> <li>• Thurston</li> <li>• Yeates</li> </ul>	<ul style="list-style-type: none"> <li>• Baker</li> <li>• Bennett</li> <li>• Bicknell</li> <li>• Blanchard-Cooper</li> <li>• Brooks</li> <li>• Catterson</li> <li>• Clayden</li> <li>• Alison Cooper</li> <li>• Andy Cooper</li> <li>• Dixon</li> <li>• Edwards</li> <li>• Paul English</li> <li>• Gunner</li> <li>• Huntley</li> <li>• Hamilton</li> <li>• Haywood</li> <li>• Kelly</li> <li>• Needs</li> <li>• Northeast</li> <li>• Oliver-Redgate</li> <li>• Oppler</li> <li>• Pendleton</li> <li>• Stanley</li> <li>• Stainton</li> <li>• Smith</li> <li>• Tilbrook</li> <li>• Walsh</li> <li>• Warr</li> <li>• Worne</li> </ul>	

<b><u>Audit &amp; Governance</u></b>	<ul style="list-style-type: none"> <li>• Bennett</li> <li>• Chace</li> <li>• Chapman</li> <li>• Clayden</li> <li>• Goodheart</li> <li>• Haywood</li> <li>• Northeast</li> <li>• Oliver-Redgate</li> <li>• Oppler</li> <li>• Staniforth</li> <li>• Tilbrook</li> </ul>	<ul style="list-style-type: none"> <li>• Bicknell</li> <li>• Brooks</li> <li>• Bower</li> <li>• Roberts</li> <li>• Thurston</li> </ul>	
<b><u>Planning Committee</u></b>	<ul style="list-style-type: none"> <li>• Blanchard-Cooper</li> <li>• Bower</li> <li>• Chapman</li> <li>• Charles</li> <li>• Coster</li> <li>• Edwards</li> <li>• Kelly</li> <li>• Lury</li> <li>• Goodheart</li> <li>• Thurston</li> <li>• Tilbrook</li> </ul> <p><b><u>Named Subs</u></b></p> <ul style="list-style-type: none"> <li>• Catterson</li> <li>• Daniells</li> <li>• Hamilton</li> <li>• Jones</li> <li>• Worne</li> <li>• Clayden</li> <li>• Cooper - Alison</li> <li>• Rhodes</li> </ul>	<ul style="list-style-type: none"> <li>• Baker</li> <li>• Bennett</li> <li>• Blanchard-Cooper</li> <li>• Bicknell</li> <li>• Brooks</li> <li>• Cooper – Andy</li> <li>• Dixon</li> <li>• English – Paul</li> <li>• Elkins</li> <li>• Gunner</li> <li>• Huntley</li> <li>• Hughes</li> <li>• Haywood</li> <li>• Kelly</li> <li>• Needs</li> <li>• Northeast</li> <li>• Oliver-Redgate</li> <li>• Oppler</li> <li>• Pendleton</li> <li>• Roberts</li> <li>• Stanley</li> <li>• Stainton</li> <li>• Smith</li> <li>• Walsh</li> <li>• Warr</li> <li>• Yeates</li> </ul>	

<p><b><u>Licensing Committee</u></b></p>	<ul style="list-style-type: none"> <li>• Blanchard-Cooper</li> <li>• Andy Cooper</li> <li>• Gregory</li> <li>• Daniells</li> <li>• Hamilton – See note</li> <li>• Kelly</li> <li>• Northeast – see note</li> <li>• Oliver-Redgate</li> <li>• Stainton – see note</li> <li>• Staniforth</li> <li>• Worne – see note</li> </ul>		<ul style="list-style-type: none"> <li>• Cllrs Worne and Northeast attending training on 5 October 2021 [cannot vote at a Licensing Committee meeting until this training has been completed]</li> <li>• Cllrs Hamilton and Stainton – yet to complete mandatory training – so cannot vote at Committee</li> <li>• It be noted that there is no provision for substitute or reserve members to be appointed to any Licensing Committee [as approved by Full Council – 15 July 2020].</li> </ul>
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<b><u>Standards Committee</u></b>	<ul style="list-style-type: none"> <li>• Bennett</li> <li>• Bicknell</li> <li>• Buckland – See note</li> <li>• Caffyn</li> <li>• Daniells</li> <li>• English – Paul</li> <li>• English – Joan</li> <li>• Gregory</li> <li>• Haywood</li> <li>• Kelly</li> <li>• Tilbrook</li> </ul>	<ul style="list-style-type: none"> <li>• Pendleton</li> </ul>	<ul style="list-style-type: none"> <li>• Buckland – still to complete mandatory training – so cannot vote at a meeting until training completed</li> </ul>

## ARUN DISTRICT COUNCIL

### REPORT TO STANDARDS COMMITTEE ON 16 SEPTEMBER 2021

**SUBJECT:** Code of Conduct Complaint Form

**REPORT AUTHOR:** Sameera Khan – Group Head of Law & Governance

**DATE:** August 2021

**EXTN:** 37610

**EXECUTIVE SUMMARY:**

This report seeks Committee Members' views and ultimate approval of a revised Code of Conduct Complaint form.

**RECOMMENDATIONS:**

The Committee is asked to resolve that:

- (1) the proposed draft Code of Conduct Complaint Form is approved and adopted

**1.0 BACKGROUND**

- 1.1 As part of the review of the Member Code of Conduct and review of the Local Assessment Procedure carried out in 2020, a new style Code of Conduct complaint form was adopted. The old Code of Conduct was based on broad principles and this was reflected in the old form. The old form was long and required complainants to consider each element of the Members' Code of Conduct and to give their view as to whether or not they believed that element to have been breached.
- 1.2 The Monitoring Officer had been made aware on occasions that some members of the public were reluctant to submit a complaint, having been "put off" by the length of the complaint form, and the use of 'official' language that they did not understand.
- 1.3 A simpler complaint form was therefore devised and implemented and reflects the new Code of Conduct and the new Local Assessment Procedure.
- 1.4 At a briefing for the newly formed Standards Committee on 22 June 2021, Members suggested that the Complaint Form should reiterate that complaints would only be considered where they referred to events where a Councillor was acting in their capacity as, or giving the impression that they were acting in their capacity as, a Councillor.
- 1.5 A new draft was circulated to Committee Members for approval/comment. A general consensus of approval was reached, with the additional suggestion that this caveat was added at the top of the form so that potential complainants were immediately aware of this requirement.

- 1.6 A further suggestion was submitted that the form should include headings relating to the elements of the Code of Conduct in order to guide complainants to identify which elements they believed to have been breached.
- 1.7 Whilst this suggestion would potentially revert back to the design of the original complaint form, it is nonetheless a sensible suggestion to aid consideration of complaints. Thought needs to be given to balancing the need to direct complainants to the Code, alongside the need to make the form user-friendly particularly for members of the public who may not understand the mechanisms of the Code.
- 1.8 The Group Head of Law & Governance (Monitoring Officer) has prepared a revised Complaint Form for Standards Committee Members to consider – see Appendix A.

## 2.0 PROPOSALS

That Committee Members discuss the proposed draft Complaint Form and reach an agreement as to its design and content for future use.

That, once agreed, the new Complaint Form is published.

## 3.0 OPTIONS:

1. To discuss and agree a design and content for the Code of Conduct Complaint Form
2. To not make any changes and continue to use the existing Code of Conduct Complaint Form

## 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>• Standards Committee Members initially consulted via email 21.07.21</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) Links to the Local Assessment Procedure and Members' Code of Conduct	✓	

## **6.0 IMPLICATIONS:**

No financial implications.

No other implications as the form is already in existence, just being redesigned to allow members of the public to understand the detail of information required.

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

To make the Complaint Form simpler whilst still covering the detail required for a complaint to be considered fairly and informatively.

## **8.0 BACKGROUND PAPERS:**

Complaint Form published on website at [Complaints against councillors | Arun District Council](#)

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## ARUN DISTRICT COUNCIL

### COUNCILLOR CONDUCT COMPLAINT FORM

#### **Before you submit your complaint**

You can only submit a complaint against a Councillor of a Committee when they are acting in their capacity as a Councillor. This includes whenever they conduct the business of the Council, or act, claim to act, or give the impression they are acting, in their official capacity as a representative of the Council).

**Please refer to the Arun's Council's Local Assessment Procedure which details how a complaint will be received by following the link below**

[Complaints Against Councillors | Arun District Council](#)

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n16901.pdf&ver=17499>

or contact the Monitoring Officer should you wish for a copy to be emailed or posted to you.

**We would like to see if there is a way to resolve your complaint informally before you submit a formal complaint.**

Please therefore contact the Monitoring Officer at Arun District Council. The Monitoring Officer is a senior officer with a legal background who can advise you and explain the complaints process to you. Contact details are:

Telephone: 01903 737610

Email: [monitoring.officer@arun.gov.uk](mailto:monitoring.officer@arun.gov.uk)

#### **ABOUT THE COMPLAINT**

If, having spoken to the Monitoring Officer, you still wish to make a formal complaint please complete this form as fully as possible making sure you provide reference to the specific code of conduct.

1. Please state the name of the Councillor you believe has breached the Council's Code of Conduct (or if it is a Town or Parish Councillor within the District, the details of that Councillor and the Town or Parish Council)

<b>Title</b>	<b>First name</b>	<b>Last name</b>	<b>Council</b>

2. Please explain in this section (or on separate sheet[s])
- (i) What the Councillor is alleged to have done
  - (ii) What you believe is in breach of the Code of Conduct.
  - (iii) If you are complaining about more than one Councillor, you should use a different form for each Councillor and clearly explain what each individual has done, with dates and witnesses to substantiate the alleged breach.

Please provide a summary of your complaint



3. Please provide us with your name and contact details

<b>Title</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

4. **A copy of your complaint (with your name but not the contact details) will be shared with the Councillor(s) about whom you are complaining.** If you have serious concerns about your name and details of your complaint being released, please complete Section 3 of this Form and discuss your reasons or concerns with the Council’s Monitoring Officer.

Please indicate whether you are:

- A member of the public
- An elected or co-opted Member of the Council
- A Member of Parliament
- A Monitoring Officer
- A Council employee, contractor, or agent of the Council; or
- Other (please state)

5. Please provide details of any witnesses to some or all of the events and confirm whether they are or are not willing to provide information. If you have not approached them state “IDK” (I Don’t Know) in the last column

First name	Last name	Address	Contact number	Willing to provide information (Y/N/IDK)

**You can expect:**

- An acknowledgement of your written complaint within 5 working days from the Monitoring Officer.
- That the Monitoring Officer will inform the Subject Member that a complaint has been received (unless to do so would prevent proper consideration of the complaint)
- That you will be kept informed about the progress of your complaint.

**Details we would like from you**

Please explain in this section (and/or on separate sheets) in detail what the Member has done that you believe breaches the Code of Conduct:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide information setting out why you believe the Councillor, or the Co-opted Member of a Committee, was acting in their capacity as a Councillor or a Co-opted Member. Having considered your complaint, if it is decided that the Councillor or a Co-opted Member was acting in a personal capacity, then your complaint will not be pursued because this would not amount to a breach of the Code of Conduct.
- You should provide any other relevant background information.



## **Additional Help**

Complaints must be submitted in writing which includes email. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

For advice about the process we will follow please contact:

Sameera Khan

Group Head of Law & Governance & Monitoring Officer

Corporate Support Directorate

Arun District Council

Civic Centre

Maltravers Rd

Littlehampton

West Sussex

BN17 5LF

[Monitoring.Officer@arun.gov.uk](mailto:Monitoring.Officer@arun.gov.uk)

# Agenda Item 8

## 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		
6. Review of Code of Conduct Complaint Form	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)	Monitoring Officer (via Shirley)		
3. Monitoring Officer Report	Monitoring Officer		
4. Member Learning & Development	Monitoring Officer		



## ARUN DISTRICT COUNCIL

### REPORT TO THE STANDARDS COMMITTEE ON 16 SEPTEMBER 2021

<b>SUBJECT:</b>	Register of Assessments of Complaints against Councillors
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<b>REPORT AUTHOR:</b>	Sameera Khan – Group Head of Law & Governance
<b>DATE:</b>	August 2021
<b>EXTN:</b>	37610

**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 1 July 2021), the following complaints have been received, progressed or completed.

Case Ref	Council	Allegation/Complaint	Outcome
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.
20/20	Arun District Council	Breach of Code (Paras 9, 10, 11)	Apology offered at Council meeting – not accepted by complainant.

			Showing disrespect to colleague Councillors.	Monitoring Officer deemed no further action as Member behaviour (in general) has been addressed.
20/22	Arun District Council	Breach of Code (Paras 9 & 10)	Unacceptable conduct at a training event.	Monitoring Officer conducting initial assessment.
20/23&24	Arun District Council	Conduct at Committee Meeting		Monitoring Officer conducting initial assessment.
20/25	Bognor Regis Town Council	Bringing the Town Council into disrepute		Monitoring Officer conducting initial assessment.

## 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, or are being 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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