



Public Document Pack

Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Tel: (01903 737500)
Fax: (01903) 730442
DX: 57406 Littlehampton
Minicom: 01903 732765

e-mail: committees@arun.gov.uk

Committee Manager Helen Burt (ext. 37614)

09 January 2024

STANDARDS COMMITTEE

A meeting of the Standards Committee will be held in **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Thursday 18 January 2024 at 6.00 pm** and you are requested to attend.

Members: Councillors Huntley (Chair), May (Vice-Chair), Ayling, Batley, Kelly, Lloyd, Purser, Turner, Woodman and (Amelia) Worne

PLEASE NOTE:

A live webcast of the meeting will be available via the Council's [Committee webpages](#).

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 **Thursday 11 January 2024** in line with current Committee Meeting Procedure Rules.

For further information on the items to be discussed, please contact Committees@arun.gov.uk

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

Members and Officers should make their declaration by stating:

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

3. MINUTES

(Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 31 October 2023 (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 - JANUARY 2024

(Pages 7 - 12)

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.

[20 Minutes]

7. MEMBER LEARNING & DEVELOPMENT

(Pages 13 - 18)

This report updates the Standards Committee on the current position of Member learning and development following the completion of the Member Induction Programme.

[10 Minutes]

8. REVIEW OF LOCAL ASSESSMENT PROCEDURES (Pages 19 - 40)

This report brings forward revised Local Assessment Procedure and Assessment Panel Procedure documents for Councillors that take into account lessons learned over the 12-month period since the procedures were last reviewed at the Committee's meeting on 23 February 2023, and which builds in any areas of best practice and the Monitoring Officer's advice to the Committee.

[20 Minutes]

9. INDEPENDENT PERSON RECRUITMENT (Pages 41 - 58)

The Standards Committee's functions include considering membership and recruitment of Independent Persons and making recommendations for appointments to Full Council.

Independent Persons (IPs) are appointed for a fixed period of time, and all three of the Council's IPs' terms of appointment will expire in July 2024. A recruitment process will need to be commenced following this meeting in order to have in place suitably qualified IPs for the next four-year period.

[15 Minutes]

10. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS (Pages 59 - 62)

This report updates the Committee on the complaints against Councillors received since the Monitoring Officer's last report on 31 October 2023. 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]

11. WORK PROGRAMME (Pages 63 - 64)

The Committee is required to note the Work Programme for 2023/24.

[5 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

239

STANDARDS COMMITTEE

31 October 2023 at 6.00 pm

Present: Councillors Huntley (Chair), May (Vice-Chair), Ayling, Batley, Kelly, Purser, Turner, Woodman and (Amelia) Worne

Also present were Independent Persons Mr John Cooke, Mr John Thompson and Mrs Sandra Prail.

332. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Lloyd.

333. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

334. MINUTES

The Minutes of the meeting held on 20 July 2023 were approved by the Committee. These would be signed after the meeting.

335. 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

There were no urgent matters for this meeting.

336. PUBLIC QUESTION TIME

No public questions had been submitted for this meeting.

Standards Committee - 31.10.23

337. MONITORING OFFICER REPORT - OCTOBER 2023

Upon the invitation of the Chair, the Monitoring Officer introduced the report, explaining there had not been significant change since the last meeting. He highlighted that although Councillor Goodheart was still showing as not trained to sit on the Licensing Committee, he was booked onto a course due to take place on 02 November 2023.

Councillor Woodman believed she had attended the Code of Conduct training, however this was not reflected in the training matrix. The Monitoring Officer agreed to look into this.

The Committee noted the report.

338. MEMBER LEARNING & DEVELOPMENT

Upon the invitation of the Chair, the Monitoring Officer introduced the report, explaining that the Member Induction Programme was now complete with the exception of Council and Committee Procedure Training which would take place on 02 November 2023, and Chair/Vice-Chair Training which would take place on 09 November 2023. All Members were welcome to attend both of these training sessions. A questionnaire regarding the Induction Programme had been circulated to Members, and although the response rate of only 11 Councillors was disappointing, it did provide a sample of views to work from. Feedback from the questionnaire had been largely positive and anecdotal feedback from Councillors at the time of training had also been generally positive.

Of the 11 Councillors that had completed the questionnaire, 8 had confirmed they were very satisfied with the induction programme, with 5 of these confirming that the topics covered were very relevant to their role as a Councillor, 4 said relevant and one confirmed a neutral response. Most Members confirmed that they found the Information Technology sessions the most informative, followed by the Member/Officer training carried out by South East Employers, with 2 confirming that the session on 11 May – Introduction to the organisation by the Corporate Management Team to have been the most useful. When asked what additional topics they would like to have seen covered, suggestions included: safeguarding training (it was acknowledged that this was being addressed); visiting the recycling centre (this had taken place); Chairs training session (this would take place on 9 November 2023); GDPR (this would be addressed by the Monitoring Officer as a matter of priority); general training covering who to contact for resident issues (this information was covered in the welcome pack provided to Members in terms of contacts and department roles etc, however Members should contact the Monitoring Officer or Group Heads if they still needed help with this); climate change; a tour around the District (a bus tour of housing sites took place on 20 October for all Members). All Members were satisfied with the timings of the sessions, but 4 also stated they would like different options on timings. All apart from one confirmed that the duration of each of the sessions was perfect. Other comments included that the questionnaire be sent out after each induction session held; hard copies of presentations to be provided in advance; in-person training was positive.

When asked 'How satisfied were you with the induction programme?' 5 were extremely satisfied, 5 satisfied and 1 not so satisfied.

The Monitoring Officer explained that he had wanted as many Members as possible to be present for the training sessions, and it was felt in-person training had been very beneficial. He was reluctant to start sending out full presentations in advance of sessions, as there were concerns this could lead to reduced attendance. It may be that having print-outs available at the session would be a suitable alternative.

The Chair then invited questions from Members. One Member stated that the Customer Services tour had been outstanding, as had the Housing bus tour, which he felt could also incorporate additional sites as well as the housing in future.

The Committee noted the report and the current progress of the Member Induction Programme and Member learning and development more generally.

339. RECRUITMENT OF INDEPENDENT PERSONS

Upon the invitation of the Chair, the Monitoring Officer introduced the report, explaining the Council were statutorily obliged to appoint at least one Independent Person (IP). IPs' views were sought and taken into account by the Monitoring Officer and/or Standards Committee when a decision was taken on an allegation under the Members' Code of Conduct. Their views may also be sought by the Monitoring Officer and/or Standards Committee at any other stage in the procedure when a complaint of a breach of the Code was considered, or by the Councillor facing the allegation. IPs could not be employees of the Council or Councillors. They were invited to attend meetings of the Standards Committee in an advisory, non-voting capacity. The Council appointed its IPs for a maximum of four years and currently had three IPs. John Thompson was appointed in July 2019 and Sandra Prail and John Cooke were appointed in July 2020, with their terms all ending on 14 July 2024. The process by which the Council appointed IPs was much like recruiting for jobs.

The Monitoring Officer explained he wished to run the recruitment process from January to recruit IPs for a 4 year term. He highlighted paragraph 4.6 of the report. On the last occasion recruitment took place, the interview panel consisted of two Members of the Committee, an existing IP and the Monitoring Officer. Following the interviews carried out by the panel, the Committee then made a recommendation to Full Council. It was recommended that the same approach was to be taken on this occasion but with one additional Committee Member added to the panel – making five members of the interview panel in total. This process would be undertaken in other districts and boroughs, as all of the West Sussex districts and boroughs were required to appoint IPs. The Monitoring Officer recommended exploring a joint recruitment process alongside any other willing districts and boroughs with a view to widening the pool of potential applications and sharing the cost. The report requested authorisation for the Monitoring Officer to prepare an application pack to be brought back to Committee 18 January 2024, and also to explore the recruiting jointly with other West Sussex district and borough councils.

Standards Committee - 31.10.23

The Chair then invited questions from Members. One Member raised a discussion that had taken place at Full Council regarding recruiting all three IPs at the same time, during which it was suggested the consequence of this was that all experience and knowledge was lost in one go, and it had been suggested at Full Council consideration should be given to this being staggered. The Monitoring Officer explained that staggering recruitment in such a way would mean they were almost always going through the detailed recruitment process, which would be at additional cost, however it was for the Committee to decide on the process. Another Member asked whether the existing IPs could reapply, which the Monitoring Officer confirmed they could.

The recommendations were proposed by Councillor Purser and seconded by Councillor Turner.

The Committee

RESOLVED that

- 1 having considered the report, the recruitment process that it wants the Council to undertake in relation to its three Independent Persons, as presented in the report, be agreed;
- 2 the Group Head of Law & Governance be authorised to prepare the application pack detailed within the report and bring documentation to the 18 January 2024 meeting of the Committee for approval;
- 3 the Group Head of Law & Governance be authorised to explore recruiting jointly with other West Sussex district and borough councils.

340. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

Upon the invitation of the Chair, the Monitoring Officer introduced the report, explaining that this was a regular report to the Committee that had been appropriately anonymised. He reminded the Committee that the reference numbers were not a date, but the municipal year and complaint number. The table showed three complaints, of which two had been found as no breach during the informal stage of the process and there was no need for informal resolution. The third complaint had gone through initial informal assessment, the Independent Person had been consulted, and the subject member had been informed that the matter should be dealt with by informal resolution in the form of an apology.

There were no questions from Members.

The Committee noted the report.

341. WORK PROGRAMME

The Monitoring Officer presented the Work Programme to the Committee explaining that he wished to add an additional item for the January meeting for Committee to review the Local Assessment Procedures.

The Committee noted the Work Programme.

(The meeting concluded at 6.31 pm)

This page is intentionally left blank

REPORT TO:	Standards Committee 18 January 2024
SUBJECT:	Monitoring Officer Report – January 2024
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor David Huntley
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.”	
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 responsibilities of the Standards Committee, and this report informs Committee Members of matters relating to these responsibilities.

2. RECOMMENDATIONS

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

3. EXECUTIVE SUMMARY

3.1. 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 Constitution Working Party met on 16 October 2023 and is making recommendations to the Full Council regarding amendments to the Constitution. The Committee will be aware that the Working Party has the responsibility for monitoring and reviewing the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 4.3 The Working Party made a recommendation to Full Council on 10 January 2024 that the 3-hour (plus 30-minute extension) ‘cut-off’ time be removed in relation to the Planning Committee and Licensing Sub-Committee. The Monitoring Officer will provide a verbal update at the meeting on 18 January.

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

- 4.4 The Monitoring Officer has nothing further to report on this item since his report to Committee on 31 October 2023.

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

- 4.5 There is nothing specific to report on this matter at this meeting. Following the May 2023 local elections, the Monitoring Officer will contact those town and parish councils that have not yet adopted the Local Government Association’s (LGA) model code with the aim of bringing a universal approach to the model code across the District.

Signing Acceptance of the Code of Conduct

- 4.6 The Monitoring Officer monitors the signing of acceptance by Councillors of the Code. All District Councillors have signed their declaration to comply with the Code of Conduct.

Monitoring the Operation of the Code of Conduct

- 4.7 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.

4.8. A report on the Review of the Local Assessment Procedure is included as a separate item on the agenda for this meeting.

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

4.9 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

4.10 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.

4.11 Training on the Code of Conduct has formed part of the Member Induction Programme following the May elections. The Monitoring Officer will consider any requests for training received from town/parish councils and has already arranged to attend two town/parish councils in order to brief them on the Code of Conduct and other matters.

Recruitment of Independent Persons

4.12 This matter is being considered as a separate item on this meeting's agenda.

Member Learning and Development

4.13 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.

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

4.15 The matrix is published in the 'Useful Documents' library in Members Area on Sharepoint so that Councillors can identify suitable substitutes when needed.

4.16 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

REPORT TO:	Standards Committee – 18 January 2024
SUBJECT:	Member Learning and Development
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Cllr David Huntley
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.”	
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 Member learning and development for the 2023-27 period.

2. RECOMMENDATIONS

It is recommended that the Committee:

- 2.1. Notes the current progress of Member learning and development; and
- 2.2. Provides the Monitoring Officer with any observations regarding future learning and development opportunities for Members.

3. EXECUTIVE SUMMARY

- 3.1. This report updates the Standards Committee on the current position of member learning and development following the completion of the Member Induction Programme.

4. DETAIL

- 4.1. The 2023 Member Induction Programme is now complete following the May 2023 elections.

- 4.2. At its last meeting on 31 October 2023 the Committee was presented with details of the outcome of the survey of Members regarding the induction programme.
- 4.3. The Standards Committee's ongoing function in relation to training is to advise and support the Monitoring Officer in the delivery of training on the Members' Code of Conduct to District Councillors, Town and Parish Councillors and co-opted Members. The Monitoring Officer's view is that this should include Member training in general and hence the Monitoring Officer welcomes the Committee's views and observations regarding potential future one-off and/or regular training opportunities for Members (subject of course to budgets).
- 4.4. An updated training matrix is attached as the Appendix to this report, showing the training undertaken by Members in relation to specific Committees and more generally.

5. CONSULTATION

- 5.1. Not applicable to this report.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. It is not a viable option to not provide Members with sufficient learning and development for them to fulfil their duties.

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

- 7.1. The costs of the Member Induction Programme have been met from the 2023/24 Law & Governance budget, and any future training would need to be met from within existing budgets.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1. The risk of not having a training 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

This page is intentionally left blank

REPORT TO:	Standards Committee – 18 January 2024
SUBJECT:	Review of Local Assessment Procedure and Assessment Panel Procedure
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor David Huntley
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.”	
DIRECTORATE POLICY CONTEXT:	
The Local Assessment Procedure and Assessment Panel Procedure set out a clear framework under which Code of Conduct complaints will be considered and determined.	
FINANCIAL SUMMARY:	
No financial implications have been identified.	

1. PURPOSE OF REPORT

- 1.1 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. The administration of such complaints is determined by the Local Assessment Procedure. The Committee has responsibility for monitoring the operation of the Local Assessment Procedure and recommending any revisions to the Full Council.
- 1.2 This report brings forward proposed amendments to both Procedures based upon the Monitoring Officer’s operation of the Local Assessment Procedure, together with national best practice.

2. RECOMMENDATIONS

It is recommended that the Committee:

- 2.1. Reviews the operation of the Local Assessment Procedure (Appendix A) and Hearings (Assessment Panel) Procedure (Appendix B), including the proposed amendments made by the Monitoring Officer; and
- 2.2. Recommend to Full Council that the revised Local Assessment Procedure and/or Assessment Panel Procedure be adopted.

3. EXECUTIVE SUMMARY

- 3.1. This report brings forward revised Local Assessment Procedure and Assessment Panel Procedure documents for Councillors that take into account lessons learned over the 12-month period since the procedures were last reviewed at the Committee's meeting on 23 February 2023, and which builds in any areas of best practice and the Monitoring Officer's advice to the Committee.

4. DETAIL

- 4.1. The Local Assessment Procedure and the Assessment Panel Procedure were last reviewed at the Committee's meeting on 23 February 2023, with changes recommended to and adopted by Full Council on 15 March 2023.
- 4.2. Since that date the Monitoring Officer has received, processed and determined a number of complaints under the Code of Conduct, as well as having provided a full range of advice to Councillors in all contexts of the Council's business – both within and outside of Full Council and Committee meetings.
- 4.3. The Monitoring Officer considers that the Assessment Procedures continue to operate effectively in guiding the Monitoring Officer, Members and Independent Persons in relation to Code of Conduct complaints.
- 4.4. The only amendment recommended by the Monitoring Officer from his experience of the operation of the Procedures is to extend the initial assessment period from 20 working days to 30 working days. The current period is restrictive in that 10 working days are allowed for the subject member to submit comments in relation to a complaint.
- 4.5. Once those are received the Monitoring Officer has 10 working days in which to review those comments, seek additional information from the complainant (if necessary), speak with any witnesses that may be necessary following the subject member's comments, speak with the Town/Parish Clerk in the case of a town/parish complaint, and then pass his complaint review to the Independent Person having taken into account all of the above.
- 4.6. The Independent Person then needs time to review the complaint and to provide views to the Monitoring Officer before the Monitoring Officer then provides a written decision to the subject member and the complainant.
- 4.7. The Monitoring Officer therefore requests that the Committee recommends an extension of the overall initial assessment period to 30 working days.
- 4.8. There have been no Assessment Panel hearings since the Panel Procedure was last reviewed on 23 February 2023, and the Monitoring Officer's view is that no adjustments are required to that document at this time.
- 4.9. The Committee should consider the Monitoring Officer's proposals, together with any further updates that they wish to consider and recommend to Full Council.

5. CONSULTATION

- 5.1. Consultation with the Chair and Vice-Chair of the Standards Committee has taken place prior to the report and revised draft procedures having been finalised.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. There is a need for both procedures to be reviewed regularly and so the alternative of not bringing forward a review report is not a realistic option.

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. The adoption of up-to-date procedures that incorporate best practice and take account of lessons learned will ensure that all parties to a complaint have clarity regarding processes and procedures, and the documents themselves support consistency and robustness of decision-making.

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



Local Assessment Procedure 2021

*Version 3 – February 2023 (incorporating changes discussed by
Standards Committee at their meeting on 23.02.23)*

Version 3.0

Contents

BACKGROUND	3
Initial assessment	3
Informal resolution	5
Investigation	6
Hearings Panel	7
REVISIONS LOG	12

CASE HANDLING PROCEDURE

BACKGROUND

Under Section 28 of the Localism Act 2011, Arun District Council must have in place “arrangements” under which allegations that an elected or co-opted member of the authority or of a town or parish council within the authority’s area (hereinafter referred to as the ‘subject member’) has failed to comply with the authority’s Code of Conduct can be considered and decisions made on such allegations.

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

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

Each town and parish council is also required to adopt a Code of Conduct which should be available on their website.

Initial assessment

1. All allegations, including those against a town or parish councillor, must be made in writing to the Monitoring Officer of Arun District Council (MO)¹.
2. Anonymous complaints will not be accepted unless the MO concludes that there is a compelling public interest why a serious allegation made anonymously may be taken forward.
3. The MO may refer the matter to the standards committee to take the decision in his or her place and he or she may delegate the matter to his or her deputy(ies) or another officer if, for example he or she believes there is a conflict of interest. This power is at the discretion of the MO.
4. The MO will apply an initial filter to an allegation – for example, to check that the complaint is against a member, that they were in office at the time of the alleged incident and that the matter would be capable of being a breach of the Code. If the MO is of the view that the complaint does not fundamentally relate to a Code of Conduct matter, then he/she will decline to progress it further under this Procedure. It is generally considered that complaints relating to the consideration of planning and/or licensing applications will not

¹ As defined by the Local Government & Housing Act 1989, Part 1, Section 5

be dealt with under this procedure if there is an alternative legal remedy. The Council has no authority to deal with complaints which relate solely to a member's private life or things they do which are not related to their role as a member.

5. Complaints which identify criminal conduct or breach of other regulations by any person may be referred by the MO to Sussex Police for consideration, in accordance with an agreed protocol as set out in Appendix B, or any other regulatory agency. In such cases the MO may at his or her discretion pause the consideration of the complaint pending action by the other body or commence a parallel investigation into the alleged Code of Conduct breach.
6. Complaints by a district councillor about another district councillor(s) will be referred by the MO to the relevant group leader(s) for resolution in the first place. If either the Subject Member or the complainant declines to engage with this informal process, or resolution is not possible, within 10 working days from the date of receipt of the complaint, the MO will progress from paragraph 7 below. (For the avoidance of doubt, group leaders do not take on the functions of the MO in this process, which is purely an informal process which has the aim of resolving 'councillor-against-councillor' complaints at the earliest opportunity and reducing the resolution time for complaints).
7. If the MO decides the matter is within scope of this Procedure, he or she will invite an Independent Person (IP)² to give his or her views on what action should be taken at this stage. That IP will then remain the IP who will be consulted on that case throughout this process, except in exceptional circumstances.
8. Where a complaint is accepted by the MO, the MO will notify the subject member of the complaint unless there are compelling reasons not to and invite him/her to submit any relevant comments. The subject member will be given 10 working days to respond, from the date of the notification. In parish cases the MO may also notify the clerk and may ask for relevant factual information. However, the MO, in consultation with an IP, may withhold the complainant's identity if they can be satisfied that there are reasonable grounds for granting confidentiality, for example a belief that the complainant or any witness to the complaint may be at risk of physical harm or intimidation, or that their employment may be jeopardised if their identity is disclosed.
9. At the end of the 10 working days (regardless of whether any comments have been received by the subject member), and no later than ~~20~~ 30 working days from the date of receipt of the complaint, the MO will decide upon one of the following outcomes:
 - a) to take no further action;
 - b) to seek to resolve the matter informally; or

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

c) to refer the matter for investigation.

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

- a) whether the complaint contains sufficient evidence to demonstrate a potential breach of the Code;
- b) whether there are alternative, more appropriate, remedies that should be explored first;
- c) where the complaint is by one member against another, a greater allowance for robust political debate (but not personal abuse or “unparliamentary” language) may be given;
- d) whether the complaint is in the view of the MO malicious, politically motivated, or ‘tit for tat’?;
- e) whether an investigation would not be in the public interest or the matter, even if proven, would not warrant any sanction (see Appendix 2);
- f) whether a substantially similar complaint has previously been considered and no new material evidence has been submitted to support the new complaint;
- g) whether a substantially similar complaint has been submitted and accepted;
- h) whether the complaint relates to conduct in the distant past (over three months prior to the date of submission of the complaint). This would include assessing any reason why there had been a delay in making the complaint;
- i) whether the complaint actually relates to dissatisfaction with a council (or parish council) decision rather than the specific conduct of an individual;
- j) whether the complaint relates to someone who is no longer a member of the council (or relevant parish council) or who is seriously ill; and
- k) where the matter complained of consists of alleged misconduct in the course of a formal council meeting, whether the matter had already been dealt with satisfactorily during the meeting.

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

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

13. The MO will report to the standards committee periodically on cases in which there has been no further action taken.

Informal resolution

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

- a) ask the subject member to submit an apology in writing to the complainant;

- b) convene a meeting between the subject member and the complainant in order to try to resolve the issue informally;
 - c) notify the subject member's group leader (where they are a member of a group) and suggest that they may wish to take some internal party action;
 - d) suggest that the subject member undergo relevant training;
 - e) other such action that the MO deems appropriate.
15. The MO will decide on a timeframe within which the informal resolution must be completed to an acceptable standard.
16. If either the subject member or complainant refuses to engage with the informal resolution proposed by the MO, or the MO deems the action taken by the member to be insufficient or the informal resolution does not take place in a timely way, the MO will decide, in consultation with an IP, whether the case should be closed, whether an investigation is necessary, or whether some other action should be taken.
17. The MO will notify the complainant (and clerk in parish cases) of the outcome of the informal resolution.
18. The MO will report to the Standards Committee periodically on the outcome of any informal resolutions proposed and/or implemented.

Investigation

19. Where a matter is referred for investigation, the MO may carry out the investigation him/herself, delegate it to another officer or appoint an external investigator.
20. The investigation must normally be completed within 3 months of the MO's decision to accept the complaint. If an extension of time is needed, the MO must agree that extension with the Chair of the Standards Committee and the IP and notify the subject member, complainant (and clerk in parish cases) of any extension.
21. The subject member is notified who the relevant IP is for the case and may seek his or her views at any stage during the investigation.
22. The complainant will also be notified who the IP is and may make a request to the MO to seek the views of the IP. However, such a request will only be granted at the discretion of the IP in consultation with the MO.
23. At any time during the investigation the MO, the subject member or the complainant may ask for an informal resolution. The MO will consult with the relevant IP to agree this.
24. Before being finalised, a draft report will be produced and the complainant, subject member and IP will be invited to comment. In the case of multiple

complaints, a separate investigation report will be produced for each complaint, relating only to that complaint, in order to observe potential data protection implications. Witnesses may also be asked to comment as appropriate on parts of the draft report relevant to them.

25. Where the investigation has not been personally conducted by the MO, the final decision as to outcome will nevertheless be made by the MO unless there is a conflict of interest, in which case the decision will be taken by a Deputy MO.
26. There may be exceptional circumstances when the MO decides that a case should be closed before a draft or final report has been produced due to a significant change in circumstances. This may include, for example that the subject member is seriously ill or is no longer a member or other action has led to the matter being resolved. In such cases the MO should consult the IP before deciding that the file be closed. A record of the complaint will be kept on file in the event that the subject member returns to office in the future and a subsequent complaint is lodged against them.
27. At the end of the investigation the MO may conclude:
 - a) that there has been no breach of the Code;
 - b) to seek to resolve the matter informally; or
 - c) to refer the matter to the Standards Committee for determination.
28. In cases where the MO has concluded that there has been no breach of the Code all parties (and the clerk in parish cases) will be notified of the MO's decision and there is no right of appeal against that decision. The MO will report the finding to the standards committee and issue a public decision notice.
29. Where the MO decides to seek to resolve the matter informally, he or she shall seek the views of the IP and complainant before concluding whether such an outcome is appropriate. The possible actions are those outlined above at paragraph 14. If the subject member or complainant refuses to engage with the informal action directed by the MO, the MO deems the action taken by the Member insufficient or the informal action does not take place in a timely way the MO will decide, in consultation with the IP, whether the case should be closed or whether a hearing is necessary. The MO will notify the complainant (and clerk in parish cases) of the outcome of the informal action.
30. Where the matter is referred for determination, the assessment panel of the standards committee will convene within 2 months. The MO will notify the complainant of the date of the hearing.

Assessment Panel

31. A matter referred for determination by the MO will be heard by an assessment panel, made up of members of the standards committee.

32. At the start of the hearing the MO will advise the assessment panel whether the matter should be heard in public or in private, subject to the normal rules on exempt and confidential information and bearing in mind the public interest. The assessment panel will always, however, retire in private to consider its findings and possible action.
33. The views of the IP will be sought by the assessment panel during its meeting and before the panel retires to consider its decision. The IP will not retire with the assessment panel during its private deliberations.
34. The assessment panel may decide:
- a) that there has been no breach of the code;
 - b) that there has been a breach but to take no further action; or
 - c) that there has been a breach and a relevant sanction should be imposed or recommended.
35. If the assessment panel decides that a relevant sanction should be imposed or recommended it may impose or recommend any one or more of the following:
- a) report its findings in respect of the subject member's conduct to council (or the relevant parish council);
 - b) issue (or recommend to the parish council to issue) a formal censure;
 - c) recommend to the subject member's group leader (or in the case of ungrouped members, recommend to council) that he/she be removed from any or all committees or sub-committees of the council (or recommend such action to the parish council);
 - d) recommend to the leader of the council that the subject member be removed from positions of responsibility.
 - e) instruct the MO to (or recommend that the parish council) arrange training for the subject member;
 - f) recommend to council (or recommend to the parish council) that the subject member be removed from all outside appointments to which he/she has been appointed or nominated by the council (or by the parish council);
 - g) recommend to council (or recommend to the parish council) that it withdraws facilities provided to the subject member by the council for a specified period, such as a computer, website and/or email and internet access;
 - h) recommend to council (or recommend that the parish council) that it excludes the subject member from the council's offices or other premises for a specified period, with the exception of meeting rooms as necessary for attending council, committee and sub-committee meetings and/or restricts contact with officers to named officers only;
 - i) if relevant, recommend to the council that the subject member be removed from their role as leader of the council

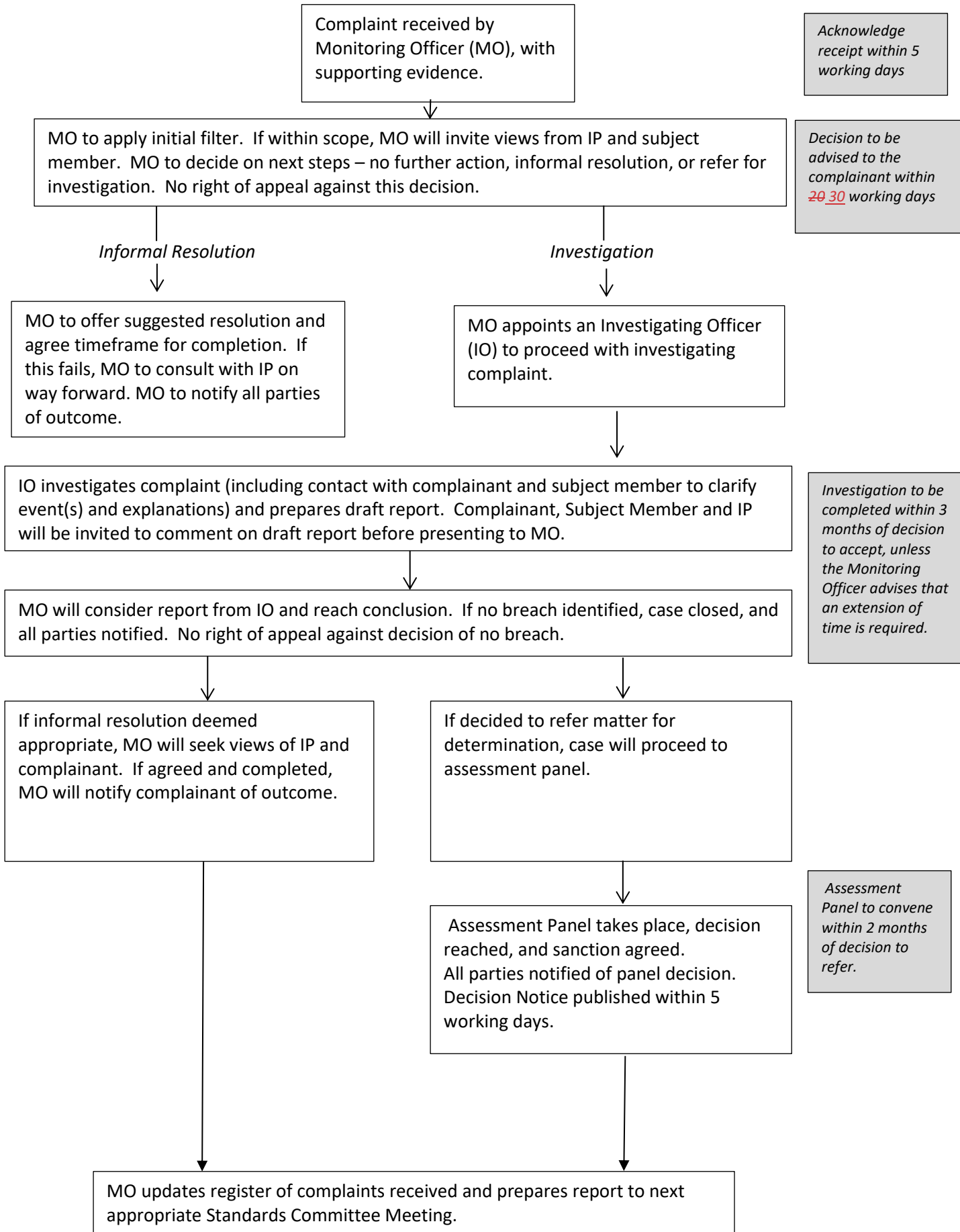
j) if relevant recommend to the secretary or appropriate official of the group that the member be removed as group leader or other position of responsibility.

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

37. A decision notice will be published on the council website within 5 working days of the assessment panel's decision.

Ends....

APPENDIX A - PROCEDURE FLOWCHART



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

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

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

Name	Nick Bowman, Chief Inspector
Email	Nick.Bowman@sussex.police.uk
Tel	01273 404535 ext 580223

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

Name	Daniel Bainbridge, Group Head of Law & Governance
Email	monitoring.officer@arun.gov.uk
Tel	01903 737607

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

REVISIONS LOG

Revision Log		
Version Number	Date	Revision
1.0	18.02.21	Procedure approved by Standards Committee
2.0	Jan 2022	Amendments approved by Standards Committee
2.1	07.03.22	Amended Police Protocol following appointment of new Chief Inspector.
2.2	27.06.22	Updated Police Protocol with new Monitoring Officer details
3.0	February 2023	Annual review of Procedure, amendments approved by Standards Committee at their meeting on 23.02.23. Approved at Full Council 15.03.23.



Procedure for Assessment Panel of the Standards Committee

*Version 3.0 – incorporated changes discussed by Standards Committee
at their meeting on 23.02.23*

Version 3.0

The procedure for hearings before an Assessment Panel of the Standards Committee.

1. Formal hearings will be conducted by a panel of three councillors drawn from membership of the standards committee on the basis of availability, plus one of the independent persons who will not be a member of the panel but whose views the panel must have regard to. The chair and/or vice chair of standards committee will be invited to sit on the panel but not necessarily to chair the panel.
2. The hearings panel need not reflect the political proportionality of the council as a whole.
3. A member of the standards committee, against whom a Code of Conduct complaint has been made, shall not be selected as a member of an assessment panel until consideration of their complaint has been concluded.
4. The Monitoring Officer (MO) will advise the panel at the start of the meeting, whether in his or her opinion the panel should meet in public or private having regard to:
 - a. The rules on confidential and exempt information as defined by Schedule 12A, Local Government Act, 1972; and whether
 - b. In all the circumstances of the case, the public interest in maintaining any exemption outweighs the public interest in disclosing the information.
5. Before an assessment panel meets, the MO shall write to the subject member and to the complainant, asking each:
 - a) whether they accept the finding in the investigation report
 - b) whether they dispute any factual part of the report, identifying any areas of dispute
 - c) whether they wish to call any witnesses at the hearing (only witnesses identified to the Investigating Officer by the complainant or by the subject member may be called as witnesses. In law, witnesses do not have to attend an assessment panel).
 - d) whether the complainant wishes to be present at the hearing (the complainant shall be invited, but is not obliged, to attend the hearing. If the complainant is not present, the procedure below shall be adapted accordingly)
 - e) whether they wish to be accompanied at the hearing. The rule of natural justice will apply, and the subject member will be advised that they can choose to be accompanied by a friend or colleague. The friend or colleague may speak with the subject member but may not address the panel.
6. Where the investigation has not been carried out by the MO, the MO will also ask the investigator if they wish to call any witnesses in addition to any called by the subject member or complainant.

7. In advance of a meeting of an assessment panel, its members shall seek to agree who will chair the hearing. The chair may issue directions about the conduct of the hearing, including the number and suitability of suggested witnesses. A member of an assessment panel shall not act as chair unless they have received relevant training.
8. Subject to the discretion of the chair, the hearing shall be conducted as follows:
 - a. The investigating officer will be invited to present their report and to call witnesses. The complainant, the subject member and the panel (including the independent person), in that order, may ask questions or seek clarification both of the investigating officer and any witnesses.
 - b. The complainant will be invited to comment on the report and its findings and to call witnesses. The investigating officer, the subject member and the panel (including the independent person), in that order, may ask questions or seek clarification both of the complainant and any witnesses.
 - c. The subject member will be invited to comment on the report and its findings and to call any witnesses. The investigating officer, the complainant and the panel (including the independent person), in that order, may ask questions or seek clarification both of the subject member and any witnesses.
 - d. The investigating officer, the complainant and the subject member will be invited, in that order, to make brief concluding remarks.
 - e. The subject member will remain present throughout the hearing although any witnesses would only be present when being invited to present their evidence.
9. The chair and assessment panel, including the independent person, may ask for advice at any stage from the MO or another officer appointed to advise the committee.
10. Once the hearing has been concluded, the assessment panel and the MO, or other officer where the MO has a conflict of interest, will then retire to consider its decision. The independent person will not retire with the panel. The assessment panel is required to do the following:
 - (i) to make findings of the facts;
 - (ii) to decide on whether these facts constitute a breach of the Code of Conduct; and
 - (iii) where a breach is found, to decide on the appropriate sanction.
11. In deciding whether or not to uphold the complaint, the assessment panel must apply, as the standard of proof, the balance of probability.
12. The assessment panel will then return and announce its findings on whether there has been a breach of the Code and give reasons.
13. The assessment panel will announce what, if any, sanction it wishes to impose. Following the hearing, a decision notice will be issued within 5 working days, and a copy shall be sent to the complainant and subject

member, and to the parish clerk where it is a parish council case. The assessment panel to determine how long the decision notice is to be published.

14. There is no right of appeal against a decision on a Code of Conduct complaint. If the complainant or the subject member considers that the complaint has not been considered properly by the assessment panel, they may be able to complain to the Local Government Ombudsman or seek permission for judicial review.
15. The decision will be published on the standards committee pages of the council's website. This includes decisions relating to members of town or parish councils.

A. Sanctions available to an Assessment Panel

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

REVISIONS LOG

Revision Log		
Version Number	Date	Revision
1.0	18.02.21	Procedure adopted by Standards Committee
2.0	Jan 2022	Amendments approved by Standards Committee at their meeting 16.12.21
3.0	February 2023	Amendments approved by Standards Committee at their meeting 23.02.23. Approved at Full Council 15.03.23

This page is intentionally left blank

Arun District Council

REPORT TO:	Standards Committee 18 January 2024
SUBJECT:	Recruitment of Independent Persons
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law & Governance
LEAD MEMBER:	Councillor David Huntley
WARDS:	All
<p>CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: The Standards Committee is responsible for maintaining high governance standards within the Council pursuant to its duties under the Localism Act 2011. The Committee has the role of ensuring that the ethical standards regime forming part of the governance framework of the Council is robust, thereby engendering public confidence that the Council can deliver upon its priorities.</p>	
<p>DIRECTORATE POLICY CONTEXT: The Law & Governance and Monitoring Officer functions sit within the Growth directorate.</p>	
<p>FINANCIAL SUMMARY: The financial implications are set out within the body of the report, with costs being met from the Group Head of Law & Governance's existing budget.</p>	

1. PURPOSE OF REPORT

- 1.1 To finalise the Council's recruitment process in respect of Independent Persons.

2. RECOMMENDATIONS

It is recommended that the Committee considers and agrees the application pack for Independent Persons set out in the Appendix to this report.

3. EXECUTIVE SUMMARY

- 3.1 The Standards Committee's functions include considering membership and recruitment of Independent Persons and making recommendations for appointments to Full Council.
- 3.2 Independent Persons (IPs) are appointed for a fixed period of time, and all three of the Council's IPs' terms of appointment will expire in July 2024. A recruitment process will need to be commenced following this meeting in order to have in place suitably qualified IPs for the next four-year period.

4. DETAIL

- 4.1 At its meeting on 31 October 2023 the Committee received a report introducing the process and timings for the recruitment of the Council's Independent Persons, whose current terms of appointment are due to expire in July 2024.

- 4.2 At the meeting the Committee resolved as follows:
- (i) That the Council seek to recruit three independent persons for a term of 4 years commencing in July 2024, with an interview panel comprising three members of the Committee, the Group Head of Law and Governance and an existing Independent Person.
 - (ii) Authorised the Group Head of Law and Governance to prepare an application pack and bring the documentation to this meeting for approval.
 - (iii) Authorised the Group Head of Law and Governance to explore recruiting jointly with other West Sussex district and borough councils.
- 4.3 In order to invite applications, an advertisement will be placed in local newspapers that cover the district and on the Council's website. Under section 8(c)(i) of the Localism Act 2011, the vacancy for an Independent Person must be advertised in such a manner as the authority considers is likely to bring it to the attention of the public. This will include on the Council's website.
- 4.5 At its meeting on 31 October 2023 the Committee was informed that the information pack will consist of:
- (a) Role and Functions of Independent Person/Independent Standards Assessor
 - (b) Person Specification
 - (c) An application form
 - (d) The eligibility and selection criteria that will be used by the interview panel
 - (e) A copy of the Members' Code of Conduct and Local Assessment Procedures.
- 4.6 A draft information pack containing items (a) to (e) above is contained within the Appendix to this report and the Committee's comments and approval are sought in relation to this document.

5. CONSULTATION

- 5.1 Internal consultation has taken place with the Corporate Management Team.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 Having no Independent Persons is not an option.
- 6.2 The Council could reduce its Independent Persons to one or two, but this would leave the risk of lack of cover in the case of illness or leave. This option is not recommended and was not agreed by the Committee at its October 2023 meeting.

6.3 The Council could overlap its appointments as some authorities do in order to seek to establish a 'corporate memory'. However, this would mean undertaking recruitment processes in three of every four years, increasing cost and Officer time. It is the Monitoring Officer's view that having three Independent Persons appointed for four years together enables a stronger pool of knowledge of the Council and its Members, and this option was not agreed by the Committee at its October 2023 meeting.

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

7.1 There are no direct financial implications. Any expenditure in relation to the recruitment process will be met from existing budget.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 Appointing Independent Persons supports the Council's governance arrangements and aids the mitigation of risk through the maintenance of strong standards of conduct within the authority.

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

9.1 Councils are statutorily obliged to appoint at least one Independent Person (IP). IPs' views are to be sought and taken into account by the Monitoring Officer and/or Standards Committee when a decision is taken on an allegation under the Members' Code of Conduct. Their views may also be sought by the Monitoring Officer and/or Standards Committee at any other stage in the procedure when a complaint of a breach of the Code is considered, or by the Councillor facing the allegation. The Monitoring Officer routinely consults with the IP at the assessment stage of any complaint.

9.2 The Council's Constitution requires the Council to have a minimum of three Independent Persons appointed at any one time. The Standards Committee is responsible for considering membership and recruitment of Independent Persons to the Committee and making recommendations for appointments to Full Council.

9.3 IPs cannot be employees of the Council or Councillors, and are invited to attend meetings of the Standards Committee in an advisory, non-voting capacity.

9.4 Section 27 Localism Act 2011 provides that an authority must promote and maintain high standards of conduct by Members and Co-opted Members of the Authority.

9.5 Section 28 Localism Act 2011 requires that the Council appoints an Independent Person and the steps that must be undertaken in the process.

9.6 Section 28(8)(c)(iii) Localism Act 2011 provides that an Independent Person's appointment must be approved by a majority of members at Full Council.

10. HUMAN RESOURCES IMPACT

10.1 There are no human resources implications. This work will be carried out by officers under their day-to-day duties.

11. HEALTH & SAFETY IMPACT

11.1 There are no such implications associated with this report.

12. PROPERTY & ESTATES IMPACT

12.1 There are no such implications associated with this report.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 There are no such implications associated with this report.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 There are no such implications associated with this report.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 There are no such implications associated with this report.

16. HUMAN RIGHTS IMPACT

16.1 There are no such implications associated with this report.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 There are no such implications associated with this report.

CONTACT OFFICER:

Name: Daniel Bainbridge

Job Title: Group Head of Law & Governance

Contact Number: 01903 737607

BACKGROUND DOCUMENTS: None

This page is intentionally left blank

[ARUN DISTRICT COUNCIL LOGO]

**Independent Person
Information Pack**

1. Role and Function
2. Eligibility Criteria
3. Selection Criteria
4. Person Specification

Other attachments:

Application form

Code of Conduct and Arrangements for dealing with complaints

ROLE AND FUNCTION

The Localism Act 2011 (“the Act”) requires Arun District Council and its Parish and Town Councils to promote and maintain high standards of conduct for Councillors.

The Act requires the Council to have in place arrangements for dealing with complaints of breaches of the Councillors’ Code of Conduct both by Arun District Council members and by Parish and Town Council members. Section 28(7) of the Act includes the requirement to appointment at least one Independent Person.

The Act also requires the council to appoint an Independent Person who will be consulted before a decision is made on a complaint. In addition, the Independent Person may be asked to be involved with informal settlement of complaints or any other function relating to promoting standards within the district.

To discharge the functions of the Independent Panel giving advice/views/recommendations to the Council upon the dismissal of any Statutory Officer pursuant to the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015 and the Council’s Constitution.

The Council has decided to appoint three Independent Persons, each of whom will be appointed for 4-year terms.

A fixed allowance in accordance with the Members’ allowance scheme of £X per annum is payable together with reimbursement of travel expenses.

For further details please contact:

Daniel Bainbridge
Group Head of Law and Governance (Monitoring Officer)
Arun District Council
Maltravers Road
Littlehampton
West Sussex
BN17 5LF
monitoring.officer@arun.gov.uk

Independent Person eligibility criteria

A person cannot be an independent person if they have been:

- within the period of 5 years ending with the appointment a councillor, co-opted member or officer of the council, or parish or town council within the principal authority's area, or
- a relative or close friend of either of the above, or
- who is currently an Officer or Member of any other relevant authority (this includes parish, district, county and unitary councils and Police and Fire Authorities)

A relative under the Localism Act 2011 is defined as:

- (a) the other person's spouse or civil partner,
- (b) living with the other person as husband and wife or as if they were civil partners,
- (c) a grandparent of the other person,
- (d) a lineal descendant of a grandparent of the other person,
- (e) a parent, sibling or child of a person within paragraph (a) or (b),
- (f) the spouse or civil partner of a person within paragraph (c), (d) or (e), or
- (g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners.

Selection Criteria

The ideal candidate for the position of Independent Person will:

1. Have a broad range of experience, preferably in public, private, voluntary or charitable sector employment or service including self-employed, employed and voluntary positions.
2. Have good analytical skills and be able to demonstrate clarity of thought. The ability to assimilate information quickly and arrive at balanced judgments.
3. Be impartial, objective, and can maintain independence in a politically sensitive environment.
4. Be able to demonstrate a high level of commitment to upholding the general principles governing the conduct of Councillors generally and matters of probity and integrity in particular.
5. Have good interpersonal skills, good communication skills both written and oral and the ability to co-operate with others in a committee setting.
6. Have tact and diplomacy in handling sensitive matters.
7. Demonstrate strong decision-making skills.
8. Can offer authoritative and impartial advice.
9. Can gain the confidence of councillors, officers and the public.
10. Can make decisions on an impartial basis, grounded in the evidence.
11. Can work constructively with the local authority and senior officers.

Desirable additional criteria are:

1. Working knowledge / experience of local government or some other aspects of the public service and/or of large, complex organisations at a senior level and substantial awareness and understanding of the political process.

Any application submitted should demonstrate how the above criteria are met as this will assist the short-listing process.

Means of assessment:

By assessment of application form and by interview.

INDEPENDENT PERSON – PERSON SPECIFICATION

	Essential	Desirable
Qualifications: <ul style="list-style-type: none"> No specific qualifications or background is required 		
Knowledge and Skills: <ul style="list-style-type: none"> A good communicator with questioning skills# Assertive Inquisitive, open-minded and non-judgemental Perception of the potential contribution of an Independent Person to the complaints procedure and the dismissal process for Statutory Officers Understanding of the arrangements for dealing with Councillor complaints and the process for dismissal of Statutory Officers General understanding of the principles behind the Councillors' Code of Conduct Awareness of the Localism Act 2011 Excellent interpersonal Skills 	<p>E</p> <p>E</p> <p>E</p> <p>E</p> <p>E</p> <p>E</p> <p>E</p>	<p>D</p> <p>D</p>

<p>Experience:</p> <ul style="list-style-type: none"> • A demonstrable interest in local issues • Experience in committee working/weighing evidence and dealing with ethical issues • An interest in public service and local government in particular 	<p>E</p>	<p>D</p> <p>D</p>
<p>Competencies:</p> <ul style="list-style-type: none"> • A person in whose impartiality and integrity the public can have confidence in • Understand and comply with confidentiality requirements and data protection requirements • Able to make a significant contribution to the work of the arrangements for dealing with complaints 	<p>E</p> <p>E</p> <p>E</p>	
<p>Other requirements:</p> <ul style="list-style-type: none"> • Must not be disqualified from standing for election as a councillor, i.e. been adjudged bankrupt or been sentenced to a term of imprisonment for a period of not less than three months in the past five years • Must not currently have and must not enter into any contractual relations with the council under which he/she will gain personally 	<p>E</p> <p>E</p>	

<ul style="list-style-type: none"> • Will have disclosed to the council any matter in his/her background which, if it became public, might cause the council to reconsider the appointment 	E	
<ul style="list-style-type: none"> • Commit to a 4-year term 	E	
<ul style="list-style-type: none"> • Must be considered to be independent 	E	
<ul style="list-style-type: none"> • Must be willing to undergo training when required 	E	

APPLICATION FORM

APPLICATION FOR POSITION OF INDEPENDENT PERSON

1. Personal Details

Name:

Address:

Post Code:

Contact Details:

Daytime Telephone Number:

E-mail address:

2, Qualifications / Knowledge / Experience

(Please list in particular any qualifications, knowledge and experience which you
Consider are relevant to the position of Independent Person)

3. Why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?

4. Please provide any additional information you may wish to give in support of your application:

5. Criminal Convictions and Cautions

Have you ever received a caution, including conditional Cautions, or been convicted by a Court of any offence or been reprimanded? Please see further information on spent and unspent convictions at the end of the application form.

YES

NO

If yes please give details and dates of any convictions (excluding driving offences))

Note: This does not apply to convictions which are spent in accordance with the Rehabilitation of Offenders Act 1974.

6. References will be taken up for all applicants who are invited for interview

1.

Name

.....

Address

.....

.....

.....

Telephone

.....

2.

Name

.....

Address

.....

.....

.....

Telephone

.....

7. I confirm that, I...	Yes	No
Am able to attend Council offices for meetings and consultations as required through the Standards Process		
Am able to attend programmed meetings, ad hoc if required, and devote preparation time for each meeting.		
Am able to access emails and undertake work at home if required		
Am available for telephone/email consultation		
Do not currently have and must not enter into any contractual relations with the Council under which I will gain personally		
Have disclosed and agree to continue to disclose to the Council any matter in my background which, if it became public, might cause the Council to reconsider the appointment.		
Am not a member of any political party or have a public profile in relation to political activities.		

I wish to apply to be an Independent Person.

In submitting this application, I declare that:-

- I am not and have not during the past five years been a member or officer of Arun District Council.
- I am not related to, or a close friend of, any Member or Officer of Arun District Council.
- I am not currently an Officer or Member of any other relevant authority (this includes parish, borough, district, county and unitary council and Police and Fire Authorities).
- I am not actively engaged in local party-political activity.
- I understand that this is a voluntary role which attracts an annual allowance of £X to cover costs incurred. I will not be an employee of Arun District Council and confirm that I therefore not do not have the rights of employees or workers for the two authorities.

Signed:

.....

Dated:

.....

Please return this application form by [DATE AND TIME] to monitoring.officer@arun.gov.uk with a subject title: Independent Person, or addressed to Mr Daniel Bainbridge, Group Head of Law and Governance, Arun District Council, Maltravers Road, Littlehampton, West Sussex, BN17 5LF

Please find our Privacy Policy: [INSERT WEB LINK]

REPORT TO:	Standards Committee 18 January 2024
SUBJECT:	Register of Assessment of Complaints Against Councillors
LEAD OFFICER:	Daniel Bainbridge – Monitoring Officer
LEAD MEMBER:	Councillor David Huntley
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.”	
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

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

3. EXECUTIVE SUMMARY

- 3.1. This report updates the Committee on the complaints against Councillors received since the Monitoring Officer's last report on 31 October 2023. 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 an anonymised version of this is distributed to Members of the Standards Committee by way of this regular update report (see para 4.2 below). This assists the Committee in making decisions on where to direct any refresher or targeted training and to review any lessons learned.
- 4.2. Since the last report to the meeting on 31 October 2023, the following complaints have been received, progressed or completed.

Case Ref	Complaint Against	Allegation/Complaint	Alleged breach of Code Ref	Outcome
23/02	Parish Councillor	Unprofessional behaviour, aggressive manner	Section E paras 1, 2 and 5 of Parish Code	Breach of Paras 1 and 2. Informal resolution – subject member issued written apology to complainant
23/03	District Councillor	Disrespect to members of the public; using position to intimidate and undermine work	Paras 1.1, 3.1, 4.1.3, 6.1 and 8.3	Breach of Para 1.1. Informal resolution – letter of apology to be issued to complainant.
23/04	Parish Councillor	Disrespect shown to member of the public; misuse of confidential information.	Paras 2.2, 4.4, and 6.1 of Parish Code	No Breach
23/05	Town Councillor	Disrespect shown at public event	To be determined	MO conducting initial assessment
23/06	Parish Councillor	Disrespect to fellow councillor	Paras 1.1 and 2.3 of Parish Code.	Breach of Para 1.1. Informal resolution - letter of apology to be issued to complainant.

4.3 The Committee has requested that reports include 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/Paris	Complaint by Councillor	Complaint by Public	Resolved by Informal Resolution
Jan-23	1		1	1		
Feb-23	1	1			1	
Mar-23	1	1		1		
Apr-23	1	1			1	
May-23	0					
Jun-23	1		1		1	
Jul-23	0					
Aug-23	0					
Sep-23	1		1	0	1	1
Oct-23	0					
Nov-23	4	1	3	1	3	2
Dec-23	0					
TOTAL	9	3	6	3	6	2

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

STANDARDS COMMITTEE WORK PROGRAMME 2023/24

Standards Committee	Report Author	Date of Meeting	Full Council Meeting Date
Monitoring Officer			
1. Register of Assessments of Complaints Against Councillors	Monitoring Officer	20.07.23	08.11.23
2. Monitoring Officer Report	Monitoring Officer		
3. Member Learning & Development	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors	Monitoring Officer	31.10.23	08.11.24
2. Monitoring Officer Report	Monitoring Officer		
3. Member Learning & Development	Monitoring Officer		
4. Independent Person Recruitment	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors	Monitoring Officer	18.01.24	13.03.24
2. Monitoring Officer Report	Monitoring Officer		
3. Member Learning & Development	Monitoring Officer		
4. Independent Person Recruitment	Monitoring Officer		
5. Review of Local Assessment Procedures	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors	Monitoring Officer	27.03.24	09.05.24

STANDARDS COMMITTEE WORK PROGRAMME 2023/24

2. Monitoring Officer Report	Monitoring Officer		
3. Member Learning & Development	Monitoring Officer		
4. Independent Person Recruitment	Monitoring Officer		