



# Public Document Pack

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7 December 2021

## STANDARDS COMMITTEE

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

Members: Councillors Tilbrook (Chair), English (Vice-Chair), Bennett, Bicknell, Buckland, Caffyn, Daniells, 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 8 December 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 - 4)

To approve as a correct record the Minutes of the meeting held on 16 September 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 5 - 52)

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

[40 minutes]

7. REVIEW OF THE 2021 MEMBER CODE OF CONDUCT (Pages 53 - 80)
- The Council adopted a new Members Code of Conduct in March 2021. This report seeks the view of the Standards Committee as to whether a review of the Code should be undertaken.
- [30 minutes]
8. REVIEW OF INDEPENDENT PERSONS TO STANDARDS COMMITTEE (Pages 81 - 84)
- The Localism Act 2011 requires the Council to appoint at least one Independent Person to its Standards Committee. This Committee currently have a 'pool' of three Independent Persons. This report is in response to an earlier request by Committee to review the number of Independent Persons, following a recruitment drive in 2020.
- [10 minutes]
9. REVIEW OF THE LOCAL ASSESSMENT PROCEDURE AND HEARINGS PROCEDURE (Pages 85 - 108)
- In February 2021, the Council adopted a new Local Assessment Procedure and associated Hearings Procedure in relation to the management of Code of Conduct Complaints Against Councillors. This report seeks Committee's view on whether a review of these procedures should be undertaken.
- [30 minutes]
10. WORK PROGRAMME (Pages 109 - 110)
- The Committee is required to note the Work Programme for 2021/22.
- [5 minutes]
11. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS (Pages 111 - 112)
- 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 minutes]

12. 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.

13. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

(Pages 113 - 124)

This report updates the Committee on the complaints against Councillors received over the past two years.  
[20 minutes]

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

16 September 2021 at 6.00 pm

Present: Councillors Tilbrook (Chair), English (Vice-Chair), Caffyn, Daniells, English and Haywood

Also present was Independent Person Mrs S Prail.

Councillor Gunner was also in attendance for all or part of the meeting.

### 272. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bennett, Gregory, Kelly and Independent Persons Mr J Thompson and Mr J Cooke.

### 273. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### 274. MINUTES

The Minutes of the meeting held on 01 July 2021 were approved by the Committee. These would be signed at the end of the meeting.

### 275. PUBLIC QUESTION TIME

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

### 276. MONITORING OFFICER REPORT

Upon invitation of the Chair, the Deputy Monitoring Officer introduced his report and drew Members' attention to the two different types of matters contained within it – information matters and procedural matters. He explained some Members were yet to signify acceptance of the new Code of Conduct; he updated Members that the Local Government Association (LGA) had now issued guidance on the Model Code, which Arun had partly adopted, and he confirmed he would circulate this guidance after the meeting; a list of Members trained to sit on the Standards Committee had been attached to the agenda; Officers had been carrying out consultation on the new Code of Conduct Complaint Form, which was a separate item on the Agenda; he spoke about assembling Panels for the purpose of hearing complaints, and explained that in the process of setting these up a number of issues had arisen. One being that all Members that had volunteered to attend were from the same political party, and whilst this was not unusual in a majority Council, Members at Arun may have a different view, and he was interested to hear Member views on the matter.

Standards Committee - 16.09.21

The Chair invited questions from Members, and the following questions and points were raised:

- Whether the Constitution would be updated following the previous Full Council Meeting
- Could the whole Constitution to be downloaded in its entirety.
- The implications for all Members yet to sign the Code and the process to ensure this happened.
- Could more Councillors be trained to sit on the Standards Committee as currently there were not many Members available to Substitute.

The questions were answered by the Deputy Monitoring Officer and the Head of Law and Governance.

A discussion took place around whether the Hearings Panel should be politically balanced. Some Members expressed a view that they did not need to be politically balanced, as any Member of Standards Committee should be impartial, and it should not matter which political party they were a Member of. Other Members expressed a view that the Hearings Panels should be politically balanced wherever possible, as they should have the appearance of being fair.

The Deputy Monitoring Officer then went on to draw Members' attention to the Member/Officer Protocol, which he suggested should be reviewed, so Members could decide whether or not this needed to change. He explained some Officers had raised concerns about what they saw as being their relationship with Members. The Deputy Monitoring Officer suggested consultation took place with the Corporate Management Team and Human Resources about what they felt may need to change; followed by consultation with Members, as some Members had also raised concerns about how they are/are not working with Officers; then they could proceed to look at how other local authorities had dealt with any issues that may have arisen during the consultation process. It was asked that time be given in the Work Programme for this work to be carried out.

Discussion was had around the Member/Officer Protocol. The subject of Member complaints about Officers was raised, in particular the process for this, and how it may need clarifying so there was a clear route for Members who wished to make a complaint about Officers.

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

Having provided feedback regarding the Member/Officer Protocol the Committee

**RESOLVED**

That the Monitoring Officer Report be noted.

277. REVIEW OF CODE OF CONDUCT COMPLAINT FORM

Upon invitation of the Chair, the Group Head of Law and Governance introduced the report and explained she had been informed that members of the public had been prevented from complaining due to the process and lengthy complaint form.

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

- The form should make clear exactly what the breach was and where in the Code this was.
- Clarification was sought around whether multiple Subjects or Complainants could be put on one form.
- It was suggested that the form should contain a message about data protection and what would happen with people's data once they had submitted the form.

The Head of Law and Governance said that she would be happy to review the above points and bring the Code of Conduct Complaint Form to the next Committee Meeting to be presented to Members again. This was then Proposed by Councillor Tilbrook and Seconded by Councillor Caffyn.

The Committee

RESOLVED

That the Review of Code of Conduct Complaint Form would be brought back to the next Committee Meeting on 16 December 2021

278. WORK PROGRAMME

The Committee noted the Work Programme.

279. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS

Upon invitation of the Chair, the Deputy Monitoring Officer introduced the report.

There were no questions from Members.

The Committee

RESOLVED

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

Standards Committee - 16.09.21

280. 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.

281. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS

The recommendation was Proposed by Councillor Tilbrook and Seconded by Councillor Caffyn.

Following a discussion, the Committee

RESOLVED

That the Register of Complaints against Councillors be noted.

(The meeting concluded at 7.03 pm)



## **ARUN DISTRICT COUNCIL REPORT TO STANDARDS COMMITTEE ON 16 DECEMBER 2021**

### **REPORT**

**SUBJECT: Monitoring Officer Report – December 2021**

**REPORT AUTHOR: Sameera Khan – Monitoring Officer**  
**DATE: November 2021**  
**EXTN: 37610**  
**AREA: Corporate Support – Law & Governance**

#### **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 supports any proposed actions for the Monitoring Officer.

#### **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 Monitoring Officer is looking to review this Protocol and will bring a report to a future Committee meeting.

The Monitoring Officer would also like to develop a protocol for the role of the Monitoring Officer. Whilst their duties are listed within the Constitution (Part 2 – Articles; Para 4.0), it is considered good practice to have a specific protocol to guide Members and Officers as to

what can be expected of the Monitoring Officer. Committee are asked to support the development of a draft document to be presented to the March Committee meeting.

### **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, 20 Parishes have agreed to adopt the Code. Of these

- 15 have adopted the Code and completed their documentation (namely Aldwick, Angmering, Barnham & Eastergate, Bersted, Clapham, Clymping, East Preston, Felpham, Ferring, Findon, Kingston, Patching, Rustington, Slindon, Walberton)
- 4 have agreed to adopt but we are still waiting for a full suite of signed documents: - Aldingbourne, Lyminster & Crossbush, Pagham, Yapton
- Middleton-on-Sea are remaining with the 2012 Code
- Littlehampton Town Council has their own Code
- Bognor Regis Town Council has adopted a new 2021 Code, largely based on the LGA Model and ADC's 2021 Code (see Appendix B)
- Arundel Town Council will be reviewing their Standing Orders in December and will take the opportunity to consider the Code of Conduct at this time
- Ford have yet to advise us

In summary, 20 Councils have confirmed adoption. Of the remainder, 1 x staying with the 2012 Code, 1 x has their own Code, 1 has confirmed that they will review later this year, and 1 has yet to advise.

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

The Monitoring Officer monitors the signing of acceptance by Members of the new Code. There are 7 District Councillors who have not yet submitted their signed Declarations – Cllrs Baker, Bicknell, Buckland, Goodheart, Oppler, Seex, and Stainton. Reminders have been issued and the Monitoring Officer is awaiting responses.

### **Monitoring the Operation of the Code.**

The adoption of the new Code also prompted a review of the complaint form. Officers consulted Members by email on suggested improvements to the form. Due to conflicting priorities, no further work has been done on the development of an alternative Complaint Form for Committee to consider. It is anticipated that this will come to the March meeting.

In light of queries surrounding declarations of interest at meetings, the Monitoring Officer has designed a flowchart to assist Councillors in deciding whether or not they need to declare an interest, and which type of interest to declare. The draft chart is attached to this report at Appendix A for Committee to consider and discuss.

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

On the Agenda for this meeting

**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.**

Due to conflicting priorities, the Monitoring Officer has been unable to progress this work. However, we are liaising with an external trainer to deliver training in December.

**Recruitment of Independent Persons**

On the Agenda for this meeting.

**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**

See Training Matrix attached at Appendix C.

**2. PROPOSAL(S):**

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

**3. OPTIONS:**

None

**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		✓
Legal		✓
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓

Technology		✓
Other (please explain)		✓

**6. IMPLICATIONS:**

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

**7. REASON FOR THE DECISION:**

This report is for Committee information.

**8. BACKGROUND PAPERS:**

Appendix A - DRAFT Flowchart for Declaring Interests

Appendix B – BRTC Code of Conduct 2021

Appendix C – Training Matrix

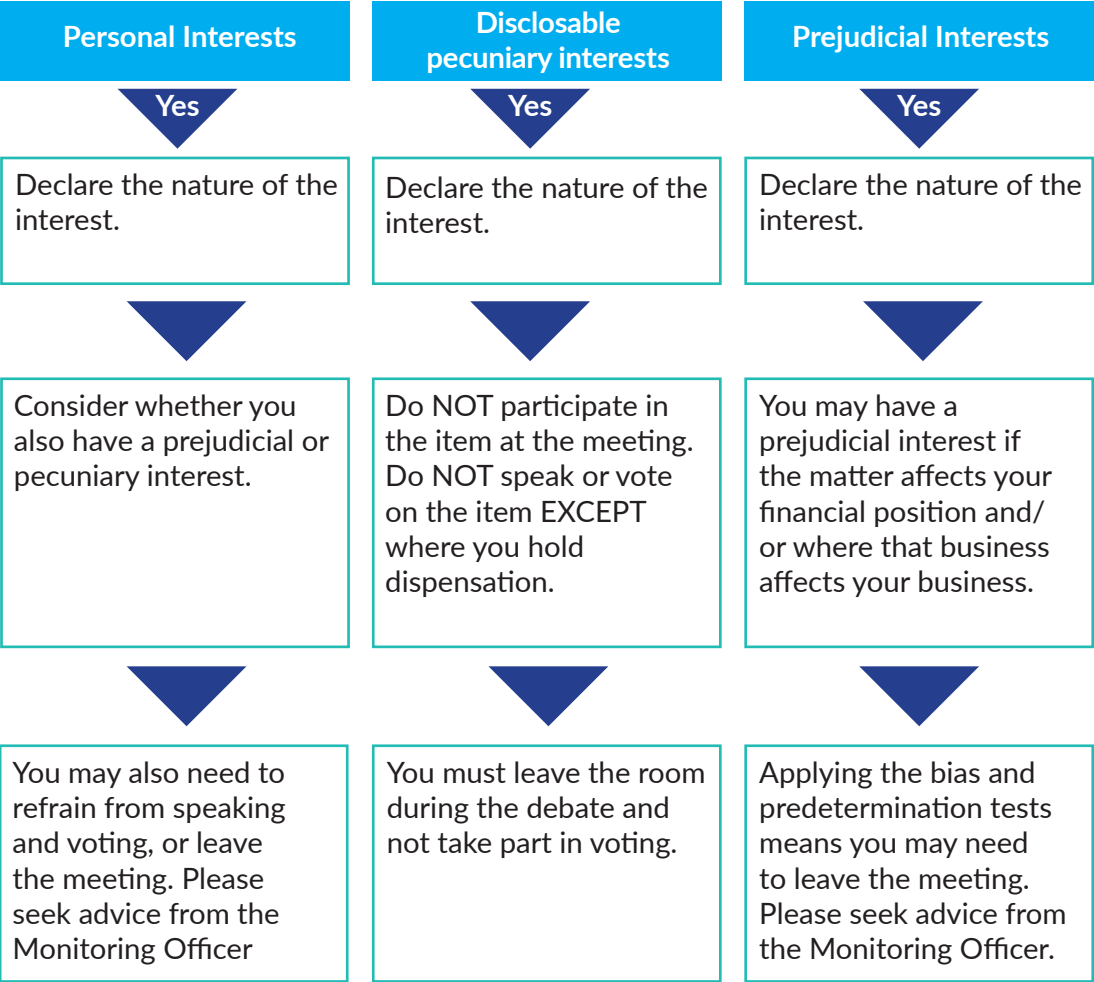
# Maintaining and promoting high standards of conduct

## Declaring interest at meetings

Familiarise yourself with the Member Code of Conduct which can be found in Part 8 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests.

Do any matters being discussed at the meeting refer to your registered interests?



If you consider that you have no interests to declare, you can take part in the meeting, speak and vote.

### What are the principles of bias and predetermination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

**Bias test**  
In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

**Predetermination test**  
At the time of making the decision, did the decision maker have a closed mind?  
  
If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

**Selflessness**  
Councillors should act solely in terms of the public interest.

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

**Objectivity**  
Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

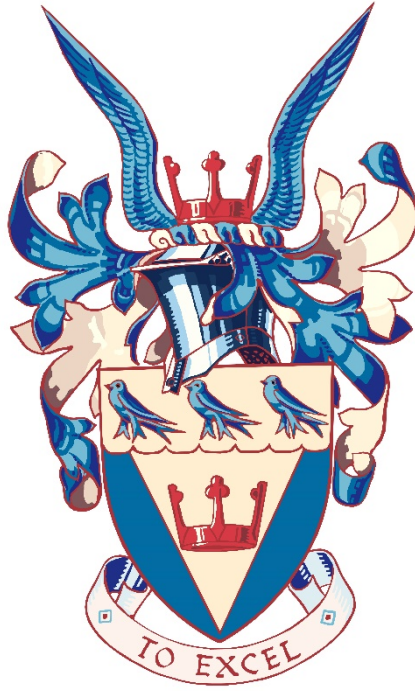
**Accountability**  
Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

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

**Honesty and integrity**  
Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned.

**Leadership**  
Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour whenever it occurs.

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# **BOGNOR REGIS TOWN COUNCIL**

## **CODE OF CONDUCT FOR COUNCILLORS**

**Adopted by Council on 6<sup>th</sup> September 2021**

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## **Introduction**

The Bognor Regis Town Council Code of Conduct has been based on the Model as developed by The Local Government Association (LGA), in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance

All Councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.

## **Definitions**

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

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

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

For the purposes of this Code of Conduct, "local authority" includes county Councils, district Councils, London borough Councils, parish Councils, town Councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

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

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

## **General principles of Councillor conduct**

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

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

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

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

In undertaking my role:

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

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

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

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

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

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication

- in electronic and social media communication, posts, statements and comments.

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

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

## **Standards of Councillor conduct**

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

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

## **General Conduct**

### **1. Respect**

#### **As a Councillor:**

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

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

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

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

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police.

This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Councillor-Officer protocol.

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

**As a Councillor:**

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

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

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

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

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

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

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

## **3. Impartiality of Officers of the Council**

**As a Councillor:**

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

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question

Officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

#### **4. Confidentiality and access to information**

**As a Councillor:**

##### **4.1 I do not disclose information:**

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

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

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

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

#### **5. Disrepute**

**As a Councillor:**

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

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

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

**6. Use of position**

**As a Councillor:**

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

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

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

**As a Councillor:**

**7.1 I do not misuse Council resources.**

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

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

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

Examples include:

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

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

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

**As a Councillor:**

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

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

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

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

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

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

## **9. Interests**

**As a Councillor:**

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

You need to register your interests so that the public, local authority employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public

know about any interest that might have to be declared by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

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

Appendices B & C set out the detailed provisions on registering, declaring registrable interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

### **As a Councillor:**

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

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

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

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



# **Appendices A to G**

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

The principles are:

### **Selflessness**

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

### **Integrity**

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

### **Objectivity**

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

### **Accountability**

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

### **Openness**

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

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

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

## Appendix B - Registering interests

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

### Declaring interests

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

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate;  
or
- c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:

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

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

## Appendix C - Registrable Interests

In this Appendix:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

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

### Table 1: Disclosable Pecuniary Interests

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

<b><u>Subject</u></b>	<b><u>Description</u></b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]

**Sponsorship**

Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

**Contracts**

Any contract made between the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director\* or a body that such person has a beneficial interest in the securities of\*) and the Council -

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

**Land and Property**

Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.

**Licences**

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer

**Corporate tenancies**

Any tenancy where (to the Councillor's knowledge -

- (a) the landlord is the Council; and
- (b) the tenant is a body that the Councillor, or his/her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/ civil partners is a partner of or a director\* of or has a beneficial interest in the securities\* of.

## **Securities**

Any beneficial interest in securities\* of a body where -

- (a) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and
- (b) either—
  - (i) the total nominal value of the securities\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were.
- (c) that body (to the Councillor's knowledge) has a place of business or land in the area of the Council; and
- (d) either -
  - (i) the total nominal value of the securities\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or
  - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his/ her spouse or civil partner or the person with whom the Councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

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

## **Table 2: Other Registerable Interests**

**Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;**

Any Body - (a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.



## **Appendix D - Guidance**

This guidance is not part of the adopted Code of Conduct but is designed to explain how certain matters should be dealt with to ensure compliance.

### Predetermination or Bias

There will be situations where matters are discussed which do not affect the Disclosable Pecuniary Interests of the member and his/her partner but during which participation of that member is still inappropriate.

It is not a problem for Councillors to be predisposed to a particular view. That predisposition can be strong and can be publicly voiced. They may even have been elected specifically because of their views on this particular issue. It might be in favour of or against a particular point of view, for example an application for planning permission.

However, the Councillor must be open to the possibility that, they will hear arguments during the debate about the issue that will change their mind about how they intend to vote. They must also take into consideration written reports and advice from Officers. As long as they are willing to keep an open mind about the issue they are entitled to take part in any vote on it.

The appearance of predetermination or bias on behalf of any member who takes part in the discussion or voting on a matter may result in the validity of any decision taken on the matter being challenged through the courts. Members should take care to not participate (and should usually leave the meeting room) when discussions on matters which they may have predetermined or in respect of which they may be perceived to be biased take place.

An example of such bias occurring would be where an application for planning permission made by a relative of the member was being discussed.

### Offences

It is a criminal offence to:

- Fail to notify the Monitoring Officer of any Disclosable Pecuniary Interest within 28 days of election
- Fail to disclose a Disclosable Pecuniary Interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a Disclosable Pecuniary Interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a Disclosable Pecuniary Interest
- Knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a Disclosable Pecuniary Interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale (currently £5000) and disqualification from being a Councillor for up to 5 years.

Any allegations of a failure to comply with the Code of Conduct other than in respect of a Disclosable Pecuniary Interest will be dealt with locally and the following sanctions might be appropriate:

- Recommending to the Town Council, that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommending the Town Council to arrange training for the member;
- Recommending to the Town Council, that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority;
- Recommending to the Town Council, that the member be excluded from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;

## Appendix E – The Committee on Standards in Public Life

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

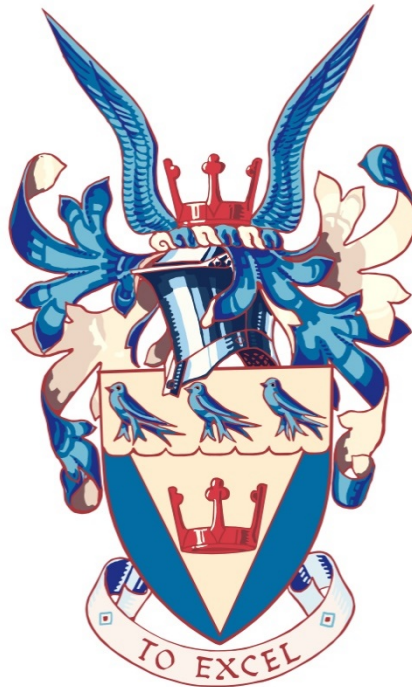
The recommendations cover:

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

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

- Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.
- Best practice 2: Councils should include provisions in their code of conduct requiring Councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Councillors.
- Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.
- Best practice 4: An authority's code should be readily accessible to both Councillors and the public, in a prominent position on a Council's website and available in Council premises.
- Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.
- Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.
- Best practice 7: Local authorities should have access to at least two Independent Persons.

- Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible Officer is minded to dismiss as being without merit, vexatious, or trivial.
- Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.
- Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.
- Best practice 11: Formal standards complaints about the conduct of a parish Councillor towards a clerk should be made by the chair or by the parish Council as a whole, rather than the clerk in all but exceptional circumstances.
- Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish Councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.
- Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.
- Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.
- Best practice 15: Senior Officers should meet regularly with political group leaders or group whips to discuss standards issues.



# **BOGNOR REGIS TOWN COUNCIL**

## **SOCIAL MEDIA POLICY FOR COUNCILLORS**

**Adopted by Council on 9<sup>th</sup> March 2015 to take effect from 8th May 2015**

**Reviewed by Council on 1<sup>st</sup> November 2021**

## CONTENTS

- 1 Introduction
- 2 Benefits and risks
- 3 Who this policy covers
- 4 Who can use social media
- 5 Users' responsibilities
- 6 Anonymous postings
- 7 Safety
- 8 Information protection
- 9 Elections
- 10 Best practice
- 11 Breaches of this policy

Examples of social media

## **1 INTRODUCTION**

- 1.1 Social media is the term for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interests.
- 1.2 For the purposes of this policy, the term “social media” covers sites and applications including but not restricted to Facebook, Twitter, LinkedIn, blogs, and any similar sites which develop after the creation of this policy. It also includes comments on online newspaper articles.
- 1.3 An overview of the main types of social media can be found at the end of this policy.

## **2 BENEFITS AND RISKS**

- 2.1 The following potential benefits have been identified with the use of social media:
  - 2.1.1 Ability to connect with harder-to-reach groups;
  - 2.1.2 Real-time updates on emerging situations (i.e. as they happen);
  - 2.1.3 Heightened level of interactivity;
  - 2.1.4 Low cost in comparison with traditional forms of media;
  - 2.1.5 Enhanced transparency;
  - 2.1.6 Building a sense of belonging in a neighbourhood;
  - 2.1.7 Increased resident satisfaction levels;
  - 2.1.8 Help to reduce social problems like vandalism or racism.
- 2.2 The following risks have been identified with the use of social media:
  - 2.2.1 Virus or other malware (malicious software) infection from infected sites;
  - 2.2.2 Disclosure of confidential information;
  - 2.2.3 Damage to the reputation of the Council;
  - 2.2.4 Social engineering attacks or “phishing”. This is the act of manipulating people into disclosing confidential material or carrying out certain actions. Social engineering is often conducted by individuals fraudulently claiming to be a business or client;
  - 2.2.5 Bullying or witch-hunting;
  - 2.2.6 Civil or criminal action relating to breaches of legislation;
  - 2.2.7 Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.

### **3 WHO THIS POLICY COVERS**

- 3.1 This policy covers all Councillors. It should be considered in conjunction with the Council's Code of Conduct for Councillors.
- 3.2 It relates to all use of social media, whether inside or outside of official capacities.

### **4 WHO CAN USE SOCIAL MEDIA**

- 4.1 The Town Clerk will have control of any social media sites set up for the Council as a corporate body. It is recommended that in the case of Facebook and similar sites, Councillors wishing to keep their personal life and official capacities separate should create separate accounts.

### **5 USERS' RESPONSIBILITIES**

- 5.1 Councillors using social media should make use of stringent privacy settings if they do not wish them to be accessed by the press and public.
- 5.2 In any biography where the Councillor is identified as a Councillor, the account should state that the views are those of the Councillor in question and may not represent the views of the Council. Use of the Council's logo on a personal account or website should only occur with the written permission of the Town Clerk.
- 5.3 The logo should not be used on sites or applications which are unrelated to or not representative of the Council's official position. If in doubt, contact the Town Clerk.
- 5.4 Where possible, a Councillor should make clear who they are in the profile of any account and whether they are an authorised representative of the Council, unless there are exceptional circumstances, such as a potential threat to personal security. In such instances, the Council's Town Clerk must be consulted.
- 5.5 Councillors are personally responsible for the content which they publish on any form of social media. Publishing – or allowing to be published (in the form of a comment) – an untrue statement about a person which is damaging to their reputation may amount to libel.
- 5.6 Councillors must treat others with respect, avoid personal attacks and not make disrespectful, rude or offensive comments.



- 5.7 Councillors must comply with equality laws contained within the Equality Act 2010, associated legislation and the Council's Equality Policy. They must not publish anything that might be considered sexist, racist, ageist, homophobic or anti-faith.

## **6 ANONYMOUS POSTINGS**

- 6.1 When commenting online on any matter relating to the Council, Councillors should identify themselves as a Councillor (for instance in their profile) and make it clear whether or not they are representing the views of the Council. They must not make anonymous posts nor use a pseudonym when making such comments so as to hide their identity.
- 6.2 Councillors who fail to identify themselves as a Councillor in breach of this obligation will be deemed to be acting in their official capacity for the purposes of the Code of Conduct and such failure will itself be a breach of the Code of Conduct for Councillors.

## **7 SAFETY**

- 7.1 Councillors must be aware of their own safety when placing information on the Internet and should not publish information which could give details which could leave them vulnerable.
- 7.2 Any Councillor receiving threats, abuse or harassment via their use of social media should report it to their political group leader, Town Clerk and/or the police.
- 7.3 They should use a secure password (generally more than eight characters long and using a mixture of letters and numbers) and never share their password with anyone.

## **8 INFORMATION PROTECTION**

- 8.1 Councillors must not disclose information, make commitments or engage in activity on behalf of the Council unless they are authorised to do so.
- 8.2 They should not cite or reference customers, partners or suppliers without their prior written consent.
- 8.3 They must handle any personal or sensitive information in line with the Council's data protection policies.

- 8.4 Social media sites are in the public domain and it is important that Councillors ensure that they are confident of the nature of the information they publish. Comments posted online are permanently available and can be used by media such as newspapers.
- 8.5 Councillors must not publish or report on meetings which are private or internal or publish exempt committee reports or private papers.
- 8.6 Copyright laws still apply online. Councillors must not use images to which they do not hold the copyright. Information shared should be attributed to the source (i.e. via web link). Councillors must respect fair-use and financial disclosure laws.

## **9 ELECTIONS**

- 9.1 The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature - and this includes web advertising. There are additional requirements, such as imprint standards, for materials which can be downloaded from a website. Full guidance for candidates can be found at [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk). Accounts may need to be closed for a defined period before local and national elections in order to comply with legislation which affects local authorities.
- 9.2 Political blogs cannot be linked from the Council's website and the Council will not promote Councillors' Twitter accounts during the election purdah period.

## **10 BEST PRACTICE**

- 10.1 Councillors must not use insulting or offensive language or engage in any conduct that would not be acceptable in a workplace. They must show consideration for others' privacy and for topics that may be considered controversial, such as politics or religion.
- 10.2 Social media must not be used to publish content which may result in action for defamation, discrimination, breaches of copyright, data protection or other claims for damages. This includes but is not limited to, material of an illegal, sexual or offensive nature that may bring the Council into disrepute.
- 10.3 Corporate social media must not be used for party political purposes nor specific campaigning purposes as the Council is not permitted to publish material which "in whole or part appears to affect public support for a political party" (Local Government Act 1986). The Council's corporate social media accounts must not be used for such purposes by a Councillor.

- 10.4 Councillors must not use the Council's social media accounts to promote personal financial interests, commercial ventures or personal campaigns, whether or not related to the function of the Council.
- 10.5 Social media must not be used in an abusive or hateful manner.
- 10.6 Social media must not be used for actions that would put Councillors in breach of the Code of Conduct for Councillors.
- 10.7 Use of social media must not breach the Council's misconduct, equal opportunities or bullying and harassment policies.

## **11 BREACHES OF THIS POLICY**

- 11.1 Failure to comply with this policy may result in a formal complaint being made to the Monitoring Officer to be dealt with under the Council's Standards Procedures.
- 11.2 Other violations of this policy, such as breaching the Data Protection Act 2018<sup>(1)</sup>, could lead to criminal or civil action being taken against the individual(s) involved. The Council reserves the right to request the closure of any applications or removal of any content published by Councillors deemed inappropriate or which may adversely affect the reputation of the Council, or put it at risk of legal action.

## APPENDIX 1 TO SOCIAL MEDIA POLICY

### EXAMPLES OF SOCIAL MEDIA

The types and numbers of social media tools are constantly growing and this policy is intended to cover all emerging brands of social media account as well as those listed below.

**Facebook:** A website and accompanying mobile application on which users create a profile or timeline for themselves where they send and receive requests from “friends” which link their accounts, enabling them to share photos, information and common interests. Accounts can be set to “private” which prevents anyone but a user’s approved friends seeing the content.

**Blogs:** Short for “weblog”, this is an online diary and can take the form of a personal website created from scratch and designed by the user, or a template hosted on a site such as Blogger, WordPress or Blogs Today. It is effectively an online diary which can be themed or personal, surrounding an individual’s interests or opinions.

**Twitter:** A microblogging site where users communicate in 140-character statements, including images and links to websites if required. Unlike Facebook (which is essentially private unless you grant access to a ‘friend’), Twitter accounts are generally public unless restrictions are placed by the user to make them private. Users attract followers, who do not require permission to read a user’s ‘tweets’ (the name of the messages) unless they are blocked. It can be compared with sending a text message to a virtual message board. Messages can be further shared by ‘re-tweeting’ and public messages exchanged using the “@” symbol and a user’s Twitter name or ‘handle’.

**YouTube:** A video-sharing website, where users can view and upload their own videos.

**Instagram:** A social networking app made for sharing photos and videos from a smartphone. Similar to Facebook or Twitter, everyone who creates an Instagram account has a profile and a news feed. Other users who follow you will see your posts and any comments you have made on other peoples posts in their own feed.

**Linkedin:** A professional networking site, designed to help people make business connections, share their experiences and resumes, and find jobs. <sup>(3)</sup>

## **Appendix G - Planning Code of Good Practice for Councillors**

### **1 BACKGROUND AND INTERPRETATION**

- 1.1 This Planning Code of Good Practice takes into account the Local Government Association's Guidance Note: Probity in Planning (2013 version but adapted for use and adoption by the Town Council to supplement its Code of Conduct for Councillors.
- 1.2 In this Code of Good Practice, "Interest", "Disclosable Pecuniary Interest" and "Ordinary Interest" have the meanings given in the Code of Conduct for Councillors and "Private Interest" means either:
- 1.2.1 a Disclosable Pecuniary Interest; or
  - 1.2.2 an Ordinary Interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest.
- 1.3 The Town Council is not a planning authority, but as an important consultee it is still part of the planning process. It is no longer a statutory consultee but has the right to be notified by planning authorities if it has requested them to do so. It is important therefore, that their consideration of planning applications in public, are open and fair.
- 1.4 The planning authority will usually be Arun District Council but may be West Sussex County Council for certain matters including mineral extraction, waste disposal and educational establishments.

### **2 INTRODUCTION**

#### **THE AIM OF THIS CODE OF GOOD PRACTICE**

- 2.1 To ensure that in the planning process there are no grounds for suggesting that observations by the Town Council have been biased, partial or not well-founded in any way.

#### **THE KEY PURPOSE OF PLANNING**

- 2.2 To control development in the public interest.

#### **THE ROLE AS A MEMBER OF THE TOWN COUNCIL**

- 2.3 To consider planning applications notified to it and construct observations to be forwarded to the planning authority, openly, impartially, with sound judgement and for justifiable reasons.

## WHEN THE CODE OF GOOD PRACTICE APPLIES

- 2.4 This Code of Good Practice applies to Town Councillors at all times when involving themselves in the planning process. This includes when taking part in the meetings of the Council to determine observations to be forwarded to the Planning Authority or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings. It applies as equally to planning enforcement matters or consultation on site specific policy issues as it does to planning applications.
- 2.5 If Councillors have any doubts about the application of this Code of Good Practice to their own circumstances, they should seek advice early, from their Town Clerk or the District Council's Monitoring Officer.

## **3 RELATIONSHIP TO THE CODE OF CONDUCT FOR COUNCILLORS**

- 3.1 The rules in the Code of Conduct for Councillors adopted by the Town Council must always be complied with first.
- 3.2 The rules in this Planning Code of Good Practice must then be applied. They seek to explain and supplement the Code of Conduct for Councillors for the purposes of planning matters. If a Councillor does not abide by this Code of Good Practice, they may put:
- 3.2.1 the Council at risk of proceedings on the validity of their decision on observations; and
  - 3.2.2 themselves at risk of either being named in a report made to the Standards Committee or Town Council or, if the failure is also likely to be a breach of the Code of Conduct for Councillors, a complaint being made to the Standards Committee.

## **4 DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE CODE OF CONDUCT FOR COUNCILLORS**

- 4.1 Councillors must disclose the existence and nature of any Interest at any relevant meeting, including informal meetings or discussions with Officers and other Councillors. Interests should preferably be disclosed at the beginning of the meeting or as soon as an interest becomes known.
- 4.2 Where the Councillor has an Other Registrable Interest, they must:
- 4.2.1 not participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Council. However, they may address the Committee but only to make a presentation in the same manner that would apply to a normal member of the public, after which they must leave the room whilst the meeting considers it (they must not remain in the

- public gallery).
- 4.2.2 not try to represent town ward views; they should get another Local Councillor to do so instead.
  - 4.2.3 not get involved in the processing of the application.
  - 4.2.4 not seek or accept any preferential treatment, or place themselves in a position that could lead the public to think they are receiving preferential treatment, because of their position as a Councillor. This would include using their position to discuss that proposal with Officers or Councillors when other members of the public would not have the same opportunity to do so.
  - 4.2.5 be aware that, whilst they are not prevented from seeking to explain and justify a proposal in which they have a Private Interest to an appropriate Officer, in person or in writing, the Code of Conduct for Councillors places limitations on them in representing that proposal.

## **5. FETTERING DISCRETION IN THE PLANNING PROCESS**

- 5.1 Councillors must not fetter their discretion, and therefore their ability to participate in discussing planning matters and deciding on representations to be made to the Planning Authority, by making up their mind, or clearly appearing to have made up their mind (particularly in relation to an external interest or lobby group), on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Town Council and of their hearing the Town Clerk's advice and evidence and arguments on both sides.
- 5.2 Fettering their discretion in this way and then taking part in making the decision will put the Council at risk of challenge on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the material considerations enabling the proposal to be considered on its merits.
- 5.3 Councillors are likely to have fettered their discretion where the Council is the landowner, developer or applicant and they have acted as, or could be perceived as being, a chief advocate for the proposal. This is more than a matter of membership of the Town Council which proposes the matter and makes representations to the Planning Authority, but that through their significant personal involvement in preparing or advocating the proposal they will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.
- 5.4 Councillors are able to take part in the debate on a proposal when acting as part of a consultee body (e.g. member of a conservation group), provided:
  - 5.4.1 the proposal does not substantially affect the well-being or financial standing of the consultee body;

- 5.4.2 they make it clear to the consultee body that:
  - 5.4.2.1 their views are expressed on the limited information before them only;
  - 5.4.2.2 they must reserve judgement and the independence to make up their own mind on each separate proposal, based on their overriding duty to the whole parish or town and when it comes before the Town Council and they hear all of the relevant information; and
  - 5.4.2.3 they will not in any way commit themselves as to how they or others may vote when the proposal comes before the Town Council; and
- 5.4.3 they disclose the Ordinary Interest regarding their membership or role when the Town Council comes to consider the proposal.
- 5.5 Councillors must not speak and vote on a proposal where they have fettered their discretion. They do not also have to withdraw (if they don't have a Private Interest in the matter), but they may prefer to do so for the sake of appearances.
- 5.6 Councillors should explain that they do not intend to speak and vote because they have, or they could reasonably be perceived as having judged (or reserved the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

## **6 CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS**

- 6.1 Councillors should refer those who approach them for planning, procedural or technical advice to the Town Clerk or to Planning Authority Officers.
- 6.2 Councillors should not agree to any private meeting with applicants, developers or groups of objectors on their own where they can reasonably avoid it. Where they believe that a private meeting would be useful in clarifying the issues, they should attend with the Town Clerk or other Town Council Officer. The Town Clerk or other Officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Council to any particular course of action, that the meeting is recorded, and the record of the meeting is disclosed to all other Town Council Members.
- 6.3 Councillors should:
  - 6.3.1 follow the rules on lobbying;
  - 6.3.2 consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - 6.3.3 report to the Town Clerk any significant contact with the



applicant and other parties, explaining the nature and purpose of the contacts and their involvement in them, and ensure that this is recorded on the planning file.

- 6.4 In addition, in respect of presentations by applicants/developers, Councillors should:
- 6.4.1 Invite the applicants/developers to present to the whole Town Council or committee, where possible in public, however applicant confidentiality at a pre-application stage must be respected;
  - 6.4.2 ask relevant questions for the purposes of clarifying their understanding of the proposals;
  - 6.4.3 remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out by the Town Council if a planning application is subsequently made;
  - 6.4.4 be aware that a presentation is a form of lobbying and they must not express any strong view or state how you or other Councillors might vote. The Town Council may after consideration, forward initial reactions to the proposal, but must make clear these comments are without prejudice to any formal observations to the Planning Authority on a planning application after all information contained in it and other views have been considered.

## **7 LOBBYING OF COUNCILLORS**

- 7.1 Councillors must remember that their overriding duty is to the town, taking account of the need to make decisions impartially, that they should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 7.2 Councillors should not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, they must ensure it is kept to a minimum, that its acceptance is declared as soon as possible and that they remember to register interests where their value is over £25 (in accordance with the Council's rules on gifts and hospitality).
- 7.3 Councillors should copy or pass on any lobbying correspondence they receive to the Town Clerk at the earliest opportunity.
- 7.4 Councillors should promptly refer to the Town Clerk any offers made to them of community benefit, through a proposed s.106 Planning Obligation or otherwise.
- 7.5 Councillors should inform the Town Clerk where they feel they have

been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality). The Town Clerk may refer this matter to the District Council's Monitoring Officer if considered significant.

- 7.6 Unless they have a Private Interest, Councillors will not have fettered their discretion or breached this Planning Code of Good Practice through:
- 7.6.1 listening or receiving viewpoints from residents or other interested parties;
  - 7.6.2 making comments to residents, interested parties, other Councillors or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and they make it clear that they are keeping an open mind;
  - 7.6.3 seeking information through appropriate channels; or
  - 7.6.4 being a vehicle for the expression of opinion, provided they explain their actions at the start of the meeting or item and make it clear that, having expressed the opinion or town ward view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

## **8 LOBBYING BY COUNCILLORS**

- 8.1 Councillors should not lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If they do, they will have fettered their discretion and are likely to have a Private Interest.
- 8.2 Councillors may join general interest groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but they must disclose any Interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Town Council that they have reserved judgement and the independence to make up their own mind on each separate proposal.
- 8.3 Councillors should not excessively lobby fellow Councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- 8.4 Councillors must not decide or discuss how to vote on any application at any sort of Political Group Meeting, or lobby any other Councillor to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

## **9 SITE VISITS**

- 9.1 Councillors should attend site visits organised by the Town Council where possible.
- 9.2 Councillors should not request a site visit unless they feel it is strictly necessary because:
  - 9.2.1 particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection.
- 9.3 Councillors should ensure that any information which they gain from the site visit is reported back to the Town Council, so that all Councillors have the same information.
- 9.4 Councillors must ensure that they treat the site visit only as an opportunity to seek information and to observe the site.
- 9.5 Councillors may ask the applicants/developers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- 9.6 Councillors must not express opinions or views to anyone.

## **10 PUBLIC SPEAKING AT MEETINGS**

- 10.1 Councillors must not allow members of the public to communicate with them during the Town Council's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- 10.2 Councillors must ensure that they comply with the Town Council's procedures in respect of public speaking.

## **11 OFFICERS**

- 11.1 Councillors must not put pressure on either the Town Clerk or Planning Authority Officers to put forward a particular recommendation. This does not prevent them from asking questions or submitting views as individuals through the formal consultation process.
- 11.2 Councillors must recognise and respect that Planning Authority Officers involved in the processing and determination of planning matters must act in accordance with their Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning Officers' views, opinions and recommendations will be

presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or Councillors.

## **12 DECISION-MAKING**

- 12.1 Local Councillors may lobby their District or County Councillors but must accept that they in turn must act correctly and must not fetter their discretion. The Town Councillor may request the District or County Councillor to request a proposal to go before the Committee rather than be determined through Officer delegation, but must remember that if that Councillor does so, that their reasons will need to be stated, recorded and repeated in the report to the Committee.
- 12.2 Councillors should come to the Town Council meetings with an open mind and demonstrate that they are open-minded.
- 12.3 Councillors must make observations based on material planning considerations, in accordance with the Development Plan and any adopted Neighbourhood Plan unless material considerations indicate otherwise.
- 12.4 Councillors must come to their decision only after due consideration of all of the information reasonably required upon which to base a decision. If they feel there is insufficient time to digest new information or that there is simply insufficient information before them, they should request further time or information from the Planning Authority.
- 12.5 Councillors should not vote or take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the Clerk's introduction to the matter.
- 12.6 Councillors should make sure that the reasons for Local Council's decisions are recorded.

## **13 TRAINING**

- 13.1 Councillors should where possible have attended the planning training prescribed by the Town Council.

	BAKER	BATLEY	BENNETT	BICKNELL	BLANCHARD-COOPER	BOWER	BROOKS	BUCKLAND	CAFFYN	CATTERSON	CHACE	CHAPMAN	CHARLES	CLAYDEN	COOPER, ANDY	COOPER, ALISON	COSTER
Planning Policy																	
Planning Policy (Subs)																	
Planning Committee																	
Planning Committee (Named subs)																	
Planning Committee (trained as subs)																	
Audit & Governance																	
Audit & Governance (as subs)																	
Licensing Committee																	
Licensing Sub-Committee																	
NB No provision for substitute or reserve (Full Council 15.07.20)																	
Standards Committee																	
Standards Committee (as subs)																	
Code of Conduct Training (Dec 2021)																	
Constitution Training (Jan 2022)																	
Chairing Skills (Jan 2022)																	
Heritage Training (March 2022) [for Planning C'ttee members]																	
Appeals Monitoring & Performance (Feb 2022) [for Planning C'ttee Members]																	
<b>Notes:</b>																	
*Cllrs Worne & Northeast attended training on 05.10.21.																	
<b>Key:-</b>																	
Training attended/completed																	
Training required but not completed																	
Trained as subs																	

	DANIELLS	DENDLE	DIXON	EDWARDS	ELKINS	ENGLISH, JOAN	ENGLISH, PAUL	GOODHEART	GREGORY	GUNNER	HAMILTON	HAYWOOD	HUGHES	HUNTLEY	JONES	KELLY	LURY	MADELEY	NEEDS
Planning Policy																			
Planning Policy (Subs)																			
Planning Committee																			
Planning Committee (Named subs)																			
Planning Committee (trained as subs)																			
Audit & Governance																			
Audit & Governance (as subs)																			
Licensing Committee																			
Licensing Sub-Committee NB No provision for substitute or reserve (Full Council 15.07.20)																			
Standards Committee																			
Standards Committee (as subs)																			
Code of Conduct Training (Dec 2021)																			
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Charing Skills (Jan 2022)																			
Heritage Training (March 2022) [for Planning C'ttee members]																			
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<b>Notes:</b>																			
*Cllrs Worne & Northeast attended training on 05.10.21.																			
<b>Key:-</b>																			
Training attended/completed																			
Training required but not completed																			
Trained as subs																			

	NORTHEAST	OLIVER-REDGATE	OPPLER	PENDLETON	PURCHESE	RHODES	ROBERTS	SEEX	SMITH	STANTON	STANFORTH	STANLEY	THURSTON	TILBROOK	DR WALSH	WARR	WORNE	YEATES
Planning Policy																		
Planning Policy (Subs)																		
Planning Committee																		
Planning Committee (Named subs)																		
Planning Committee (trained as subs)																		
Audit & Governance																		
Audit & Governance (as subs)																		
Licensing Committee	*																*	
Licensing Sub-Committee																		
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## ARUN DISTRICT COUNCIL

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

**SUBJECT: Review of the 2021 Member Code of Conduct**

**REPORT AUTHOR:** Sameera Khan - Monitoring Officer  
**DATE:** November 2021  
**EXTN:** 37610  
**AREA:** Corporate Support – Law & Governance

#### **EXECUTIVE SUMMARY:**

The Council adopted a new Members Code of Conduct in March 2021. This report seeks the view of the Standards Committee as to whether a review of the Code should be undertaken.

#### **RECOMMENDATIONS:**

The Committee is asked to consider:

- 1) Whether the 2021 Code of Conduct is effective and appropriate and needs no review at this time; or
- 2) Whether to undertake a review of the Code of Conduct

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

- 1.1 Standards Committee – at their meeting on 20 February 2020 – resolved that the Monitoring Officer produce a revised draft of the Members Code of Conduct (Minute 463 refers). This was a timely request as the Local Government Association (LGA) were also about to consult on a new Model Code of Conduct.
- 1.2 Committee Members then worked with the then Interim Monitoring Officer and an external advisory company to develop a new draft Code for Arun, based on the LGA Model Code, and which was relevant, protected Members' democratic role, encouraged good conduct, and safeguarded the public's trust in local government.
- 1.3 At their meeting on 18 February 2021, Standards Committee agreed to recommend to Full Council that the draft 2021 Members Code of Conduct be adopted (Minute 484 refers).

- 1.4 Full Council – at their meeting on 24 March 2021 (reconvened from the meeting on 17 March 2021) – resolved that the draft Code be adopted (with agreed adaptations to Appendix B as recommended by Standards Committee) (Minute 520 refers)
- 1.5 The then Interim Monitoring Officer agreed to provide training for all District Councillors on the new Code. However, due to competing priorities, this was delayed but will now be delivered by an external trainer on 7 December 2021. The session will be recorded so that we can use for more wider training at a future date.
- 1.6 It is believed that the Members' 2021 Code of Conduct provides clear expectations on Members as to their conduct and should help to manage public expectations.
- 1.7 The situation relating to the global pandemic, and the move to holding Council/Committee meetings virtually during the period of the pandemic and being webcast to the public, created some challenges in terms of Member behaviour.
- 1.8 There was an unprecedented increase in Code of Conduct complaints, the majority of which were not taken forward as it was felt that the incident should have been addressed by the Chair of the meeting at the time the incident occurred. However, concern was such that the Political Group Leaders and the Acting/Interim Monitoring Officer in post at the time, issued pleas to Councillors to be mindful of their behaviour at public meetings.
- 1.9 With a new Group Head of Law & Governance (Monitoring Officer) now in place, and with the 2021 Code of Conduct being in existence for almost one year, it is thought that Standards Committee should consider whether a review of the Code should take place. Best practice from the Committee on Standards in Public Life also recommends an annual review of the Code (Best Practice 3) "...to seek, where possible, the views of the public, community organisations and neighbouring authorities."
- 1.10 The review of ethical standards by the Committee for Standards in Public Life, undertaken in 2020, recommends (Best Practice 3) that an annual review is undertaken.
- 1.11 Committee are therefore being asked to consider whether they feel a review is appropriate at this time.

## **2. PROPOSALS**

Standards Committee is asked to consider:


- 1) Whether the 2021 Code of Conduct is effective and appropriate and needs no review at this time; or
- 2) Whether to undertake a review of the Code of Conduct

## **3. OPTIONS:**

- 1) To carry out a review of the 2021 Code of Conduct to ensure that the content is relevant and appropriate
- 2) To defer a review for a further period of time

3) To not carry out a review		
<b>4. CONSULTATION:</b>		
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>		
Any review of the Code will obviously result in demands on Officer and Member time, and consideration also needs to be given to adhering to official guidelines in terms of the content.		
<b>7. REASON FOR THE DECISION:</b>		
A Member Code of Conduct is required by Section 27 of the Localism Act 2011. Local Government Act 1999 requires the council to continuously improve in efficiency, economy and effectiveness.		
<b>8. BACKGROUND PAPERS:</b>		
<a href="#">Standards Committee Minutes 20 February 2020</a>		
<a href="#">Standards Committee Minutes 18 February 2021</a>		
<a href="#">Full Council Minutes 24 March 2021</a>		
Members Code of Conduct 2021 – Appendix A		

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# **MEMBERS CODE OF CONDUCT 2021**

Adopted at Full Council	24 March 2021 (meeting resumed from 17 March 2021)
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## **A. Joint statement issued by the Local Government Association on the adoption of the LGA Model Code of conduct 2020**

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

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

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

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

## INTRODUCTION

Arun District Council (the authority) has adopted this Code of Conduct in accordance with the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the authority. The Code was originally introduced on 1 July 2012 and was updated on 8 November 2017. This version of the code is based on the LGA Councillor Model Code of Conduct and was adopted by the Council in March 2021

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

## Definitions

For the purposes of this Code of Conduct,

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

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

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

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

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

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

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



## **B. Purpose of the Code of Conduct**

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

## **C. General principles of councillor conduct**

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

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

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

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

In undertaking my role:

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

## **D. Application of the Code of Conduct**

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

This Code of Conduct applies to you when:

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

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

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

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

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

## **E. Standards of councillor conduct**

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

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

### **GENERAL CONDUCT**

#### **1. RESPECT**

**As a councillor:**

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

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

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

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

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

## **2. BULLYING, HARASSMENT AND DISCRIMINATION**

**As a councillor:**

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

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

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

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

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

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

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

### **3. IMPARTIALITY OF OFFICERS OF THE COUNCIL**

**As a councillor:**

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

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

### **4. CONFIDENTIALITY AND ACCESS TO INFORMATION**

**As a councillor:**

**4.1 I do not disclose information:**

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

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

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

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that

discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. *DISREPUTE***

**As a councillor:**

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

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

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

## **6. *USE OF POSITION***

**As a councillor:**

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

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

## **7. *USE OF LOCAL AUTHORITY RESOURCES AND FACILITIES***

**As a councillor:**

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

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

- a. act in accordance with the local authority's requirements; and

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

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

Examples include:

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

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

## **8. *COMPLYING WITH THE CODE OF CONDUCT***

**As a councillor:**

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

**8.2 I co-operate with any Code of Conduct investigation and/or determination.**

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

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

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

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

### **9. INTERESTS**

**As a councillor:**

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

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

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

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

### **10. GIFTS AND HOSPITALITY**

**As a councillor:**

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

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

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

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you



could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

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

The principles are:

#### **Selflessness**

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

#### **Integrity**

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

#### **Objectivity**

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

#### **Accountability**

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

#### **Openness**

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

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

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

## **Appendix B – Register of Interests**

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

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

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

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

unless you have obtained a dispensation from the Monitoring Officer.

### **3. PERSONAL INTERESTS**

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

#### **4. PREJUDICIAL INTERESTS**

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

## 5. SENSITIVE INTERESTS

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

## 6. EXEMPT CATEGORIES

- 6.1 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of the authority in respect of:
- 6.1.1 housing – where you are a tenant of the authority provided that those functions do not relate particularly to your tenancy or lease;
  - 6.1.2 an allowance, payment or indemnity given to Members;
  - 6.1.3 any ceremonial honour given to Members; and
  - 6.1.4 setting council tax or a precept under the Local Government Finance Act 1992

**Table 1: Disclosable Pecuniary Interests**

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

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]

<b>Sponsorship</b>	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<b>Contracts</b>	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licences</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>

<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

\* 'director' includes a member of the committee of management of an industrial and provident society.

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



**Table 2: Personal Interests**

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

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

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

The recommendations cover:

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

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

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

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

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

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

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

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

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

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

## **PART 8 – CODES AND PROTOCOLS**

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

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

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

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

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

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

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

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

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

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

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## ARUN DISTRICT COUNCIL

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

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

**REPORT AUTHOR:** Sameera Khan - Monitoring Officer  
**DATE:** November 2021  
**EXTN:** 37610  
**AREA:** Corporate Support – Law & Governance

#### **EXECUTIVE SUMMARY:**

The Localism Act 2011 requires the Council to appoint at least one Independent Person to its Standards Committee. This Committee currently have a 'pool' of three Independent Persons. This report is in response to an earlier request by Committee to review the number of Independent Persons, following a recruitment drive in 2020.

#### **RECOMMENDATIONS:**

Standards Committee is asked to consider:

- 1) Whether the current pool of 3 x Independent Persons is sufficient to give support to Committee on standards matters
- 2) If Committee wish to increase the number of Independent Persons, to authorise the Monitoring Officer to commence a recruitment drive

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

- 1.1 Section 28 of the Localism Act 2011 requires the Council to appoint at least one Independent Person to its Standards Committee. Currently, the Committee have a 'pool' of three Independent Persons on which to draw support with regard to Code of Conduct allegations against Members and other standards matters.
- 1.2 Standards Committee – at their meeting on 18 February 2021 – considered the option to recruit a fourth Independent Person (IP), following the resignation of a long-standing IP. Committee resolved to defer the decision for twelve months to allow time to assess the workload for the IPs, with an update report being brought back to Committee (Minute 486 refers).

- 1.3 This report is therefore being brought to Committee for their consideration as to whether they feel that the current number of IPs is sufficient to provide support to Committee on Code of Conduct complaints and standards matters.
- 1.4 There has been an increase in the number Code of Conduct complaints and approaches over the past 12-18 months, which has impacted on the number of times that an IP view/opinion has been sought. This level of contact is considered to be unusual in that we have had to deal with a pandemic, two changes in administration, and a change in governance. These have understandably caused some confusion and frustration, resulting in multiple approaches regarding Member behaviour. Things have settled recently and, whilst approaches are still being made, very few have resulted in formal complaints being submitted. It is therefore believed that the demands on the pool of IPs will also settle down.
- 1.5 Also, over the past 12-18 months, Committee has had a busy work programme, having considered reviews of Social Media Guidance for Councillors, Members' Code of Conduct, Local Assessment Procedure and associated Hearings Procedure, as well as their 'normal' business. The input from IPs has been welcome and gave alternative perspectives on these matters.
- 1.6 With regard to financial implications, Committee are respectfully reminded that the Members Allowances Scheme requires that the overall allowance be divided equally between the number of Independent Persons, therefore there will be no additional financial demand on the Council, should Committee decide that they wish to increase the number of IPs. However, there would be a financial implication for the IPs if the number were to be increased as their 'share' of the allowance would reduce accordingly.
- 1.7 If Committee decide that they wish to increase the number of IPs, authority should be given to the Monitoring Officer to commence a recruitment drive.

## **2. PROPOSALS**

Standards Committee is asked to consider:

- 1) Whether the current pool of 3 x Independent Persons is sufficient to give support to Committee on standards matters
- 2) If Committee wish to increase the number of Independent Persons, to authorise the Monitoring Officer to commence a recruitment drive

## **3. OPTIONS:**

- 1) To increase the number of Independent Persons to the Standards Committee – and by how many
- 2) To not increase the number and retain the current pool of three Independent Persons
- 3) To defer the decision for a further period of time

<b>4. CONSULTATION:</b>		
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>  No financial implications to the Council as the current Special Responsibility Allowance paid to Independent Persons is a total amount, divisible by the number of Independent Persons. However, it should be noted that an increase in the number of Independent Persons would reduce the allowance paid to each individual.		

<b>7. REASON FOR THE DECISION:</b>  For Committee to feel comfortable that the level of support from IPs is sufficient for them to deal with Standards matters.
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<b>8. BACKGROUND PAPERS:</b>  <a href="#">Report to Standards Committee 18.02.21</a>
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## ARUN DISTRICT COUNCIL

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

**SUBJECT: Review of the Local Assessment Procedure and Hearings Procedure**

**REPORT AUTHOR:** Sameera Khan - Monitoring Officer  
**DATE:** November 2021  
**EXTN:** 37610  
**AREA:** Corporate Support – Law & Governance

#### **EXECUTIVE SUMMARY:**

In February 2021, the Council adopted a new Local Assessment Procedure and associated Hearings Procedure in relation to the management of Code of Conduct Complaints Against Councillors. This report seeks Committee's view on whether a review of these procedures should be undertaken.

#### **RECOMMENDATIONS:**

The Committee is asked to consider:

- 1) Whether the Local Assessment Procedure and Hearings Panel Procedure are effective and appropriate and need no review at this time; or
- 2) Whether the Monitoring Officer be authorised to carry out changes identified during Committee's consideration of this item; or
- 3) Whether the Local Assessment Procedure and Hearings Panel Procedure should be fully reviewed

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

- 1.1 Standards Committee – at their meeting on 18 February 2021 – resolved to adopt the revised Local Assessment and Hearings Procedures (Minute 483 refers).
- 1.2 These procedures have been followed for a number of Code of Conduct complaints received since adoption. There have also been two Hearings since the adoption, so both Procedures have been invoked and 'tested'.
- 1.3 A number of anomalies have been identified, which are attached at Appendix A and which the Monitoring Officer will explain to Members as part of the discussion around this Agenda item.

<p>1.4 Committee are therefore requested to consider whether a full review of the Procedures is required, or whether the Monitoring Officer is instructed to make the changes identified by Committee Members as a consequence of the consideration of this Agenda item.</p>		
<p><b>2. PROPOSALS</b></p> <p>Standards Committee is asked to consider:</p> <ol style="list-style-type: none"> <li>1) Whether the Local Assessment Procedure and Hearings Panel Procedure are effective and appropriate and need no review at this time; or</li> <li>2) Whether the Monitoring Officer be authorised to carry out changes identified during Committee's consideration of this item; or</li> <li>3) Whether the Local Assessment Procedure and Hearings Panel Procedure should be fully reviewed</li> </ol>		
<p><b>3. OPTIONS:</b></p> <ol style="list-style-type: none"> <li>1) To instruct the Monitoring Officer to make the identified changes to the Procedures</li> <li>2) To carry out a full review of the Local Assessment and Hearings Procedures to ensure that the content is relevant and appropriate</li> <li>3) To not carry out a review</li> </ol>		
<p><b>4. CONSULTATION:</b></p>		
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)		✓

**6. IMPLICATIONS:**

Any full review of the Procedures will obviously result in demands on Officer and Member time, and consideration also needs to be given to adhering to official guidelines in terms of the content.

**7. REASON FOR THE DECISION:**

To ensure that the Procedures are concise, clear and achievable.

**8. BACKGROUND PAPERS:**

List of identified anomalies – Appendix A

Hearings Procedure - Appendix B

Local Assessment Procedure – Appendix C

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**Local Assessment Procedure**

Para	Current Procedure states:	Comment
6	Complaints which identify criminal conduct or breach of other regulations by any person may be referred by the MO to Sussex Police for consideration, in accordance with an agreed protocol as set out in Appendix B, or any other regulatory agency. In such cases the MO may pause the consideration of the complaint pending action by the other body.	Can we amend to clarify the protocol to allow discretion to carry out a parallel Code of Conduct investigation? Previous experience has identified significant delays due to the time taken for the Police to complete their investigation. This causes anxiety for both Subject Member and Complainants, and results in not achieving the timeframe for resolving a complaint.
14 & 16	Informal resolution outcomes	Para 16 allows for action if the SM "...refuses to engage..." but what if they just don't respond to contacts about resolution? Also, if we have no authority to enforce on Town/Parish Cllrs, the Town/Parish could, in cases of non-compliance, submit a further complaint. In terms of District Councillors, a subsequent Code of Conduct complaint could be submitted.
24	Before being finalised, a draft report will be produced and the complainant, Subject Member and IP will be invited to comment. Witnesses may also be asked to comment as appropriate <u>on parts of the draft report relevant to them.</u>	In the case of multiple complaints – recommend that separate reports be issued for each complaint (Possible data protection issues; makes it easier for Panel to consider complaints individually)
37	A decision notice will be published on the Council website within 5 working days of the Hearings Panel decision.  Hearings Panel procedure para 14 refers to 7 working days.	Need to align – 5 or 7 working days?

**Hearings Procedure**

Para	Current Procedure states:	Comment
2	The Hearings Panel need not reflect the political proportionality of the Council as a whole.	We would include representation from at least 2 different political groups
5 (e)	<i>When contacting the Subject Member about attending a Hearing:-</i> e) whether they wish to be accompanied at the hearing	The rule of natural justice will apply and the Subject Member will be advised that they can choose to be accompanied by a litigant friend. He or she may speak at the discretion of the Panel.
13	Following announcement of the Hearing Panel's findings, the Investigating Officer, the complainant and the Subject Member will be invited to make submissions, if necessary, regarding remedies or sanctions.	Remove the opportunity to comment on the remedies/sanctions. The decision of the Panel is final.
	Confidentiality – should Subject Members & Complainants be advised that they should not share the contents of the bundle to anyone else?	Difficult to determine when we don't know whether Hearing will be conducted in open or closed session. Should err on side of caution and instruct confidentiality initially?



# **Procedure for Hearings Panel of the Standards Committee**

Adopted by Standards Committee 18.02.21

Version 1.0

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

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



8. Subject to the discretion of the Chair, the hearing shall be conducted as follows:
  - a. The Investigating Officer will be invited to present their report and to call witnesses. The complainant, the Subject Member and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the Investigating Officer and any witnesses.
  - b. The complainant will be invited to comment on the report and its findings and to call witnesses. The Investigating Officer, the Subject Member and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the complainant and any witnesses.
  - c. The Subject Member will be invited to comment on the report and its findings and to call any witnesses. The Investigating Officer, the complainant and the Panel (including the Independent Person), in that order, may ask questions or seek clarification both of the Subject Member and any witnesses.
  - d. The Investigating Officer, the complainant and the Subject Member will be invited, in that order, to make brief concluding remarks.
  - e. The Subject Member will remain present throughout the hearing although any witnesses would only be present when being invited to present their evidence.
9. The Chair and Hearings Panel, including the Independent Person, may ask for advice at any stage from the Monitoring Officer or another officer appointed to advise the committee.
10. Once the hearing has been concluded, the Hearings Panel and the Monitoring Officer, or other officer where the Monitoring Officer has a conflict of interest, will then retire to consider its decision. The Hearings Panel is required to do the following:
  - (i) to make findings of the facts;
  - (ii) to decide on whether these facts constitute a breach of the Code of Conduct; and
  - (iii) where a breach is found, to decide on the appropriate sanction.
11. In deciding whether or not to uphold the complaint, the Hearings Panel must apply, as the standard of proof, the balance of probability.
12. The Hearings Panel will then return and announce its findings on whether there has been a breach of the Code and give reasons.
13. Following announcement of the Hearing Panel's findings, the Investigating Officer, the complainant and the Subject Member will be invited to make submissions, if necessary, regarding remedies or sanctions.
14. The Hearings Panel with the Monitoring Officer or other appropriate officer will then retire again to consider what, if any, sanction it wishes to impose. It will then announce its decision and give reasons. Following the hearing, a Decision Notice will be issued within 7 working days, and a copy shall be sent

to the complainant and Subject Member, and to the parish clerk where it is a parish council case.

15. There is no right of appeal against a decision on a Code of Conduct complaint. If the complainant or the Subject Member considers that the complaint has not been considered properly by the Hearings Panel, they may be able to complain to the Local Government Ombudsman or seek permission for judicial review.
16. The decision will be published on the Standards Committee pages of the Council's website. This includes decisions relating to members of Town or Parish councils.

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

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

## REVISIONS LOG

Revision Log		
Version Number	Date	Revision
1.0	18.02.21	Procedure adopted by Standards Committee

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# **Local Assessment Procedure 2021**

Approved by Standards Committee 18.02.21  
Version 1.0

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## **CASE HANDLING PROCEDURE**

### **BACKGROUND**

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

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

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

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

### **Initial assessment**

1. All allegations, including those against a town or parish councillor, must be made in writing to the Monitoring Officer of Arun District Council (MO)<sup>1</sup>.
2. Within 20 working days of receipt of the complaint the Monitoring Officer will decide whether any further action is necessary.
3. Anonymous complaints will not be accepted unless the MO concludes that there is a compelling public interest why a serious allegation made anonymously may be taken forward.
4. The MO may refer the matter to the Standards Committee to take the decision in his or her place and he or she may delegate the matter to his or her deputy or another officer if, for example he or she believes there is a conflict of interest. This power is at the discretion of the MO.
5. The MO will apply an initial filter to an allegation – for example, to check that the complaint is against a Member, that they were in office at the time of the alleged incident and that the matter would be capable of being a breach of the Code. If the MO is of the view that the complaint does not fundamentally

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<sup>1</sup> As defined by the Local Government & Housing Act 1989, Part 1, Section 5

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

6. Complaints which identify criminal conduct or breach of other regulations by any person may be referred by the MO to Sussex Police for consideration, in accordance with an agreed protocol as set out in Appendix B, or any other regulatory agency. In such cases the MO may pause the consideration of the complaint pending action by the other body.
7. If the MO decides the matter is within scope, he or she will invite an Independent Person (IP)<sup>2</sup> to give his or her views on what action should be taken at this stage. That IP will then remain the IP who will be consulted on that case throughout this process, except in exceptional circumstances.
8. The MO will also notify the Subject Member of the complaint unless there are compelling reasons not to and invite him/her to submit any relevant comments. The Subject Member will be given 10 working days to respond, from the date of the notification. In parish cases the MO may also notify the clerk and may ask for relevant factual information. However, the MO, in consultation with an IP, may withhold the complainant's identity if they can be satisfied that there are reasonable grounds for granting confidentiality, for example a belief that the complainant or any witness to the complaint may be at risk of physical harm or intimidation, or that their employment may be jeopardised if their identity is disclosed.
9. At the end of the 10 working days (regardless of whether any comments have been received by the Subject Member) the MO will decide one of the following outcomes:
  - a) to take no further action;
  - b) to seek to resolve the matter informally; or
  - c) to refer the matter for investigation.
10. In deciding what action is necessary the MO will consider the following non-exclusive factors:
  - a) does the complaint contain sufficient evidence to demonstrate a potential breach of the Code?;
  - b) are there alternative, more appropriate, remedies that should be explored first?;

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<sup>2</sup> The Independent Person is a person who has applied for the post and is appointed by Councillors of the Council. The definition of an Independent Person can be found in Section 28 of the Localism Act 2011.



- c) where the complaint is by one Councillor against another, a greater allowance for robust political debate (but not personal abuse or “unparliamentary” language) may be given;
  - d) is the complaint in the view of the MO malicious, politically motivated, or ‘tit for tat’?;
  - e) whether an investigation would not be in the public interest or the matter, even if proven, would not warrant any sanction (see Appendix 2);
  - f) whether a substantially similar complaint has previously been considered and no new material evidence has been submitted within the current administration
  - g) Whether a substantially similar complaint has been submitted and accepted
  - h) does the complaint relate to conduct in the distant past (over six months before)? This would include any reason why there had been a delay in making the complaint;
  - i) does the complaint actually relate to dissatisfaction with a Council (or Parish Council) decision rather than the specific conduct of an individual?; and
  - j) is it about someone who is no longer a member of the Council (or relevant Parish Council) or who is seriously ill
  - k) Where the matter complained of consists of alleged misconduct in the course of a formal Council meeting, whether the matter had already been dealt with satisfactorily during the meeting
11. All parties (and the clerk for parish cases) will be notified of the MO’s decision and there is no right of appeal against that decision.
12. A decision notice will not be published at this stage though the Council may issue a public statement if details of the complaint are already in the public domain.
13. The MO will report to the Standards Committee periodically on cases in which there has been no further action taken.

### **Informal resolution**

14. Where the MO has decided to seek to resolve the matter informally, he or she may do one or more of the following:
- a) ask the Subject Member to submit an apology in writing to the complainant;
  - b) convene a meeting between the Subject Member and the complainant in order to try to resolve the issue informally;
  - c) notify the Subject Member’s group leader (where they are a member of a group) and suggest that they may wish to take some internal party action;
  - d) suggest that the Subject Member undergo relevant training;
  - e) other such action that the MO deems appropriate.
15. The MO will decide on a timeframe within which the informal resolution must be completed to an acceptable standard.

16. If either the Subject Member or complainant refuses to engage with the informal resolution proposed by the MO, or the MO deems the action taken by the Member insufficient or the informal resolution does not take place in a timely way, the MO will decide, in consultation with an IP, whether the case should be closed, whether an investigation is necessary, or whether some other action should be taken.
17. The MO will notify the complainant (and clerk in parish cases) of the outcome of the informal resolution.
18. The MO will report to the Standards Committee periodically on the outcome of any informal resolutions proposed and/or implemented.

## **Investigation**

19. Where a matter is referred for investigation, the MO may carry out the investigation him/herself, delegate it to another officer or contract it out to an outside body.
20. The investigation must normally be completed within 3 months of the MO decision to accept the complaint. If an extension of time is needed, the MO must agree that extension with the Chair of the Standards Committee and the IP and notify the Subject Member, complainant (and clerk in parish cases) of any extension.
21. The Subject Member is notified who the relevant IP is for the case and may seek his or her views at any stage during the investigation.
22. The complainant is also notified who the IP is and may make a request to the MO to seek the views of the IP. However, such a request will only be granted at the discretion of the IP in consultation with the MO.
23. At any time during the investigation the MO, the Subject Member or the complainant may ask for an informal resolution. The MO will consult with the relevant IP to agree this.
24. Before being finalised, a draft report will be produced and the complainant, Subject Member and IP will be invited to comment. Witnesses may also be asked to comment as appropriate on parts of the draft report relevant to them.
25. Where the investigation has not been personally conducted by the MO, the final decision as to outcome will nevertheless be made by the MO unless there is a conflict of interest, in which case the decision will be taken by the Deputy MO.
26. There may be exceptional circumstances when the MO decides that a case should be closed before a draft or final report has been produced due to a

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

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

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

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

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

30. Where the matter is referred for determination, the Hearings Panel of the Standards Committee will convene within 2 months. The MO will notify the complainant of the date of the hearing.

## **Hearings Panel**

31. A matter referred for determination by the MO will be heard by a Hearings Panel, made up of members of the Standards Committee.

32. At the start of the hearing the MO will advise the Hearings Panel whether the matter should be heard in public or in private, subject to the normal rules on exempt and confidential information and bearing in mind the public interest. The Hearings Panel will always, however, retire in private to consider its findings and possible action.

33. The views of the IP will be sought by the Hearings Panel and made public before the Hearings Panel reaches its decision.

34. The Hearings Panel may decide:

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

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

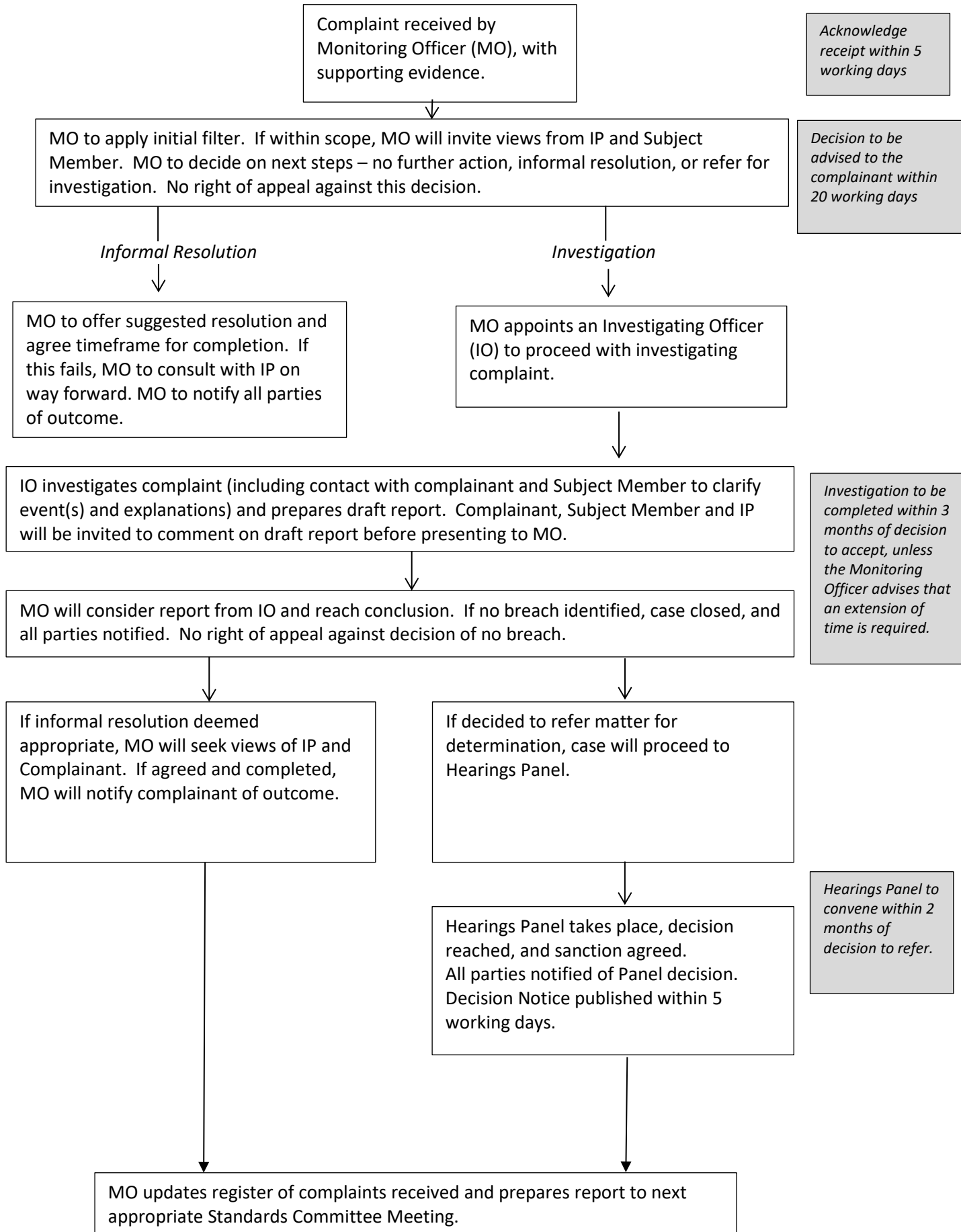
- a) report its findings in respect of the Subject Member's conduct to Council (or the relevant Parish Council);
- b) issue (or recommend to the Parish Council to issue) a formal censure;
- c) recommend to the Subject Member's Group Leader (or in the case of ungrouped Members, recommend to Council) that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

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

37. A decision notice will be published on the Council website within 5 working days of the Hearings Panel decision.

*Ends....*

## **APPENDIX A - PROCEDURE FLOWCHART**



**PROTOCOL  
BETWEEN  
ARUN DISTRICT COUNCIL’S MONITORING OFFICER  
AND  
SUSSEX POLICE**

This protocol is in place for the reporting of potential criminal offences arising under Section 34 of the Localism Act 2011 concerning the registration and/or disclosure of disclosable pecuniary interests as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The protocol will work on the following basis:

1. In the event that Arun’s Monitoring Officer receives a complaint regarding a potential disclosable pecuniary interest offence, they will make immediate contact with Sussex Police through the Chief Inspector, Arun and Chichester Commander. Current contacts are:

Name	Jon Carter, Chief Inspector
Email	<a href="mailto:Jonathan.carter@sussex.pnn.police.uk">Jonathan.carter@sussex.pnn.police.uk</a>
Tel	01273 404535 ext 590590

2. Similarly if Sussex Police receives a complaint, they will inform the Monitoring Officer at Arun District Council, currently

Name	Solomon Agutu – Interim Monitoring Officer
Email	<a href="mailto:monitoring.officer@arun.gov.uk">monitoring.officer@arun.gov.uk</a>
Tel	Via 01903 737601

3. Sussex Police will register the complaint and conduct an initial assessment but may approach Arun’s Monitoring Officer for background information on the complaint.
4. If Sussex Police decide not to prosecute the matter, they will normally pass the relevant evidence to Arun’s Monitoring Officer so that consideration can be given to an investigation under the Members Code of Conduct Local Assessment Procedure. In the event that Arun District Council’s Standards Committee decides to pursue an investigation through the Local Assessment Procedure, they will inform Sussex Police of their decision.
5. Both Arun’s Monitoring Officer and Sussex Police will endeavour to keep complainants regularly updated as to the progress of their complaint.

## REVISIONS LOG

Revision Log		
Version Number	Date	Revision
1.0	18.02.21	Procedure approved by Standards Committee

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## STANDARDS COMMITTEE WORK PROGRAMME 2021/22

Standards Committee Monitoring Officer	Report Author	Date of Meeting	Full Council Meeting Date
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>	12 Jan 22
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. Review of Independent Persons	Monitoring Officer		
5. Review of Local Assessment & Hearings Procedures	Monitoring Officer		
6. Review of the Members Code of Conduct	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer (via Shirley)	<b>30 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/Officer Protocol	Monitoring Officer		
5. Monitoring Officer Protocol	Monitoring Officer		

## ARUN DISTRICT COUNCIL

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

<b>SUBJECT:</b>	Register of Assessments of Complaints against Councillors
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<b>REPORT AUTHOR:</b>	Sameera Khan – Monitoring Officer
<b>DATE:</b>	November 2021
<b>EXTN:</b>	ext 37610
<b>AREA:</b>	Corporate Support – Law & Governance

#### 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 16 September 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	Taken to Hearings Panel 25.10.21 – Panel determined no breach
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. Complainant seeking further redress.
20/22	Arun District Council	Breach of Code (Paras 9 & 10)  Unacceptable conduct at a training event.		Monitoring Officer conducting initial assessment.
21/01 & 21/02	Arun District Council	Conduct at Committee Meeting		Complaints rejected – no breach identified
21/03	Bognor Regis Town Council	Bringing the Town Council into disrepute		Complaint rejected as mistake was human error – suggest that apology issued.
21/04	Arun District Council	Breach of Code (Paras 6, 7, 8, 9, 10, 11) Misuse of social media and lack of respect		Monitoring Officer conducting initial assessment
21/05	Arun District Council	Paras not identified as yet Disrespect to fellow Councillors and misuse of social media		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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