



Public Document Pack

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Committee Manager Helen Burt (Ext. 37614)

06 December 2022

STANDARDS COMMITTEE

A meeting of the Standards Committee will be held in **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Thursday 15 December 2022 at 6.00 pm** and you are requested to attend.

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

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's [Committee webpages](#).

1. Where a member of the public wishes to attend the meeting or 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, but of course can attend the meeting in person.
2. We request members of the public do not attend any face to face meeting if they 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 by 5.15 pm on **Wednesday 07 December 2022** in line with current Committee Meeting Procedure Rules.

It will be at the Chief Executive's/Chair's discretion if any questions received after this deadline are considered.

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

Members and Officers should make their declaration by stating:

- a) the item 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 13 October 2022 (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 - 10)

This is a regular report to the Committee by the Monitoring Officer to give the Committee an overview of the work of the Monitoring Officer that falls within the scope of the functions for which the Committee is responsible.

[10 Minutes]

7. MEMBER LEARNING AND DEVELOPMENT (Pages 11 - 30)

This report updates the Committee on the Member Induction Programme prepared by the Committee Services Manager and the Monitoring Officer. The programme will be implemented following the May 2023 local elections and will cover the induction, learning and development for all Councillors across the full range of their responsibilities and Committee memberships.

[30 Minutes]

8. MONITORING OFFICER PROTOCOL (Pages 31 - 42)

This report will bring forward a draft Monitoring Officer Protocol to explain the powers and duties of the Monitoring Officer and how they will be applied.

[30 Minutes]

9. REVIEW OF OPERATION AND EFFICACY OF THE PROTOCOL FOR MEMBER AND OFFICER RELATIONS (Pages 43 - 60)

This report brings forward a revised Protocol for Member and Officer Relations that brings the document up-to-date in order that it is fit for purpose and ensures that both Members and Officers understand their responsibilities, their relationships, where and how those intersect and how they work together in decision-making and day-to-day working.

[60 Minutes]

10. WORK PROGRAMME (Pages 61 - 62)

The Committee is required to note the Work Programme for 2022/23.

[5 Minutes]

11. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS (Pages 63 - 66)

This report updates the Committee on the complaints against Councillors received since the Monitoring Officer's last report on 13 October 2022. The Committee is responsible for promoting and maintaining high standards of conduct by Members of the District and Town & Parish Councils, for monitoring the operation of the Code of Conduct, and for considering the outcome of investigations in the event of breaches of the Code of Conduct.

[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 ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS (Pages 67 - 72)

This report updates the Committee on the complaints against Councillors received since the Monitoring Officer's last report on 13 October 2022. The Committee is responsible for promoting and maintaining high standards of conduct by Members of the District and Town & Parish Councils, for monitoring the operation of the Code of Conduct, and for considering the outcome of investigations in the event of breaches of the Code of Conduct.

[15 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](#).

Agenda Item 3

Subject to approval at the next Standards Committee meeting

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STANDARDS COMMITTEE

13 October 2022 at 6.00 pm

Present: Councillors English (Chair), Kelly (Vice-Chair), Bennett, Mrs English, Gregory and Wallsgrove

Also present was Independent Person Mr J Cooke

355. WELCOME

After welcoming Members and Officers to the meeting, the Chair welcomed Councillor Wallsgrove to the Committee and extended thanks to Councillor Bicknell for his service on the Committee.

356. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Independent Persons Mrs Sandra Prail and Mr John Thompson, and Councillors Coster and Caffyn.

357. DECLARATIONS OF INTEREST

Councillor P. English declared a Personal Interest in Agenda Items 8 and 10 as he was named on a complaint.

Councillor Wallsgrove declared a Personal Interest in Agenda Item 10 for a matter which had now been withdrawn.

358. MINUTES

The Minutes of the meeting held on 23 June 2022 were approved by the Committee. These would be signed at the end of the meeting.

359. 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

The Chair confirmed that there were no urgent matters for this meeting.

360. PUBLIC QUESTION TIME

The Chair confirmed one question had been submitted, which is briefly summarised below:

Standards Committee - 13.10.22

1. From Mr Chester to the Chair of the Standards Committee, Councillor P. English regarding Member and Officer relations.

(A schedule of the full question asked, and the response provided can be found on the [Standards Committee Public Question web page](#))

The Chair then drew Public Question Time to a close.

361. MONITORING OFFICER REPORT

Upon the invitation of the Chair, the Monitoring Officer introduced the report, which gave an overview of the work of the Monitoring Officer that fell within the scope of the functions for which the Committee was responsible. The Review of the Member/Officer Protocol would be coming to Committee in December, with a focus on ensuring this was up-to-date and fit for purpose. In the run-up to the elections, he would be reviewing the Social Media Guidance for Councillors and the Local Assessment Procedure and presenting these to the Committee. The Member Induction Programme would also be presented to the Committee in December. The Monitoring Officer also updated the Committee that since the report had been produced, Councillor Wallsgrove had completed her training to sit on the Standards Committee, the Audit & Governance Committee and the Planning Committee, for which she was a named substitute.

Members then took part in a question and answer session where the following points were raised:

- Could Members that had completed training for any committee, but who do not sit on that committee and are not a named substitute, be added to the training matrix so they could substitute if required? The Monitoring Officer confirmed he was happy with this.
- When bringing forward to the Standards Committee a new version of the Constitution or any other document, could the web address be displayed so that this can be easily located? The Monitoring Officer confirmed he was happy to do this.

The Committee noted the report.

362. WORK PROGRAMME

Upon the invitation of the Chair, the Monitoring Officer introduced the Work Programme.

It was asked whether the Induction Programme from four years ago could be appended to the Member Learning and Development report due to be presented to the Committee in December. The Monitoring Officer confirmed that details of the 2019 Induction Programme would be included in his report.

The Work Programme was noted by the Committee.

363. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS

[Councillor P. English re-declared his Personal Interest in Agenda Items 8 and 10]

Upon the invitation of the Chair, the Monitoring Officer introduced the report. He drew Members' attention to the table at Paragraph 4.3 which identified the number of complaints received; who the complaints were against; who they were made by; and whether they had been resolved by informal resolution. He explained that it had been a relatively busy period, although most cases had now been resolved.

There were no questions from Members.

The Committee noted the contents of the report.

364. EXEMPT INFORMATION

One Member felt it was unnecessary to move into exempt business, and the item should be discussed openly. Following a discussion around this, Councillor J. English proposed to move into exempt business, which was seconded by Councillor Gregory.

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.

365. REGISTER OF ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS

Following a discussion, Members requested that they be provided with more detailed information on each individual complaint at future Committee meetings. The Monitoring Officer confirmed he was happy to do this.

The Committee noted the contents of the report.

Subject to approval at the next Standards Committee meeting

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Standards Committee - 13.10.22

(The meeting concluded at 6.46 pm)

REPORT TO:	Standards Committee 15.12.22
SUBJECT:	Monitoring Officer Report – December 2022
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor Paul English
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The Localism Act 2011 requires local authorities to “...promote and maintain high standards of conduct by members and co-opted members of the authority.” [Chapter 7, para 27(1)].	
DIRECTORATE POLICY CONTEXT:	
None	
FINANCIAL SUMMARY:	
No financial implications as this is an information report.	

1. PURPOSE OF REPORT

The Council’s Constitution (Part 3, Section 5.4) outlines the responsibility of the Standards Committee, and this report informs Committee Members of matters relating to this responsibility.

2. RECOMMENDATIONS

1.1. The Committee is asked to note the contents of this report.

3. EXECUTIVE SUMMARY

1.2. This is a regular report to the Committee by the Monitoring Officer to give the Committee an overview of the work of the Monitoring Officer that falls within the scope of the functions for which the Committee is responsible.

4. DETAIL

4.1. The functions of the Monitoring Officer are set out in Part 2 of the Constitution (Article 11; Para 4). 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. N/A

- d. 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.
- e. Conducting investigations – the Monitoring Officer will consider allegations of misconduct by Councillors in accordance with the Council’s adopted Local Assessment Procedure.
- f. N/A
- g. N/A
- h. N/A

Maintaining the Constitution

- 4.2. The latest version of the Constitution was published on 31 May 2022. The Monitoring Officer has since identified a number of items that require amendment, including changes to job titles and reporting lines following the Chief Executive’s restructure of senior management in July 2022. Proposed amendments will be presented to a future meeting of the Constitution Working Party and Full Council.

Protocol on Member and Officer Relations (Part 8.2 of the Constitution)

- 4.3. The Protocol provides the guide to good working relationships between Members and Officers of the Council. The Monitoring Officer has reviewed the Protocol to ensure it is up-to-date and fit for purpose, that it reflects current national guidance, and that it provides a genuinely effective guide for both Councillors and Officers in their daily interactions. This latter point is vital to the fundamental principle that Councillors and Officers should work together as one ‘team’. The proposed amended Protocol is being presented to Committee as a separate item on this meeting’s Agenda.

Monitoring take-up of the Arun new Code of Conduct by Parish and Town Councils

- 4.4. The Monitoring Officer has nothing to report on this matter at this meeting.

Signing Acceptance of the Code of Conduct

- 4.5. The Monitoring Officer monitors the signing of acceptance by Councillors of the Code. All Arun District councillors have signed their declarations.

Monitoring the Operation of the Code of Conduct

- 4.6. The Monitoring Officer has nothing to report on this matter at this meeting.

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

- 4.7. The Monitoring Officer will be reviewing the Local Assessment Procedure in line with comments made at previous Committee meetings. The proposed amendments to the Procedure will be presented to Committee as a separate item at the next meeting (23 February 2023).

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.

4.8. The Monitoring Officer has nothing to report on this matter at this meeting.

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

4.9. The register of complaints under consideration and investigation is a separate item on the agenda for this meeting and shows where investigations are in progress.

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

4.10. Training on the Code of Conduct will be incorporated into the Members Induction Programme that will follow the local elections in May 2023. The final induction programme will be brought to the Committee at its meeting in February.

Recruitment of Independent Persons

4.11. The Monitoring Officer has nothing to report on this matter at this meeting.

Member Learning and Development

4.12. The Committee is referred to the Training Matrix attached at Appendix A. This records the mandatory training which Councillors are required to have completed before they can sit on specific Committees. The matrix assists those Councillors looking for a substitute to know who can be asked.

4.13. The Monitoring Officer is constantly monitoring the training and development of Councillors on all areas related to their work.

4.14. The Monitoring Officer will be discussing proposals for a Learning & Development Programme for Councillors as a separate item on this meeting's Agenda.

5. CONSULTATION

5.1. This report forms a consultation tool with Committee Members.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1. None.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1. As this is an information report, no financial implications are identified.

8. RISK ASSESSMENT CONSIDERATIONS

8.1. As this is an information report, no risk assessment considerations are necessary.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1. The Monitoring Officer's comments are contained within the body of the report.

For items 10 – 17 below, there are no direct impacts arising from this report.

10. HUMAN RESOURCES IMPACT

11. HEALTH & SAFETY IMPACT

12. PROPERTY & ESTATES IMPACT

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15. CRIME AND DISORDER REDUCTION IMPACT

16. HUMAN RIGHTS IMPACT

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

CONTACT OFFICER:

Name: Daniel Bainbridge
Job Title: Monitoring Officer
Contact Number: 01903 737607

BACKGROUND DOCUMENTS: None

PENDLETON	PURCHASE	RHODES	ROBERTS	SEEX	SMITH	STAINTON	STANIFORTH	STANLEY	THURSTON	TILBROOK	WALLSGROVE	DR WALSH	WARR	WORNE	YEATES	
																Committee Training
																Planning Policy
																Planning Policy (trained as subs)
																Planning Committee
																Planning Committee (Named subs)
																Planning Committee (trained as subs)
																Audit & Governance
																Audit & Governance (trained as subs)
																Licensing Committee
																Licensing Committee (trained as subs)
																Licensing Sub-Committee NB No provision for substitute or reserve (Full Council 15.07.20)
																Standards Committee
																Standards Committee (trained as subs)
																Other Training
																Treasury Management Link Group) - 13 July 2021
																Code of Conduct Training (7 Dec 2021)
																Committee System Training Training (6&11 Jan 2022)
																Committee System Training for Chairs/Vice-Chairs (13 Jan 2022)
																Planning - Appeals Performance & Monitoring Report 01.02.22
																Appeals Monitoring & Performance (Feb 2022) [for Planning C'ttee Members]
																Notes:
																Key:-
																Training attended/completed
																Training required but not completed
																Trained as subs

REPORT TO:	Standards Committee 15.12.22
SUBJECT:	Member Learning & Development
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor Paul English
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The Localism Act 2011 requires local authorities to “...promote and maintain high standards of conduct by members and co-opted members of the authority.” [Chapter 7, para 27(1)].	
DIRECTORATE POLICY CONTEXT:	
A full and effective Member Induction Programme is vital to the proper induction all Members following local elections, together with ongoing training during their four-year term.	
FINANCIAL SUMMARY:	
No financial implications identified.	

1. PURPOSE OF REPORT

The purpose of this report is to update the Committee on the progress of the Member Induction Programme for May/June 2023.

2. RECOMMENDATIONS

- 1.1. The Committee is asked to note the progress of the draft induction programme and to note that a finalised version will be brought to the Committee at its February 2023 meeting.

3. EXECUTIVE SUMMARY

- 1.2. This report updates the Committee on the Member Induction Programme prepared by the Committee Services Manager and the Monitoring Officer. The programme will be implemented following the May 2023 local elections and will cover the induction, learning and development for all Councillors across the full range of their responsibilities and Committee memberships.

4. DETAIL

- 1.3. The May 2023 local elections will see the membership of the Council change as it does with every four-year cycle of ‘all out’ elections. This means that post-elections there will be a mix of returning Councillors together with new Councillors who are

either entirely new to local government or who may have been Councillors in the past but not during the 2019-to-2023 term.

- 1.4. With that being the case, it is vital that *all* Councillors undertake a full induction programme that covers both the general subject areas of the Council's business, councillor conduct and Member-Officer working, together with specific training aimed at those Councillors who will be Members of specific Committees.
- 1.5. The Committee Services Manager and the Monitoring Officer have worked together as well as with Officer colleagues and external trainers to develop a programme that is suited to the committee system of governance, as well as covering those areas of induction that the Monitoring Officer considers are particularly key at Arun District Council.
- 1.6. The draft programme is set out within Appendix 1 to this report. The principle will be that sessions will be held in person and not virtually, as this increases engagement between Members and with those Officers and external trainers who will be running the sessions. Virtual attendance can also increase distractions during a very important time in a Member's part of the new Council. This principle accords with the Committee's view expressed at its meeting in June 2023.
- 1.7. The programme will provide for some daytime sessions, which will be necessary in order to get the full benefit from the time available – particularly in respect of sessions relating to the roles of Councillors and Councillor conduct.
- 1.8. As requested by the Committee at its last meeting in October, a copy of the induction programme is attached at Appendix 2 in order that the Committee can see how the programme has been further developed in comparison with the 2019 version.
- 1.9. The Committee is asked to discuss the draft programme and to note that it remains a work in progress and the finalised version will be brought to the Committee for noting in February 2023.

5. CONSULTATION

- 5.1. Consultation has taken place with the Corporate Management in order to ensure the programme aligns with their principles of governance for the Council.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. There are, in practice, no alternative options. A full induction programme is fundamental to the proper introduction of the new membership to the Council, its operation, its Committees and the expectations placed upon them in relation to very high standards of conduct. Not having an induction programme is not an option.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1. The costs of the Member Induction P

7.2.

7.3.

rogramme will be met from the 2023/24 budget that will be set by Full Council in early 2023.

8. RISK ASSESSMENT CONSIDERATIONS

8.1. The risk of not having an induction programme, or having a sub-standard programme, is that Members are not aware of their responsibilities as Members, Committee Members and Committee Chairs, and as decision-makers across the range of the Council's business.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1. The Monitoring Officer's comments are set out within the body of the report.

For items 10 – 17 below, there are no direct impacts arising from this report.

10. HUMAN RESOURCES IMPACT

11. HEALTH & SAFETY IMPACT

12. PROPERTY & ESTATES IMPACT

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15. CRIME AND DISORDER REDUCTION IMPACT

16. HUMAN RIGHTS IMPACT

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

CONTACT OFFICER:

Name: Daniel Bainbridge
Job Title: Monitoring Officer
Contact Number: 01903 737607

BACKGROUND DOCUMENTS: None

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**Arun District Council
Members Induction Programme 2023**

The programme has the following key elements:

1. Module One – Welcome to Arun and Getting Started – key information gathering, support
2. Module Two – The importance of being an Elected Member
3. Module Three – Arun – The Organisation
4. Module Four – Arun - The Place
5. Module Five – Key Partners
6. Specific training – supporting councillors in their role as a member of a committee. Please note that there are mandatory training requirements for those Members appointed to the Planning Committee; Planning Policy Committee; Licensing Committee; Standards and Audit & Governance Committees
7. Site visits – tours to key strategic sites and visits to meet key partner organisations
8. Partnerships

1. Core Induction

When	Session	Led by	Who should attend
5 May 2023	Election Count A welcome pack of key information will be provided to all elected District Councillors	Committee Services Team	All Councillors
10 May 2023 All day session commencing at 0930-1630 and 17.30 to 19.30 <i>Both sessions to be held in the Council Chamber And Blue Room [Public Gallery]</i>	Module 1 - Welcome to Arun – Getting Started - All Day and Evening Drop-In and bookable Sessions <ul style="list-style-type: none"> • <i>Signing the Declaration of Acceptance of Office – time slots with CEO tbc</i> • <i>Completion of Forms – Address, Contact Details for the web</i> • <i>Provision of ID for payroll purposes</i> • <i>Receiving and getting started with your IT and equipment handover – pre-booked time slots with IT tbc</i> • <i>Photographs for proximity passes [if not taken at Count]</i> • <i>How to access the car parking permit portal to organise free parking in the District’s car parks</i> • <i>How to claim allowances</i> 	Committee Services Team and IT	All Councillors

Arun District Council
Members Induction Programme 2023

11 May 2023
0930 -1630

(Lunch will be provided)

Council Chamber

- *Questions on welcome pack content/how to book yourself onto sessions*

Module 2 – Part 1 - The Importance of being an Elected Member

What are we about – understanding Local Government?

- Meet the Corporate Management Team (CMT)
- Relationships with officers – Officer/Member Protocols – a separate session has been organised for ? June 2023
- Our values
- Our priorities – The Council’s Vision
- Our successes
- How the organisation works

How does local government finance work?

- Where does the money come from?
- How is it spent?
- How is the budget set?
- Who sets the priorities?

Who is responsible for what?

- What is the Council’s decision making process
- How does the Committee Structure work
- What are the Directors and Group Heads roles (Senior Management Team)
- How we work together

Chair of the Council and CMT

All Councillors

CMT and Group Head of Finance

CMT and Monitoring Officer and SMT

All Councillors

**Arun District Council
Members Induction Programme 2023**

<p>16 May 2023 0930-1630</p> <p><i>(Lunch will be provided)</i></p>	<p>Module 3 – Arun – The Organisation</p> <p><i>How do you get things done - managing your expectations and boundaries?</i></p> <ul style="list-style-type: none">• What are the rules you must work to? [Note – code of conduct session 18 May 2023]• What are your individual responsibilities and obligations as a councillor?<ul style="list-style-type: none">○ Data protection○ Health and safety○ Equality, Diversity and Inclusion [tbc]○ Community engagement and leadership• What can you and can't you get involved in?• How we can support you? <p><i>What is the role of a Councillor?</i></p> <ul style="list-style-type: none">• Being a decision taker in the Arun organisation• How the political dimension affects your role• Being twin or multi-hatted• Being a Ward Councillor• What to expect from your constituents• How the officer team can help with constituency enquiries <p>What happens at a Full Council meeting?</p> <ul style="list-style-type: none">• What are the rules you must follow?• How do you have your say?• Mock debate	<p>Councillors Chief Executive and Monitoring Officer</p> <p>Councillors Chief Executive and Monitoring Officer</p> <p>Chair of the Council Chief Executive, Monitoring Officer Committee Services Manager</p>	<p>All Councillors</p> <p>All Councillors</p> <p>Newly elected Councillors</p>
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**Arun District Council
Members Induction Programme 2023**

<p>18 May 2023 1000-1600</p> <p>1000-1030 1030-1100</p> <p>1100-1115 1115-1230 1230-1315 1315-1430 1430-1530</p>	<p>Module 2 – Part 2 - The Importance of being an Elected Member – Governance</p> <ul style="list-style-type: none"> • <i>Presentation on the Constitution and Member Support</i> • <i>Training on Code of Conduct and how to complete Register of Interest Forms</i> • Break • <i>Resume Code of Conduct training</i> • Lunch • <i>Resume Code of Conduct training</i> • <i>Submission of Register of Interest Forms and questions</i> 	<p>Paul Hoey – Director of Hoey Ainscough Associates Ltd/Monitoring Officer</p>	<p>All Councillors – including those that have been re-elected</p> <p>Committee Services Team PA to the Monitoring Officer Members are asked to please bring their Register of Interest form pre-completed and signed when they attend this training to hand over to Committee Services</p>
<p>18 May 2023 1600-1900</p> <p>Council Chamber and Blue Room [Public Gallery]</p>	<p>Module 1 - Welcome to Arun – Getting Started – Afternoon Drop-In Session – Session 2</p> <ul style="list-style-type: none"> • <i>Signing the Declaration of Acceptance of Office – time slots with CEO tbc</i> • <i>Completion of Forms – Address, Contact Details for the web</i> • <i>Provision of ID for payroll purposes</i> • <i>Receiving and getting started with your IT and equipment handover – pre-booked time slots with IT tbc</i> • <i>Photographs for proximity passes [if not taken at Count]</i> • <i>How to access the car parking permit portal to organise free parking in the District’s car parks</i> • <i>How to claim allowances</i> • <i>Questions on welcome pack content/how to book yourself onto sessions</i> 	<p>Committee Services Team and IT</p>	<p>All Councillors</p>

**Arun District Council
Members Induction Programme 2023**

<p>31 May 2023 1800-2000</p>	<p>Annual Council Meeting and Reception</p> <ul style="list-style-type: none"> • Get to know your colleagues and the officer team 	<p>Chair of the Council</p>	<p>All Councillors</p>
<p>? June 2023</p>	<p>Module 2 – The Importance of Being an Elected Councillor - Councillor and Officer Relationships – Working Effectively Together – Managing the Political Relationship</p> <ul style="list-style-type: none"> • Clarifying the role and responsibilities of councillors and officers. • The political interface between councillors and officers – the challenges and opportunities. • Exploring perceptions, motivations and expectations of councillors and officers. • The ideal working arrangement between councillors and officers • Putting it into practice – strategies for effective and collaborative working between councillors and officers. 	<p>South East Employers/ CMT/Monitoring Officer</p>	<p>All Councillors</p>
<p>? May/June 2022 TBC</p>	<p>Further IT training</p> <ul style="list-style-type: none"> • Getting started with your IT equipment • Using the Modern.Gov committee management system 	<p>Technology Team and Committee Services</p>	<p>All Councillors</p>
<p>TBC</p>	<p>Safeguarding and Equalities</p> <ul style="list-style-type: none"> • What are your individual responsibilities and obligations as a councillor 	<p>Group Head of Community Wellbeing and Communities Group Head of Organisational Excellence</p>	<p>All Councillors</p>
<p>TBC</p>	<p>Carbon Reduction Climate Adaptation – Biodiversity for Councils????????????</p>		

**Arun District Council
Members Induction Programme 2023**

2. Specific Training

When	Session	Led by	Who should attend
24 May 2023 [tbc] 18.00-20.00	A Planning Workshop for Councillors <ul style="list-style-type: none"> • What are your responsibilities as a member of the Development Control Committee • How does Planning law work • How does the decision making process work at Arun 	Group Head of Planning and external trainer	Councillors appointed to the Planning Committee and Planning Policy Committee including named substitutes
25 May 2023 [tbc] 09.30-17.00 <i>(Lunch to be provided)</i>	A Planning Workshop for Councillors [Session Two for those that cannot attend 24 May Session] <ul style="list-style-type: none"> • What are your responsibilities as a member of the Development Control Committee • How does Planning law work <p>How does the decision making process work at Arun</p>	Group Head of Planning and external trainer	Councillors appointed to the Planning Committee and Planning Policy Committee including named substitutes
29 June 2023 1400-1700	What's involved in being a member of the Standards Committee	Paul Hoey – Director of Hoey Ainscough Associates Ltd/Monitoring Officer	Councillors appointed to the Standards Committee and substitutes Committee Services Team
? June 2023 TBC	What's involved in being a member of the Licensing Committee <ul style="list-style-type: none"> • Possible use of the LGA's e-learning programme – Jane to chase Nat for a response 	Group Head of Technical Services	Councillors appointed to the Licensing Committee
22 June 2023 1800-2000	Treasury Management Training	Richard Bason – Senior Director – the Link Group	All Councillors especially those appointed to the Audit & Governance Committee
? July 2023 1630-1800	What's involved in being a member of the Audit & Governance Committee	Group Head of Finance and Chief Internal Auditor	Councillors appointed to the Audit & Governance Committee

**Arun District Council
Members Induction Programme 2023**

Site Visits

When	Module 4 – Arun: The Place	Led by	Who should attend
Over June to December 2023 Date or Dates TBC	<p>The initial programmes is based on:</p> <p>4 (a) Visits to key sites in the district (major developments, regeneration, key departmental services and initiatives either as a whole full day or split - TBC:</p> <p>4 (b) Meeting with Councillors for each Ward to highlight Ward profile</p> <p>There will be the opportunity to visit sites of interest on a Ward basis by arrangement with the relevant Group Head.</p>	CMT/Group Heads	All Councillors
When	Module 5 - Partners	Led by	Who Should Attend
TBC	<p>5 (a) Chief Executive to lead</p> <ul style="list-style-type: none"> • outline Arun’s key partnerships, Community Strategy, short presentations from one or two key partners e.g. Police Commander • Focus on value of partnership working and relationships • Market place – stalls representing key partners • Networking and refreshments <p>5 (b) - Member visits to partner organisations</p>	Chief Executive/CMT/Group Heads of Services	All Councillors

For more information, please contact Jane Fulton, Committee Services Manager on:

Email: jane.fulton@arun.gov.uk

Tel: 01903 737611

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Welcome to Arun District Council Members Induction Programme 2019

The programme has three main elements:

1. Core Induction – key information, support, resources and training for new and returning councillors
2. Specific training – supporting councillors in their role as a member of a committee. Please note there are mandatory training requirements for those Members who are appointed to the Development Control, Planning Policy, Licensing, Standards and Audit & Governance Committees
3. Site visits – tours to key strategic sites and visits to meet key partner organisations

1. Core Induction

When & Where	Session	Led by	Who should attend
3 May 2019 Arun Leisure Centre, Felpham	Election Count A welcome pack of key information will be provided to all elected District Councillors	Communications Team	All Councillors
9 May 2019 0930-1630 (Lunch will be provided) Council Chamber Arun Civic Centre Littlehampton	Session 1 - Welcome to Arun <i>What are we about?</i> <ul style="list-style-type: none"> • Meet the Corporate Management Team (CMT) • Meet the new Council • Our values • Our priorities • Our successes • How the organisation works <i>How does local government finance work?</i> <ul style="list-style-type: none"> • Where does the money come from? • How is it spent? • How is the budget set? • Who sets the priorities? • The financial outlook for 2020/21 <i>Who is responsible for what?</i> <ul style="list-style-type: none"> • What is the Council's decision making process • What is the Cabinet and Cabinet Member's role • What are the Group Heads roles 	Chairman of the Council and CMT CMT and Group Head of Corporate Support Cabinet Members and SMT	All Councillors All Councillors All Councillors

When & Where	Session	Led by	Who should attend
9 May 2019 1700-1900	ICT training <ul style="list-style-type: none"> • Getting started with your IT equipment • Using the Modern.Gov committee management system 	ICT Team	All Councillors will need to attend one of the six sessions. Places will be allocated on a first come first served basis – maximum of 10 per session Please book on this session by contacting: committees@arun.gov.uk
10 May 2019 1000-1200	ICT training <ul style="list-style-type: none"> • Getting started with your IT equipment • Using the Modern.Gov committee management system 	ICT Team	Please book on this session by contacting: committees@arun.gov.uk
10 May 2019 1400-1600	ICT training <ul style="list-style-type: none"> • Getting started with your IT equipment • Using the Modern.Gov committee management system 	ICT Team	Please book on this session by contacting: committees@arun.gov.uk
13 May 2019 1430-1630	ICT training <ul style="list-style-type: none"> • Getting started with your IT equipment • Using the Modern.Gov committee management system 	ICT Team	Please book on this session by contacting: committees@arun.gov.uk
13 May 2019 1800-2000	ICT training <ul style="list-style-type: none"> • Getting started with your IT equipment • Using the Modern.Gov committee management system 	ICT Team	Please book on this session by contacting: committees@arun.gov.uk
15 May 2019 1000-1200	ICT training <ul style="list-style-type: none"> • Getting started with your IT equipment • Using the Modern.Gov committee management system 	ICT Team	Please book on this session by contacting: committees@arun.gov.uk

When & Where	Session	Led by	Who should attend
16 May 2019 0930-1630 <i>(Lunch will be provided)</i> Venue TBC	Session 2 - What is your role as Councillor? <i>How we need to work together</i> <ul style="list-style-type: none"> • Working together • Communication channels <i>How do you get things done - managing your expectations and boundaries?</i> <ul style="list-style-type: none"> • What are the rules you must work to? • What are your individual responsibilities and obligations as a councillor? <ul style="list-style-type: none"> ○ Data protection ○ Health and safety • What can you and can't you get involved in? • What does the Code of Conduct mean to you? • How we can support you? <i>What is the role of a Councillor?</i> <ul style="list-style-type: none"> • Being a decision taker in the Arun organisation • How the political dimension affects your role • Being twin or multi-hatted • Being a Ward Councillor • What to expect from your constituents • How the officer team can help with constituency enquiries <i>What happens at a Full Council meeting?</i> <ul style="list-style-type: none"> • What are the rules you must follow? • How do you have your say? • Mock debate 	Chief Executive Councillors Chief Executive and Monitoring Officer Councillors Chief Executive and Monitoring Officer Chairman of the Council Chief Executive and Monitoring Officer	All Councillors All Councillors All Councillors Newly elected Councillors

<p>22 May 2019 1800-2000</p> <p>Millennium Chamber Littlehampton Town Council Offices</p>	<p>Annual Council Meeting Reception</p> <ul style="list-style-type: none"> • Get to know your colleagues and the officer team 	<p>Chairman of the Council</p>	<p>All Councillors</p>
<p>TBC</p>	<p>Safeguarding and Equalities</p> <ul style="list-style-type: none"> • What are your individual responsibilities and obligations as a councillor 	<p>Group Head of Community Wellbeing and Group Head of Policy</p>	<p>All Councillors</p>

2. Specific Training

When & Where	Session	Led by	Who should attend
<p>20 May 2019 0930-1630 <i>(Lunch will be provided)</i></p> <p>Council Chamber Arun Civic Centre Littlehampton Or Millennium Chamber Littlehampton Town Council Offices</p>	<p>A Planning Workshop for Councillors</p> <ul style="list-style-type: none"> • What are your responsibilities as a member of the Development Control Committee • How does Planning law work • How does the decision making process work at Arun 	<p>Group Head of Planning and external trainer</p>	<p>Councillors appointed to the Development Control Committee must attend</p>
<p>10 June 2019 0930-1630 <i>(Lunch will be provided)</i></p> <p>Council Chamber Arun Civic Centre Littlehampton</p>	<p>A Local Plan and Community Infrastructure Levy Workshop for Councillors</p> <ul style="list-style-type: none"> • Introduction to the Planning system • What is the National Planning Policy Framework • What are the requirements of the Local Plan • How does the Community Infrastructure Levy (CIL) operate 	<p>Group Head of Planning and external trainer</p>	<p>Councillors appointed to the Planning Policy Sub-Committee must attend</p>
<p>20 June 2019 1800-2000 <i>(Tea will be provided)</i></p> <p>Council Chamber Arun Civic Centre Littlehampton</p>	<p>What is the role of Scrutiny in Arun?</p> <ul style="list-style-type: none"> • What it means • What it can do • How it can hold partners, contractors and other external bodies to account • What further training is planned 	<p>Group Head of Policy</p>	<p>Councillors appointed to the Overview Select Committee and Chairmen & Vice-Chairmen of Housing & Customer Care and Environment & Leisure Working Groups</p>

21 June 2019 0930-1130 Council Chamber Arun Civic Centre Littlehampton	What's involved in being a member of the Licensing Committee	Group Head of Technical Services	Councillors appointed to the Licensing Committee must attend
25 July 2019 1630-1800 <i>(Tea will be provided)</i> Council Chamber Arun Civic Centre Littlehampton	What's involved in being a member of the Standards Committee	Monitoring Officer	Councillors appointed to the Standards Committee must attend
30 July 2019 1630-1800 <i>(Tea will be provided)</i> Council Chamber Arun Civic Centre Littlehampton	What's involved in being a member of the Audit & Governance Committee	Group Head of Corporate Support and Chief Internal Auditor	Councillors appointed to the Audit & Governance Committee must attend

3. Site Visits

These visits will only take place where there is sufficient interest expressed by Councillors. Places will be allocated on a first come, first served basis. Please contact the Committee Services Team to show your interest on:

Email: committees@arun.gov.uk

Tel: 01903 737611

When	Time	Visit/Tour	Led by	Who should attend
22 July 2019	0900-1230	Local Plan Strategic Sites	Group Head of Planning	All Councillors
30 July 2019 and 29 August 2019	1400-1630	Regeneration sites in the District	Group Head of Economy	All Councillors
TBC		Littlehampton Wave (New Leisure Centre)	Group Head of Community Wellbeing	All Councillors
TBC		Horticultural businesses in the District	Group Head of Policy	All Councillors
TBC		Ford Prison	Group Head of Community Wellbeing	Newly elected Councillors
TBC		Waste Recycling Plant at Ford	Group Head of Neighbourhood Services	All Councillors
TBC		Parks and Greenspaces	Group Head of Neighbourhood Services	Ward Councillors

For more information, please contact Liz Fatcher, Group Head of Council Advice & Monitoring Officer on:

Email: liz.fatcher@arun.gov.uk

Tel: 01903 737610

REPORT TO:	Standards Committee 15.12.22
SUBJECT:	Monitoring Officer Protocol
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor Paul English
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The Monitoring Officer Protocol improves the Council’s corporate governance framework and helps to protect the interests of the Council.	
DIRECTORATE POLICY CONTEXT:	
The Monitoring Officer Protocol provides Members and Officers with a clear explanation of the powers and duties of the Monitoring Officer and how they will be applied.	
FINANCIAL SUMMARY:	
No financial implications are identified.	

1. PURPOSE OF REPORT

To consider the draft Monitoring Officer Protocol.

2. RECOMMENDATIONS

1.1. It is recommended that the Committee:

2.1.1 Considers and endorses the draft Monitoring Officer Protocol attached as the Appendix to this report; and

2.1.2 Recommends to Full Council that the Monitoring Officer Protocol be included within Part 8 of the Constitution.

3. EXECUTIVE SUMMARY

1.2. This report will bring forward a draft Monitoring Officer Protocol to explain the powers and duties of the Monitoring Officer and how they will be applied.

4. DETAIL

1.3. The designation of one of the Council’s officers as the Monitoring Officer is a statutory requirement under the Local Government and Housing Act 1989.

1.4. The main functions of the Monitoring Officer are set out in Part 2, Article 11, Paragraph 4.0 of the Council’s Constitution which are reproduced below:

- (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) **Ensuring lawfulness and fairness of decision making** – after consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the council if they consider that any proposal, decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Contributing to the Corporate Management Team** – the Monitoring Officer will contribute to the corporate management of the Council.
- (d) **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.
- (e) **Conducting investigations** – the Monitoring Officer will consider allegations of misconduct by councillors in accordance with the Council’s adopted Local Assessment Procedure.
- (f) **Advising whether decisions are within the Budget and Policy Framework** – the Monitoring Officer and/or the Chief Financial Officer will advise whether decisions are in accordance with the Budget and Policy Framework.
- (g) **Providing advice** – the Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity, and Budget and Policy Framework issues to all Councillors; and will support and advise Councillors and Officers in their respective roles.
- (h) **Restrictions on posts** – the Monitoring Officer may not be the Chief Financial Officer or the Head of Paid Service.

4.3 The draft Protocol expands upon the Articles of the Constitution’s description of these functions by providing greater detail in relation to their basis and their operation in practice. The draft Protocol sets out how the Monitoring Officer will operate in order to maintain the high standards of ethical conduct throughout the Council; contribute to and be a key part of effective corporate governance; and work to protect and safeguard the Council’s interests.

4.4 Approving a clear Monitoring Officer protocol is key to ensuring that all members of the Council understand the role of the Monitoring Officer and, looking forward, it will also be key for any new and returning members following the May 2023 elections.

5. CONSULTATION

5.1. The Monitoring Officer Protocol sets out the Monitoring Officer’s powers and duties and is not the subject of external consultation.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. The absence of a Monitoring Officer Protocol leaves Members, Officers and general public without a document setting out the purpose, role, powers and duties of the Monitoring Officer. Therefore, the option of continuing to operate without a Protocol has been discounted.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1. No financial implications have been identified.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1. There are no perceived risks to implementing such protocol, and in practice the incorporation of the protocol into the Constitution should help reduce risk across the Council by creating further clarity in respect of corporate governance.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1. The Monitoring Officer's comments are set out within the body of the report.

For items 10 – 17 below, there are no direct impacts arising from this report.

10. HUMAN RESOURCES IMPACT

11. HEALTH & SAFETY IMPACT

12. PROPERTY & ESTATES IMPACT

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15. CRIME AND DISORDER REDUCTION IMPACT

16. HUMAN RIGHTS IMPACT

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

CONTACT OFFICER:

Name: Daniel Bainbridge
Job Title: Monitoring Officer
Contact Number: 01903 737607

BACKGROUND DOCUMENTS: None



DRAFT

Monitoring Officer Protocol

<i>Decision/Adoption date</i>	<i>e.g. Committee or Council Minute ref</i>
<i>Review date</i>	

MONITORING OFFICER PROTOCOL

1. General Introduction to Statutory Responsibilities

- 1.1 The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989 and is accountable to the Council. That Act, the Local Government Act 2000 and the Local Government, Public Involvement in Health Act 2007 and the Localism Act 2011 place personal obligations on the appointee in respect of the Council, which are summarised as a schedule in the Appendix to this Protocol. This Protocol provides some general information on how those statutory requirements will be discharged at Arun District Council.
- 1.2 The current responsibilities of the Monitoring Officer role rest with the Group Head of Law and Governance, who undertakes to discharge his/her statutory responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In doing so s/he will also safeguard, so far as is possible, Members and Officers whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
- 1.3 The main functions of the Monitoring Officer at Arun District Council are:
- i. To report to the Council and to the Executive in any case where s/he is of the opinion that any proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5A of the Local Government and Housing Act 1989;
 - ii. To investigate any matter, which s/he has reason to believe may constitute, or where s/he has received an allegation that a matter may constitute, a reportable incident under Sections 5 and 5A of the LGHA 89;
 - iii. To act as the principal adviser to the authority's Standards Committee;
 - iv. To act as the principal adviser to the authority's Standards Panel;
 - v. To maintain the register of members' interests;
 - vi. To act as the Proper Officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and its Committees;
 - vii. To have responsibility for responding to complaints to the Local Government Ombudsman;
 - viii. To undertake, with others, investigations in accordance with the Council's Whistleblowing procedures;
 - ix. To act as Proper Officer for the Data Protection Act 1998 and the Freedom of Information Act 2000
- 1.4 It is the Monitoring Officer's duty to consult with both the Head of Paid Service (the Chief Executive) and the Chief Finance Officer (the Group Head of Finance and Section 151 Officer) during the preparation of a report under paragraph 1 above, and as soon as practicable after its preparation to arrange for a copy of it to be sent to each member of the Council. The Full Council must consider the report within 21 days of the Monitoring Officer having sent it to Members. Once the Monitoring Officer has sent out the report, the Council

cannot implement any proposal or decision to which it relates until the end of the first business day after they have considered it.

- 1.5 The Monitoring Officer is bound to perform all of his or her duties personally, save that during absence, unavailability or illness, a deputy nominated by him or her may undertake them.
- 1.6 In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:
 - i. complying with the law (including any relevant Codes of Conduct);
 - ii. complying with any General Guidance issued, from time to time, by the Standards Committee and the Monitoring Officer;
 - iii. making lawful and proportionate decisions;
 - iv. complying with the Council's Constitution and standing orders;
 - v. generally, not taking action that would bring the Council, their offices or professions into disrepute;
 - vi. communicating effectively with the Monitoring Officer and seeking advice on any issues relating to constitutional or ethical matters.

2. Working Arrangements

- 2.1 It is important that Members and Officers work together to promote the corporate health of the Council. The Monitoring Officer plays a key role in this and it is vital therefore that Members and Officers work with the Monitoring Officer (and his/her staff) to enable him/her to discharge his/her statutory responsibilities and other duties.
- 2.2 The following arrangements and understandings between the Monitoring Officer, Members and Chief Officers (Senior Management Team) are designed to ensure the effective discharge of the Council's business and functions. The Monitoring Officer will:
 - a) be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including, in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
 - b) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council at which a binding decision of the Council may be made (including a failure to take a decision where one should have been taken) at or before the Council, Committee meetings and/or Strategic Directorate (or equivalent arrangements);
 - c) have the right to attend any meeting of the Council (including the right to be heard) before any binding decision is taken by the Council (including a failure to take a decision where one should have been taken) at or before the Council, Committee meetings and/or Strategic Directorate (or equivalent arrangements);

- d) in carrying out any investigation(s) have unqualified access to any information held by the Council and to any Member or Officer who can assist in the discharge of his/her functions;
- e) ensure the other statutory officers (Head of Paid Service and the Chief Finance Officer) are kept up-to-date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- f) meet regularly with the Head of Paid Service and the Chief Finance Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- g) report to the Council, from time to time, on the Constitution and any necessary or desirable changes following consultation, in particular, with the Constitution Working Party, the Standards Committee, the Head of Paid Service and Chief Finance Officer;
- h) in accordance with statutory requirements, make a report to the Council, as necessary on the staff, accommodation and resources s/he requires to discharge his/her statutory functions;
- i) have an appropriate relationship and good communication with the Leader of the Council, the Chair of the Council, Political Group Leaders, the Chairs of the Standards Committee and the Audit & Governance Committee, and the Constitution Working Party with a view to ensuring the effective and efficient discharge of Council business;
- j) develop effective working liaison and relationship with the Council's auditors, the Local Government and Social Care Ombudsman and the Housing Ombudsman (including having the authority, on behalf of the Council, to complain to them, refer any breaches to them or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary) and settle any compensation payments for alleged or actual maladministration found against the Council in consultation with the Chief Executive and the appropriate Group Head
- k) maintain and keep up-to-date relevant statutory registers for the declaration of members' interests, gifts and hospitality;
- l) give informal advice and undertake relevant enquiries into allegations of misconduct (in the absence of a written complaint being received by the Monitoring Officer) and, if appropriate, make a written report to the Standards Committee (unless the Chair of the Standards Committee agrees a report is not necessary) if, in the opinion of the Monitoring Officer, there is a serious breach of Arun District Council's Members'

Code of Conduct;

- m) in consultation, as necessary, with the Leader of the Council and the Standards Committee, defer the making of a formal report under Section 5 Local Government and Housing Act 1989 where another investigative body is involved;
- n) undertake all statutory Monitoring Officer functions in respect of Town and Parish Councils within the District of Arun and make arrangements to ensure effective communication between his/her office and the Clerk to the Town and Parish Councils on Monitoring Officer and Standards Committee issues;
- o) be responsible for preparing any training programme for members on ethical standards and Code of Conduct issues;
- p) advise on all applications from Council employees (or prospective employees) for exemption from political restriction in respect of their posts and where appropriate sign the certificate of opinion required by the independent adjudicator;
- q) appoint a deputy(ies) and keep him/her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer. The Deputy(ies) will only act in the absence of the Monitoring Officer if urgent action is required which cannot await the return of the Monitoring Officer.

2.3 To ensure the effective and efficient discharge of the arrangements set out in paragraph 5 above, Members and Officers will report any breaches of statutory duty or Council policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

2.4 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality etc., or by identifying alternative and legitimate means of achieving the objective of the proposal.

2.5 Where the Monitoring Officer receives a complaint of a potential reportable incident, s/he shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.

2.6 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue.

- 2.7 In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the authority.
- 2.8 Notwithstanding the above, the Monitoring Officer retains the right in all cases to make a statutory report where, after consultation with the Chief Executive and the Chief Finance Officer, s/he is of the opinion that this is necessary in order to respond properly to a reportable incident. In addition, in appropriate cases, the Monitoring Officer may refer matters to the Police for investigation.
- 2.9 The Monitoring Officer is available for Members and Officers to consult on any issues of the Council's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements (e.g., Standing Orders, policy framework, terms of reference, scheme of delegations etc).
- 2.10 To ensure the effective and efficient discharge of this Protocol, the Chief Finance Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Council and the proper discharge of the Monitoring Officer role.

APPENDIX

Summary of Main Monitoring Officer Functions

1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy(ies)	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
6	Investigate allegations of misconduct of councillors under the Council's Member Code of Conduct in compliance with the Council's adopted arrangements	Localism Act 2011 Section 28 and associated regulations and guidance
7	Establish and maintain registers of members interests and gifts and hospitality	Section 29 of the Localism Act 2011 and Code of Conduct for Members.
8	Advice to members on interpretation of Code of Conduct	Members' Code of Conduct
9	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	Council's Constitution
11	Refer relevant matters to the Standards Committee in accordance with the Local Assessment Procedures	Council's adopted arrangements under Section 28 of Localism Act 2011
12	Advising on appropriateness of compensation for maladministration	Section 92 Local Government Act 2000
13	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	Council's Constitution
14	Advise on any indemnities and insurance issues for members/officers	Regulations under Local Government Act 2000.

15	Act as the qualified person	S36 Freedom of Information Act 2000 and Information Commissioner's Office Awareness Guidance No. 25
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The officer holding the designation Monitoring Officer also holds certain Proper Officer appointments as detailed in the Constitution.

DRAFT

REPORT TO:	Standards Committee 15.12.22
SUBJECT:	Review of Operation and Efficacy of the Protocol for Member and Officer Relations
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor Paul English
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The Localism Act 2011 requires local authorities to “...promote and maintain high standards of conduct by members and co-opted members of the authority.” [Chapter 7, para 27(1)].	
DIRECTORATE POLICY CONTEXT:	
None	
FINANCIAL SUMMARY:	
No financial implications identified.	

1. PURPOSE OF REPORT

This report provides an update to the Standards Committee on the operation and efficacy of the Protocol for Member and Officer Relations and brings forward proposed amendments to support its operation as a document governing high standards of conduct for Members and Officers.

2. RECOMMENDATIONS

It is recommended that the Committee:

- 1.1. notes the position set out in the report regarding the operation and efficacy of the Protocol for Member and Officer Relations; and
- 1.2. supports the proposed amendments to the Protocol and recommends to Full Council that the revised version be adopted.

3. EXECUTIVE SUMMARY

- 1.3. This report brings forward a revised Protocol for Member and Officer Relations that brings the document up-to-date in order that it is fit for purpose and ensures that both Members and Officers understand their responsibilities, their relationships, where and how those intersect and how they work together in decision-making and day-to-day working.

4. DETAIL

- 1.4. The Protocol for Member and Officer Relations is contained in Part 8.2 of the Council's Constitution. Its purpose, as set out in paragraph 1.1 of the Protocol, is:

“to provide a guide to good working relationships between Members and Officers of the Council. It clearly defines the respective roles of Members and Officers and provides some principles governing conduct.”

- 1.5. When the Council's Constitution was revised in 2021 with the move to the committee system of governance, the Protocol was reviewed and updated along with the rest of the Constitution. The Protocol has not been reviewed since then, and with the May 2023 local elections approaching the Monitoring Officer has reviewed the Protocol in order that it is brought up-to-date ahead of the new Council in May 2023.

The View of the Monitoring Officer on the Operation and Efficacy of the Protocol

- 1.6. The Monitoring Officer is of the view that the Protocol is a good document, subject to some suggested updates that are set out below. However, the Protocol is not generally referred to by Members and Officers in a day-to-day setting and is not as well understood as, for example, the Code of Conduct. Further, the Monitoring Officer has had a small number of instances of having to remind Members of their obligations under the Protocol.
- 1.7. With that being the case, it is important that the Protocol is brought up-to-date with the suggested amendments set out below. Crucially, the Protocol will form one of the key documents within the post-election Member Induction Programme in May and June 2023. At the same time the Monitoring Officer will work with the Corporate Management Team, Senior Management Team and service managers to refresh their understanding of the Protocol.
- 1.8. It is vital that the Protocol is not, either in theory or in practice, a document that applies only to Members. It is not. It is a two-way document that in practice should be 'owned' and its principles practised by both Members and Officers in equal measure. In doing so, Members and Officers together can support the very high standards of personal conduct expected by both the Members' Code of Conduct and the Employee Code of Conduct.

Proposed Amendments

- 1.9. The Monitoring Officer is proposing the following key updates to the Protocol:
- a) A new paragraph 1.4 setting out the shared objectives of the two Codes of Conduct and the fact that the Protocol reflects those objectives.
 - b) Clarification at paragraph 5.2 that Members are only responsible for the appointment of officers to whom responsibility lies under the Constitution (namely, statutory officers).

- c) Amendment to paragraph 7.1 to better reflect the operation of report drafting under the committee system.
- d) Additional wording at paragraph 10.3 to incorporate the accepted principle that officers are unable to respond to public criticism of them by Members, and therefore Members should refrain from public criticism of officers.
- e) Additional process wording at paragraphs 10.4 and 10.6 to better reflect practical steps.
- f) A new section 13 which sets out principles of how Members should approach their access to Officers. This is a common approach amongst local authorities to how new enquiries will be brought to Officers, which seeks to ensure that enquiries are brought to the correct Officer level and not junior Officers who have less or no experience of engaging with Members. The aim here is both to assist in the management of Officer workloads and to provide greater assistance and efficiency with their new enquiries.

Paragraph 13.1 provides guidance for Members that if they are unsure as to which officer(s) to contact with a new enquiry, then they should contact the Monitoring Officer.

- 4.7 The Monitoring Officer's view is that these amendments will ensure that the Protocol remains fit-for-purpose and is refreshed ahead of the May 2023 elections and the Member Induction Programme, to sit alongside the Code of Conduct and the Monitoring Officer Protocol and other documents as an important package of guidance for their conduct as councillors.

5. CONSULTATION

- 5.1. Consultation has taken place with the Corporate Management Team and Senior Management Team ahead of the publication of this report.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. The Protocol is an existing document within the Constitution and therefore needs to be reviewed on a regular basis. Not reviewing is not an option, as is not having a Protocol.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1. No financial implications have been identified.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1. As this is an information report, no risk assessment considerations are necessary.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1. The Monitoring Officer's comments are set out within the body of the report.

For items 10 – 17 below, there are no direct impacts arising from this report.

10. HUMAN RESOURCES IMPACT

11. HEALTH & SAFETY IMPACT

12. PROPERTY & ESTATES IMPACT

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15. CRIME AND DISORDER REDUCTION IMPACT

16. HUMAN RIGHTS IMPACT

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

CONTACT OFFICER:

Name: Daniel Bainbridge
Job Title: Monitoring Officer
Contact Number: 01903 737607

BACKGROUND DOCUMENTS: None

**PART 8 – CODES AND PROTOCOLS
(SECTION 2 – PROTOCOL ON
MEMBER AND OFFICER RELATIONS)**

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1.0 INTRODUCTION

1.1 The purpose of this document is to provide a guide to good working relationships between Members and officers of the Council. It clearly defines the respective roles of Members and officers and provides some principles governing conduct.

1.2 Members will comply with the Members' Code of Conduct set out in Part 8 of this Constitution that they signed up to on taking up office. A breach of this Protocol may constitute a breach of this Code.

1.3 Officers must comply with the Employee Code of Conduct adopted by the Full Council on 13 November 2019 which forms part of their terms and conditions of employment. A breach of this Protocol may constitute a disciplinary offence and could result in dismissal.

4.31.4 This Protocol seeks to reflect the principles underlying the Members' Code of Conduct and the Employee Code of Conduct. The shared objective of these codes is to enhance and maintain integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.

2.0 RESPECTIVE ROLES OF MEMBERS AND OFFICERS

2.1 Members are elected and represent their constituents. Under the committee system form of governance adopted by the Council, Members perform roles on Committees, Sub-Committees, Working Parties and Panels, in addition to sitting as members of the Full Council. Some Members represent the Council on outside bodies.

2.2 Officers are employed by and serve the whole Council. They advise the Council, its Committees, Sub-Committees, Working Parties and Panels. They implement decisions of the Council and make decisions under powers delegated to them.

2.3 Officers are responsible to their line manager and ultimately the Chief Executive or a Director. Directors are accountable to the Chief Executive. Some senior officers have specific statutory responsibilities, including the Chief Executive as Head of Paid Service, the Group Head of Finance ~~Corporate Support~~ as the Chief Financial Officer, and the Group Head of Law and & Governance as the Monitoring Officer.

3.0 OFFICER ADVICE AND POLITICAL NEUTRALITY

- 3.1 Officer advice and support will be provided at formal Council meetings at which business is transacted including meetings of:
- a) Full Council;
 - b) Committees and Sub-Committees;
 - c) Working Parties and Panels; and
 - d) Joint Area Committees.
- 3.2 Officers will provide advice and support at informal briefings with:
- a) Chair and Vice-Chair of Committees;
 - b) the relevant Chair and Vice-Chair prior to a Committee or Sub-Committee meeting; and
 - c) Political Group Leaders.
- 3.3 Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents.
- 3.4 Where officers are invited to meetings to give advice or comment on their service area by the Chair of a Committee, Sub-Committee or Working Party, then their Group Head must also be informed of the invitation and reason for their attendance. If the officer would prefer their Group Head to attend with them, then this should be allowed. Where there are issues of concern about an officer's attendance, responsibility for agreeing attendance will fall to the Council's Monitoring Officer. Where notes are taken from the meeting, either to record in the minutes or in a separate note for later use, then these must be agreed by the officer following the meeting.
- 3.5 Officer advice and support must relate only to Council business. Officers must not be requested to advise upon matters of political party or personal business.
- 3.6 All officers must treat political groups and individual Members in a fair and even-handed manner. Officers must maintain political neutrality and Members must respect this.
- 3.7 Officers must respect the confidentiality of any political group discussions which they attend. They should not disclose the content of such discussions to any person who has not attended. Senior officers (Chief Executive, Directors or Group Heads) may be requested to attend political group meetings and the Chief Executive will then decide whether such attendance may take place.

- 3.8 If it is agreed that an officer can attend a political group meeting, then the Chief Executive will inform the other Group Leaders and offer a similar facility on an equal basis.
- 3.9 Where there are Members who are not in a political group, they may request a similar facility from the Chief Executive which will be made available at their discretion.
- 3.10 Political group meetings fall outside of the Council's decision-making process. Conclusions reached at such meetings are not formal Council decisions and will not be relied upon as such. Officers attending political group meetings are not to be expected to act upon comments or conclusions made at these meetings.

4.0 PERSONAL RELATIONSHIPS

- 4.1 Close personal familiarity between individual Members and officers can damage working relationships and prove embarrassing to other Members and officers.
- 4.2 It is recognised that there may be occasions where personal familiarity is unavoidable. To avoid any appearance that the relationship may have an impact on future Council decisions, a Member must promptly declare by letter to ~~both~~ the Chief Executive, [the Monitoring Officer](#) and their respective Group Leader any family relationship or other close association with an officer employed by the Council. Similarly, the officer concerned must promptly declare this relationship by letter to their Director, or in the case of a Director, to the Chief Executive. If the declaration is by the Chief Executive, all Group Leaders must be notified in writing of any family relationship or other close association with a Member of the Council.
- 4.3 The Chief Executive will arrange for the relationship to be listed in the officer's Declaration of Interests and in the Member's Register of Interests, unless the relationship is with the Chief Executive in which case the relevant Director will make these arrangements.

5.0 APPOINTMENT OF OFFICERS

- 5.1 Members must not take part in the appointment of anyone to whom they are:
- a) married;
 - b) a civil or co-habiting partner
 - c) otherwise related; and
 - d) in a close friendship.

5.2 Members must ensure that officers [whose appointment they are involved with](#) are appointed only on merit, with a view to their best serving the whole Council.

6.0 UNDUE PRESSURE

6.1 A Member should not apply pressure on an officer either to do anything which they are not empowered to do or to undertake work outside normal duties or normal hours. Particular care needs to be taken in connection with the use of Council property and services.

6.2 Similarly, an officer must not seek to influence an individual Member to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other employees. The Council has formal procedures for consultation, grievance and discipline dealing with these matters.

7.0 OFFICER REPORTS AND ADVICE

7.1 The named author of a report to the Full Council or any part of its formal structure will always be fully responsible for its contents. The Chair of the relevant Committee will be consulted as part of the process of drawing up the agenda for a forthcoming meeting and may comment upon a proposed report. The officer concerned will give due consideration to such comments, consulting their relevant Director or Group Head and other appropriate officers, as necessary. A report will only be amended where the amendment reflects the professional judgement of the author of the report. Any remaining disagreements between the Chair and the author of the report should be referred to the [Chief Executive for resolution, in conjunction with the Leader of the Council](#) [relevant Group Head or Director for resolution, in conjunction with the Group Leader for the Chair of that Committee](#).

7.2 Occasionally, officers will need to express a professional view on a matter which may not support the view of the leading political group, the Full Council and/or the relevant senior officers of the Council. There is to be no criticism of the officers in such circumstances.

7.3 Members may choose not to follow the advice of professional officers, however, care should be taken not to criticise the officer for giving their professional advice and they should give reasons why they are not following the advice.

7.4 Members should not elicit any criticism from an officer in respect of any other officer.

- 7.5 Members may choose to criticise reports of the action taken by officers, however, they should:
- a) avoid personal attacks on officers;
 - b) ensure that such criticism is conveyed in such a way and in such a forum that is not disrespectful or bullying of the officer;
 - c) be particularly careful not to undermine officers in such a way that it is disrespectful or bullying of officers at meetings, in a public forum, in the press or in any form of communication, including social media.
- 7.6 This would be damaging both to the effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well-run Council.

8.0 OFFICER DECISIONS MADE UNDER DELEGATED POWERS

- 8.1 Officers may make decisions under powers delegated to them in accordance with the Officer Scheme of Delegation at Part 4 of this Constitution; or under a specific express authorisation of the Full Council, a Committee or Sub-Committee. It must be recognised that it is the officer, and not any Member, who takes the action and it is the officer who is accountable for it.

9.0 OFFICER RELATIONSHIP WITH THE LEADER OF THE COUNCIL AND COMMITTEE CHAIR

- 9.1 The working relationship between senior officers, the Leader of the Council and Committee Chairs will be particularly close. The Leader of the Council will provide a focal point for the strategic direction of the Council working directly with the Chief Executive and their management team; and act as the representative of the Council in dealing with central government and other local authorities. The relevant Committee Chair will be the Council's spokesperson for the service areas and functions that fall within their Committee's responsibilities.
- 9.2 Officers may provide briefing notes, advice and information to the Leader of the Council and Committee Chair in respect of reports or questions at Full Council, Committee and Sub-Committee meetings; and other external meetings, such as with Ministers, MPs, other local authorities and outside bodies. However, the relationship must not:
- a) compromise officers' duties to all Members of the Council;
 - b) be so close as to give the appearance of partiality on the part of the officer;
 - c) undermine the confidentiality of any discussions between senior officers and Members;

- d) compromise ~~the~~any officer's professional responsibility to advise Members that a particular course of action should not be pursued; and
- e) repeal officer responsibility for action taken under delegated authority.

10.0 PROCEDURE FOR CRITICISM OR COMPLAINTS

- 10.1 It is important that there should be mutual courtesy and respect between Members and Officers, and that there are reasonable standards of courtesy. No Member or Officer should seek to take unfair advantage of their position.
- 10.2 Members and Officers should not criticise or undermine respect for the other at meetings of the Full Council, Committee or Sub-Committees, or in any public forum.
- 10.3 Members should not raise matters relating to the conduct or capability of an individual officer or officers collectively at meetings held in public or in any public forum. There is a long-standing tradition in public service as an officer has no means of responding to such criticisms in public. Officers should observe the same rule in respect of Members.
- 10.4 If a Member believes that they have not been treated with proper respect, courtesy or has a concern about the conduct or capability of an officer, then they should raise the matter confidentially with the Chief Executive or relevant Director who will look into the facts and report back to the member and may utilise the Council's formal disciplinary procedures if this is considered appropriate. If the Member ~~is still not satisfied with the action that has been taken~~ continues to feel concern, then they may raise the matter confidentially with the Chief Executive, or a Director if the Chief Executive considered the original concern, who will look into the matter afresh. If they believe that there is a case to answer, then they may utilise the Council's formal disciplinary procedures. If the Chief Executive ~~or~~ /Director ~~suggests~~ concludes no action they will inform the Member and relevant Group Leader of this.
- 10.5 Concerns raised about the Chief Executive will be referred in the first instance to a meeting of the Political Group Leaders. They may then refer the matter to the Full Council but must do so within the terms of the disciplinary procedure applying to the Chief Executive as set out in Part 3 (Responsibility for Functions) of this Constitution.
- 10.6 If an officer feels that they have not been treated with respect, courtesy -or is concerned about any action or statement relating to themselves or a colleague by a Member, or the conduct of a Member, they should raise the matter with their line manager, Group Head. If they are not satisfied with any action that has been taken as a result, they should raise the matter with the Chief

Executive or their Director. If the Chief Executive or Director is of the opinion that the Member has acted in breach of the Members' Code of Conduct, they should ~~make a complaint~~ raise the matter with ~~to~~ the Monitoring Officer. This may be by way of a formal complaint, or informally for advice from the Monitoring Officer.

10.7 Where a Member or officer is concerned about potential unlawful conduct of another Member or officer, the Council's Whistle-blowing Policy and the Public Interest Disclosure Act 1998 are also relevant. Nevertheless, the procedure outlined in this Protocol should be the first point of reference where possible.

11.0 MEMBERS' ACCESS TO INFORMATION AND COUNCIL DOCUMENTS

11.1 Article 2 of this Constitution confirms a Member's rights of access to only such Council documents and information that are necessary for the discharge of their functions and the law. The Access to Information Rules at Part 6 of this Constitution set out the rights of access that Members have to information and documents to be presented to meetings of Committees and Sub-Committees.

11.2 In respect of exempt or confidential information, a Member may have access to information and documents insofar as it is reasonably necessary to enable them to properly perform their duties as a Member of the Council. The relevant question asked is whether they need to know the information to perform such duties.

11.3 A Member of a Committee, Sub-Committee, Working Party or Panel will have a need to know the information and documents relating to that body. In other circumstances, a Member will normally be expected to justify the request in specific terms and the motive for requesting the information will be relevant. The relevant question asked is whether they need to know the information to perform their duties as a Member. The question as to access to the documentation will be determined initially by the relevant Group Head. However, in the event of a continuing disagreement as to access, then the matter may be referred to the relevant Director and the Monitoring Officer.

11.4 Where a Member has a pecuniary, personal or prejudicial interest in a matter, or they decide to remove themselves from taking part in a debate due to the appearance of bias, the Member will only be entitled to the same rights of access to documentation as would apply for the public generally. They would have access to the reports, minutes and background papers relating to the public part of any Full Council, Committee or Sub-Committee agenda but not to any exempt or confidential items.

- 11.5 Any Council information provided to a Member must only be used by them in connection with the proper performance of their duties as a Member of the Council. Exempt or confidential information should not be disclosed, discussed with, or released to any other persons unless it reasonably relates to a qualified disclosure, i.e. it relates to:
- a) an alleged criminal offence;
 - b) a failure to comply with a legal obligation;
 - c) maladministration where a breach of administrative law has occurred;
 - d) a miscarriage of justice;
 - e) a danger to health or life;
 - f) damage to the environment; or
 - g) concealment of information tending to show any of these matters.
- 11.6 A Member may necessarily acquire information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. A Member should never disclose or use confidential information for the personal and/or political advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.
- 11.7 Any exempt or confidential information provided to Members should be clearly marked as such prior to its provision.
- 11.8 Further advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer or the Chief Executive.

12.0 MEMBERS' ACCESS TO MEETINGS

- 12.1 The Committee Procedure Rules at Part 5 of this Constitution set out a Member's right of attendance at meetings of Committees, Sub-Committees and Joint Area Committees. The Access to Information Rules at Part 6 of this Constitution set out a Member's rights of access at a public meeting and the provisions for attendance at meetings during confidential or exempt business.

13.0 MEMBERS' ACCESS TO OFFICERS

- 13.1 On any new specific service issue and to ensure consistency, it should only be necessary for members to contact either the Chief Executive, Directors and/or Group Heads or in the case of media issues the Communications Manager. If members are unsure of who to contact, they should contact the Monitoring Officer.
- 13.2 These officers should recognise that members will have needs for information that are not always predictable and will seek to respond quickly.

13.3 However, to help manage workloads and to help the smooth working of the Council's departments, the following guidelines should, so far as is practicable, be observed:

- An uninvolved/uncomplicated enquiry may be made by telephone.
- Otherwise, members should send their enquiry by email
- If members do not have access to email or if a personal visit is considered more appropriate, an appointment should be made with the relevant officer ideally giving a minimum of 24 hours' notice.
- Where there is a need for immediate action, ideally, the member should telephone the officer to ensure that a meeting on the same day is practicable.
- Both members and officers should aim to keep meetings concise and focused

13.014.0 PUBLIC RELATIONS AND PRESS RELEASES

13.114.1 By law, the Council is prohibited from publishing material which appears to be designed to affect public support for a political party. News releases are written by officers, but they may contain quotations from the Leader/Deputy Leader of the Council or the relevant Committee Chair or Vice-Chair. Such news releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party-political affiliation. Council news releases will be objective, factual and informative.

13.214.2 The Council has also adopted a Protocol and Guide to pre-election publicity which provides advice upon publicity and activities during a pre-election period, including a moratorium on publicity during the month preceding an election of the Council. This can be requested from the Group Head of [Policy Organisations Excellence](#) via public.relations@arun.gov.uk

13.314.3 The Council will abide by the national Code of Recommended Practice on [Local Authority Publicity](#).

14.015.0 MEMBER SUPPORT SERVICES

14.115.1 The Council provides ICT equipment to Members and they can also ask for correspondence to be posted out through the Post Room at the Arun Civic Centre, Littlehampton. This equipment and facility must only be used on Council business. They must not be used for party or political work of any kind.

Members should not ask officers to type, photocopy or otherwise process party or political material.

15.016.0 CORRESPONDENCE

15.416.1 Correspondence between an individual Member and an officer on a matter relating to a single constituent should not normally be copied (by the officer) to any other Member. Where, exceptionally, it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of “silent or blind copies” should not be employed.

15.216.2 In some cases, issues are raised by, or with, individual Members relating to a matter of general interest in a District Ward. Recognising that it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their Ward, copies of correspondence will normally be sent to all Members for the particular area unless the Member specifically requests that correspondence is not copied to other Members or, there is a political, or other reason, why this is not appropriate. Where correspondence is copied to other Members, this will be made clear to the original Member.

15.316.3 Letters prepared by officers on behalf of the Council will be sent out in the name of the officer, rather than in the name of a Member.

15.416.4 Any sharing of personal information between Members and officers should follow the obligations of relevant data protection law.

16.017.0 LEADERS' MEETING

16.417.1 The Leader of the Council, in consultation with the Chief Executive, will call, as and when necessary, meetings of the Party Group Leaders to discuss matters concerned with the conduct of the Council's business; Member and officer issues; and matters affecting Members generally. It will have no decision-making power but will facilitate the efficient running of the Council.

17.018.0 UNRESOLVED ISSUES AND AMENDMENTS TO THIS PROTOCOL

17.418.1 If there are any issues of concern which are not dealt with by this Protocol, then the relevant Member or officer may discuss the matter with the Chief Executive or the Monitoring Officer with a view to advice being provided.

17.218.2 Should any Member or officer wish to suggest an amendment to this Protocol then they are asked to contact either the Chief Executive or the Monitoring Officer.

17.318.3 Any amendment of this Protocol will require the approval of the Full Council.

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STANDARDS COMMITTEE WORK PROGRAMME 2022/23

Standards Committee	Report Author	Date of Meeting	Full Council Meeting Date
Monitoring Officer			
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer	23.06.22	13.07.22
2. Register of Assessments of Complaints Against Councillors (Exempt)	Monitoring Officer		
3. Monitoring Officer Report, including monitoring the operation of the Code	Monitoring Officer		
4. Member Learning & Development	Monitoring Officer		
5. Briefing paper on Code of Conduct (from meeting 30.03.22)	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer	13.10.22	09.11.22
2. Register of Assessments of Complaints Against Councillors (Exempt)	Monitoring Officer		
3. Monitoring Officer Report including monitoring the operation of the Code	Monitoring Officer		
4. Member Learning & Development	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer	15.12.22	18.01.23
2. Register of Assessments of Complaints Against Councillors (Exempt)	Monitoring Officer		

STANDARDS COMMITTEE WORK PROGRAMME 2022/23

3. Monitoring Officer Report including monitoring the operation of the Code	Monitoring Officer		
4. Member Learning & Development	Monitoring Officer		
5. Review of Protocol for Member and Officer Relations	Monitoring Officer		
6. Monitoring Officer Protocol	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors (Public)	Monitoring Officer	23.02.23	15.03.23
2. Register of Assessments of Complaints Against Councillors (Exempt)	Monitoring Officer		
3. Monitoring Officer Report including monitoring the operation of the Code	Monitoring Officer		
4. Member Learning & Development	Monitoring Officer		
5. Review of Social Media Guidance	Monitoring Officer		
6. Review of Local Assessment Procedure and Hearings Procedure	Monitoring Officer		

REPORT TO:	Standards Committee 15.12.22
SUBJECT:	Register of Assessment of Complaints Against Councillors
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor Paul English
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The Localism Act 2011 requires local authorities to “...promote and maintain high standards of conduct by members and co-opted members of the authority.” [Chapter 7, para 27(1)].	
DIRECTORATE POLICY CONTEXT:	
None	
FINANCIAL SUMMARY:	
No financial implications as this is an information report.	

1. PURPOSE OF REPORT

The Council’s Constitution (Part 3, Section 5.4) outlines the functions for which the Standards Committee is responsible, including the reviewing of any Code of Conduct complaints. This report advises the Committee of those complaints received since the last report, and the progress made by the Monitoring Officer in respect of complaints previously reported to the Committee.

2. RECOMMENDATIONS

- 1.1. The Committee is asked to note the contents of this report and to pass any observations to the Monitoring Officer.

3. EXECUTIVE SUMMARY

- 1.2. This report updates the Committee on the complaints against Councillors received since the Monitoring Officer’s last report on 13 October 2022. The Committee is responsible for promoting and maintaining high standards of conduct by Members of the District and Town & Parish Councils, for monitoring the operation of the Code of Conduct, and for considering the outcome of investigations in the event of breaches of the Code of Conduct.

4. DETAIL

- 4.1. A Register of Assessments of Complaints against Councillors is maintained and updated regularly by the Monitoring Officer and distributed to members of the Standards Committee by way of these regular update reports. This assists the Committee in making decisions on where to direct any refresher or targeted training and to review any lessons learned. The register is also a reference source for Councillors of other similar complaints, when dealing with assessments.
- 4.2. Since the last report to the meeting on 13 October, the following complaints have been received, progressed or completed.

Case Ref	Complaint Against	Allegation/Complaint	Outcome
22/10	Arun District Council	Misuse of social media	No Breach
22/12	East Preston Parish Council	Disrespect shown to member of the public	Monitoring Officer carrying out initial assessment
22/13	Arun District Council	Disrespect shown to member of the public	Monitoring Officer carrying out initial assessment

- 4.3 At its meeting on 23 June, the Committee requested that future reports included additional data to identify any patterns or trends. The table below refers to a rolling 12-month period.

Month	Complaints Received	Complaint Against ADC	Complaint Against Town/Parish	Complaint by Councillor	Complaint by Public	Resolved by Informal Resolution
Dec-21	0					
Jan-22	0					
Feb-22	0					
Mar-22	1	1	0	0	1	0
Apr-22	1	0	1	0	1	
May-22	2	2	0	1	1	1
Jun-22	0					
Jul-22	3	3		2	1	
Aug-22	4	4	0	0	4	
Sep-22	1	1				
Oct-22	1		1			
Nov-22	1	1				

5. CONSULTATION

- 5.1. Consultation with Independent Persons has been carried out where required by the Local Assessment Procedure.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. All complaints have been considered, or are being considered, in line with the adopted Local Assessment Procedure.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1. As this is an information report, no financial implications are identified.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1. As this is an information report, no risk assessment considerations are necessary.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1. The Monitoring Officer's comments are set out within the body of the report.

For items 10 – 17 below, there are no direct impacts arising from this report.

10. HUMAN RESOURCES IMPACT

11. HEALTH & SAFETY IMPACT

12. PROPERTY & ESTATES IMPACT

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

15. CRIME AND DISORDER REDUCTION IMPACT

16. HUMAN RIGHTS IMPACT

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

CONTACT OFFICER:

Name: Daniel Bainbridge
Job Title: Monitoring Officer
Contact Number: 01903 737607

BACKGROUND DOCUMENTS: None

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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