



Public Document Pack

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08 October 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 17 October 2024 at 6.30 pm** and you are requested to attend.

Members: Councillors Huntley (Chair), May (Vice-Chair), Ayling, Batley, Goodheart, Kelly, 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 10 October 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 - 4)

The Committee will be asked to approve as a correct record the Minutes of the Standards Committee held on 11 July 2024.

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 - OCTOBER 2024 (Pages 5 - 8)

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.
[5 Minutes]

7. MEMBER LEARNING AND DEVELOPMENT (Pages 9 - 14)

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

8. RECRUITMENT OF INDEPENDENT PERSONS (Pages 15 - 18)

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

Independent Persons are appointed for a fixed period of time, and all three of the Council's IPs' terms of appointment are due to expire on 6 November 2024. A recruitment process was agreed by this Committee at its meeting on 18 January 2024 and the terms of office of the three current Independent Persons was extended to 6 November 2024 to allow for this process to be completed (as agreed by Full Council at their meeting on 17 July 2024).

[10 Minutes]

9. INDEPENDENT PERSON PROTOCOL

(Pages 19 - 28)

The Standards Committee's functions include functions relating to standards of conduct of District Councillors, Town and Parish Councillors and co-opted members under the Localism Act 2011 or regulations made under it.

National good practice is that the Council should devise and adopt a protocol to ensure there is clarity about the Independent Person role and to make sure that there is clear separation of the roles of the Independent Persons, the Monitoring Officer and the Standards Committee.

The Council has an adopted set of Local Assessment Procedures (LAP) which comprehensively set out the way in which complaints about member conduct will be dealt with by the Monitoring Officer and the Standards Committee, and the proposed Protocol mirrors the LAP's requirements as they relate to the Independent Persons.

[10 Minutes]

10. REVIEW OF COUNCILLORS GUIDE TO PERSONAL SAFETY

(Pages 29 - 54)

The Councillors Guide to Personal Safety was last reviewed in March 2023. Recent incidents in 2024 which have impacted on Councillor safety have suggested that a review of the document should be undertaken and refreshed to reflect updated guidance.

[20 Minutes]

11. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

(Pages 55 - 58)

This report updates the Committee on the complaints against Councillors received since the Monitoring Officer's last report on 11 July 2024. 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. WORK PROGRAMME

(Pages 59 - 60)

The Committee is required to note the Work Programme for 2024/25.

[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](#).

STANDARDS COMMITTEE

11 July 2024 at 6.00 pm

Present: Councillors Huntley (Chair), May (Vice-Chair), Ayling, Batley, Goodheart, Kelly, Lloyd, Purser and Woodman

[Councillor Ayling was absent from the meeting during the consideration of the matters referred to in the following minutes 118 – 121]

118. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor Turner and Miss Worne and also from Independent Person Mr John Cooke.

119. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

120. MINUTES

The Minutes of the meeting held on 27 March 2024 were approved by the Committee and signed by the Chair.

121. ITEMS NOT ON THE AGENDA WHICH THE CHAIR 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.

122. PUBLIC QUESTION TIME

The Chair confirmed that no public questions had been submitted for this meeting.

Standards Committee - 11.07.24

123. START TIMES

Following discussion and debate, the Committee

RESOLVED

That its start time for the remainder of the Municipal Year 2024/25 be 6.30 pm.

124. MONITORING OFFICER REPORT - JULY 2024

The Monitoring Officer introduced his update report to the Committee providing an overview of his work undertaken that fell within the scope of the functions for which the Committee was responsible.

He highlighted that Full Council at its meeting held on 13 March 2024, had approved constitutional amendments following a meeting of the Constitution Working Party held in February 2024. The amendments related to Part 5 (Section 1 – Council Procedure Rules and Section 2 – Committee Procedure Rules) relating to Public Question Time and Part 7 (Management Structure). The constitution had been subsequently amended on 10 April 2024.

The Monitoring Officer confirmed that he was due to contact those Town and Parish Councils that had not yet adopted the Local Government Association (LGA) model code of conduct with the aim of bringing a universal approach to the model across the district. The Committee was also advised that a review of the Arun Code would be undertaken later in the year.

The Committee noted the report.

125. MEMBER LEARNING AND DEVELOPMENT

The Monitoring Officer in introducing his regular report on Member Learning and Development provided a verbal update to the Committee. He informed Members that following the Annual Meeting of the Council and changes in Committee Memberships, Councillor Needs had become a Member of the Licensing Committee and so arrangements were in place to ensure that she received her mandatory training as soon as possible. Plans were in place to provide this in house by a member of the legal services team.

The Chair and Vice-Chair of the Planning Committee were due to attend Planning Training tailored for Chairs of Planning and Development Control Committees on 20 and 21 July provided by the LGA.

The Committee noted the report and the verbal updates provided.

126. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

The Monitoring Officer introduced the report, drawing Members attention to the table in paragraph 4.2 where it was highlighted that a simplified numbering system had been introduced in terms of case references.

The Monitoring Officer explained that in looking at trends and patterns, there had been a slight increase in the number of complaints submitted since the last meeting of the Committee in March 2024 and especially in respect of parish councils. The Monitoring Officer stated that he would be liaising with the Clerks of those Councils to obtain additional background information and to ascertain if there was a pattern forming so that the appropriate support and advice could then be provided.

In the absence of questions from Members regarding the register of complaints, the Committee noted the report.

127. RECRUITMENT OF INDEPENDENT PERSONS

The Monitoring Officer introduced his report and reminded Members that the Standards Committee's functions included considering membership and recruitment of Independent Persons and making recommendations for appointments to Full Council. Independent Persons (IPs) were appointed for a fixed period of time, and all three of the Council's IPs' (Sandra Prail, John Thompson and John Cooke) terms of appointment were due to expire in July 2024. A recruitment process had been agreed by the Committee at its meeting on 18 January 2024 with the aim of appointing new Independent Persons at the July 2024 Full Council meeting. The Monitoring Officer had not been able to progress the recruitment process as promptly as envisaged and an extension of each IP's term of office to 6 November 2024 was therefore recommended.

Having had the recommendation proposed by Councillor Woodman and seconded by Councillor Ayling, the Chair then invited questions from Members.

Having noted the position regarding the Independent Persons recruitment process;

The Committee

RECOMMENDED TO FULL COUNCIL

That the terms of office of the Council's current Independent Persons be extended to 6 November 2024.

Standards Committee - 11.07.24

128. WORK PROGRAMME

The Committee received and noted its Work Programme for 2024/25.

(The meeting concluded at 6.25 pm)

REPORT TO:	Standards Committee – 17 October 2024
SUBJECT:	Monitoring Officer Report – October 2024
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law & Governance
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:	
All of the matters contained within this report	
FINANCIAL SUMMARY:	
No financial implications as this is an information-only 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 will be amended to reflect the changes to the senior management structure following the arrival of Dawn Hudd as Chief Executive in July 2024. These changes will be made under the Monitoring Officer’s delegated authority.

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

- 4.3 The Monitoring Officer has nothing further to report on this item since his report to Committee on 11 July 2024.

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. The Monitoring Officer is due to contact those town and parish councils that have not yet adopted the LGA’s 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 There is nothing specific to report on this matter at this meeting.

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. The Monitoring Officer has nothing to report on this matter at 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 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 attended two town/parish councils in order to brief them on the Code of Conduct and other matters.

Recruitment of Independent Persons

4.12 The Monitoring Officer is progressing with the recruitment of the Council's Independent Persons for 2024-2028 as agreed by the Committee at its meeting on 10 January. A detailed report on this matter is included in the agenda for this meeting.

Member Learning and Development

4.13 This item is the subject of a separate report 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 – 17 October 2024
SUBJECT:	Member Learning and Development
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law & Governance
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:	
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 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).

- 4.2. 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.
- 4.3. The Monitoring Officer is constantly monitoring the training and development of Councillors on all areas related to their work.
- 4.4. The matrix is published in the 'Useful Documents' library in Members Area on Sharepoint so that Councillors can identify suitable substitutes when needed.

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. Any future Member development would and is met from existing budgets within Law & Governance.

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

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Lury	Madeley	May	McAuliffe	McDougall	Nash	Needs	Northeast	O'Neill	Oppler	Partridge	Patel	Pendleton	Penycate	Purser	Stainton	Stanley	Tandy	Turner	Wallsgrave	Walsh	Warr	Wiltshire	Woodman	Worne, Amanda	Worne, Amelia	Yeates	
																											Committee Training
																											Planning Committee Training
																											Licensing Committee Training
																											Standards Committee Training
																											Audit & Governance Committee Training
																											Planning Policy Committee Training
																											Other Training
																											Code of Conduct Training (Induction session 18.05.23)
																											Notes:
																											Key:-
																											Training attended/completed
																											Training required but not completed
																											Trained as subs

Arun District Council

REPORT TO:	Standards Committee – 17 October 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 Chief Executive’s directorate.</p>	
<p>FINANCIAL SUMMARY: There are no financial implications associated with this report.</p>	

1. PURPOSE OF REPORT

- 1.1 To update Members on the Council’s recruitment process in respect of Independent Persons and for Committee to recommend the appointment of three Independent Persons (IPs), following a recruitment process.

2. RECOMMENDATIONS

It is recommended that the Committee agrees to recommend to Full Council that Alan Ladley, John Cooke and John Thompson be appointed as Independent Persons for the period of 4 years from 7 November 2024.

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 are appointed for a fixed period of time, and all three of the Council’s Independent Persons terms of appointment are due to expire on 6 November 2024. A recruitment process was agreed by the Committee at its meeting on 18 January 2024 and the terms of office of the three current Independent Persons was extended to 6 November 2024 to allow for this process to be completed (as agreed at the Full Council on 17 July 2024).

4. DETAIL

- 4.1 An advert and information pack were approved by the Standards Committee at its meeting on 18 January 2024 and the advert was published on the Council's website on 29 August 2024.
- 4.2 The advert was also promoted via the council's Business Partnership newsletter and also posted on the Forces Employment Charity and Forces Families Job websites, following a suggestion from a Committee Member that this kind of role would be of interest to veterans.
- 4.3 The closing date for applications was Friday 13 September 2024 and we received a total of four applications.
- 4.4 The Monitoring Officer and the Chair of Standards Committee undertook a shortlisting exercise and three applicants were invited to interview.
- 4.5 An interview panel was convened and interviews took place on Friday 4 October 2024. The interview panel consisted of:
- Councillor David Huntley, Chair of the Standards Committee
 - Councillor Maralyn May, Vice-Chair of the Standards Committee
 - Councillor Mark Turner, Member of the Standards Committee
 - Sandra Prail, Independent Person
 - Daniel Bainbridge, Group Head of Law & Governance
- 4.6 Having interviewed all three candidates and assessed each against the criteria previously agreed by the Committee, the interview panel agreed the recommend to the Committee the appointment all three interviewed applicants:
- Alan Ladley
 - John Cooke
 - John Thompson.

5. CONSULTATION

- 5.1 No additional consultation is required following the decision of the interviewing panel.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 Having no Independent Persons is not an option.

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 is met from existing budget. The allowance paid to Independent Persons is covered within the Members Allowances Scheme in Part 9 of the council's constitution.

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.

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

Arun District Council

REPORT TO:	Standards Committee – 17 October 2024
SUBJECT:	Independent Person Protocol
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 service and the Monitoring Officer function sit under the Chief Executive’s Office.</p>	
<p>FINANCIAL SUMMARY: There are no financial implications associated with this report.</p>	

1. PURPOSE OF REPORT

- 1.1. To seek the Committee’s views on the proposed Independent Person Protocol.

2. RECOMMENDATIONS

- 2.1. It is recommended that the Committee considers and formally adopts the Protocol.

3. EXECUTIVE SUMMARY

- 3.1. The Standards Committee’s functions include functions relating to standards of conduct of District Councillors, Town and Parish Councillors and co-opted members under the Localism Act 2011 or regulations made under it.
- 3.2. National good practice is that the Council should devise and adopt a protocol to ensure there is clarity about the Independent Person role and to make sure that there is clear separation of the roles of the Independent Persons, the Monitoring Officer and the Standards Committee.
- 3.3. The Council has an adopted set of Local Assessment Procedures (LAP) which comprehensively set out the way in which complaints about Member conduct will be dealt with by the Monitoring Officer and the Standards Committee, and the proposed Protocol (see Appendix to this report) mirrors the LAP’s requirements as they relate to the Independent Persons.

4. DETAIL

- 4.1. The Localism Act 2011 requires the Authority to adopt arrangements for dealing with complaints of breach of the Code of Conduct by Authority Members.
- 4.2. Section 28(7) of the Act provides for the appointment by the Authority of at least one Independent Person ("IP"). The Act requires that:
 - the IP's views must be sought and taken into account by the Authority before it makes its decision on an allegation which it has decided to investigate;
 - the IP's views may be sought by the Authority in relation to an allegation in other circumstances (e.g. before a decision to investigate is taken, and/or in relation to issues other than the final decision on an allegation);
 - the IP's views may be sought by a Member of the Authority whose behaviour is the subject of an allegation of breach of the Code of Conduct
- 4.3. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 require that any panel set up to consider disciplinary action in relation to the Statutory Officers (the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer) should include at least two IPs.
- 4.4. The Council has devised a Protocol to ensure that there is clarity about the IP role and to make sure that there is clear separation of the roles of the IP, the Monitoring Officer and the Standards Committee.
- 4.5. The Protocol is new and follows national good practice. The Council's IPs are supportive of the proposed Protocol.

5. CONSULTATION

- 5.1. The Protocol has been devised at the recommendation of the Independent Persons and Hoey Ainscough Associates, who supported the delivery of Code of Conduct and Standards Committee induction training in 2023, and who also supported the development of the model Code of Conduct and the Council's Local Assessment Procedures.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1. The Council could continue without a Protocol, however, this would not be recommended good practice.

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

- 7.1. There are no direct financial implications.

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1 Having in place Independent Persons with a clear definition of purpose and separation of functions 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. 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.

- 9.3 The relevant statutory provisions are set out within the body of this report.

10. HUMAN RESOURCES IMPACT

- 10.1 There are no human resources implications.

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.

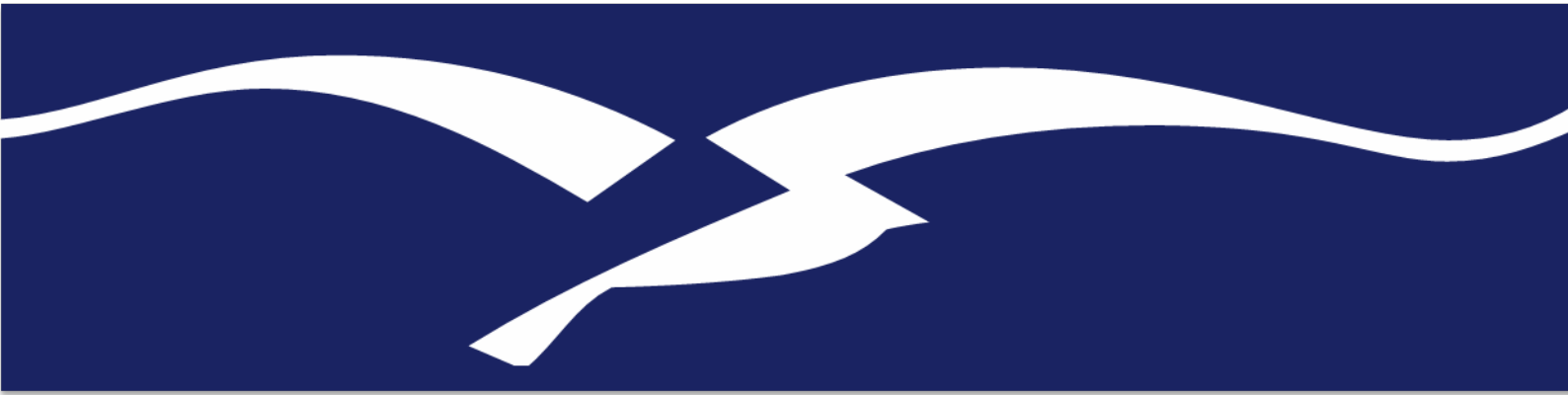
CONTACT OFFICER:

Name: Daniel Bainbridge

Job Title: Group Head of Law & Governance

Contact Number: 01903 737607

BACKGROUND DOCUMENTS: None



INDEPENDENT PERSON PROTOCOL

Version 1	Adopted by Standards Committee 17.10.24
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PROTOCOL RELATING TO THE COUNCIL'S INDEPENDENT PERSONS

This Protocol is to make clear the relationships between each Independent Person (IP) and the various parts of the local authority involved in the process of handling standards complaints and wider promotion of standards. Its aim is to ensure that responsibility is clear at each stage of the process and set out the expectations and rights of the Independent Person.

It is written with the following assumptions and in line with the [LGA Guidance on Member Model Code of Conduct Complaints Handling](#):

- The Monitoring Officer (MO) is taking the decisions whether or not any further action should be taken on an initial complaint.
- The Council has a Standards Committee which has standards as part of its remit.
- The IP is consulted on allegations by the MO before a decision is reached as to whether any further action is needed in line with the good practice recommendation of the Committee on Standards in Public Life.
- Matters where a breach of the Code are found following investigation may be referred to the Standards Committee for determination.
- It is written from the perspective of a council with towns and parishes.

Considering written allegations

The MO will seek the views of the IP before reaching a decision on whether any further action should be taken on a written complaint.

Where the IP meets in person with the MO to discuss the case, they will nevertheless record their views in writing for the record after the meeting.

When issuing the decision letter, the MO will record that the IP has been consulted and that their views have been taken into account. Where the view of the MO and IP differ, the MO will record the reasons for following a particular course. The letter will make clear that it is the MO and not the IP who is the decision-maker.

Informal resolution

The MO will seek the views of the IP before dealing with an allegation through informal resolution.

If the informal action has not been taken within the time limit set by the MO, or if they are not satisfied with the informal action taken the MO will consult with the IP before notifying the relevant parties of whether the matter is nevertheless closed or whether they intend to take further action.

Where informal resolution relates to a formal investigation the MO will seek the views of the IP before halting or pausing the formal investigation.

When informal resolution has been completed the MO will notify the IP.

Matters under investigation

Where the MO is considering outsourcing the investigation to another organisation or individual the MO may consult the IP before reaching a decision.

A councillor who is the subject of a complaint (subject member) may seek the views of the IP. A subject member wishing to contact the IP should do so via the MO who will arrange for a meeting to take place. These arrangements will be communicated to the subject member by the MO in the decision notice.

Where the IP has given views to the subject member, those views shall be put in writing following agreement with the subject member and made available to all relevant parties in the case.

The IP will agree in advance with the subject member rules of confidentiality, but it will be up to the IP to decide whether matters should remain confidential and, even where there is confidential information disclosed to the IP, there should be a public statement that confidential matters were discussed.

During the course of the investigation, it may be necessary for the MO to reappraise if the investigation remains the right course of action. The MO will consult with the IP before deciding to defer or end the investigation. If a decision is taken to begin the investigation again the MO will notify the IP.

The MO should have agreed timelines for delivery of the investigation report. Where it is likely that the initial timeline cannot be met the MO should have a mechanism to agree and record any extension and may consult with the IP.

The investigator will share their draft report with IP before it is sent to the relevant parties. The IP should satisfy themselves that the investigation is of an acceptable standard and meets the scope of the complaint.

The MO should issue the final report to the IP.

The MO may consult the IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints.

Hearings and determinations

Where the conclusion of an investigation report is that there has been no breach of the Code of Conduct, the MO may decide to take no further action. The MO must seek the views of the IP before making this decision.

If the MO considers that there has been a breach of the Code they will decide what action, if any, to take and notify the relevant parties. For example, they may decide to seek an informal resolution at this stage or decide that the matter is merely a technical breach which will not lead to any sanction. In doing so the MO will consult with the IP.

Where a matter has been referred to the Standards Committee for determination, the committee must seek the views of the IP before reaching its conclusions. The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome reasons must be given for any differences. However, it must be clear that it is the Standards Committee and not the IP who is the decision-maker. Those views may include views on any relevant sanctions where a breach of the Code has been found.

The IP will not retire with the committee when the committee is deliberating but must give their views to all parties.

The IP shall not make any comments to the media on any matter without prior agreement of the MO or council communications team. Any requests for comments from media shall be referred in the first instance to the MO who may refer these to the Chair of the Standards Committee as appropriate.

The IP may be requested by the MO or Standards Committee to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.

The IP may be requested by the MO or Standards Committee to assist in any training on conduct issues as appropriate.

Where the IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by another IP.

Relationship with the Standards Committee

The IP shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to request for items to be added to the agenda with the agreement of the chair and to speak at the committee.

The IP is not a member of the Standards Committee and therefore is not part of the formal business of the meeting and cannot vote on any matters put to the meeting. They may be invited to observe confidential matters with the agreement of the chair.

Other matters

The IP has the right to raise any concerns about standards issues or implementation of the process with the authority's chief executive and has the right to address a meeting of the full council about any concerns.

The Council, through its Standards Committee and MO, is responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, the IP has the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.

The IP has the right of access to any confidential information required to carry out their role. Access to such information and its storage shall be agreed with the MO.

The IP has the right of access to council buildings in order to carry out their role. Access should be agreed in advance with the MO.

The MO will meet at least quarterly with the IP to review relevant matters.

The IP will agree to sign a code of conduct, including a register of interests to be held by the MO and will declare any relevant interests in relation to cases to the MO who will decide whether the interest conflicts them out of involvement in the matter.

The IP is to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and is therefore entitled to be covered by the Council's indemnity insurance provided they act reasonably and within the terms of this Protocol.

Ends....

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REPORT TO:	Standards Committee – 17 October 2024
SUBJECT:	Review of Councillors Guide to Personal Safety
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law & Governance
LEAD MEMBER:	Councillor David Huntley
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>The Council’s Constitution (Part 2 – Para 4(g)) requires the Monitoring Officer to support and advise councillors [and officers] in their respective roles. The Guide to Personal Safety forms part of that advice.</p>	
DIRECTORATE POLICY CONTEXT:	
<p>The Law & Governance service and the Monitoring Officer sit within the Chief Executive’s Office.</p>	
FINANCIAL SUMMARY:	
<p>No financial implications as this relates to guidance matters.</p>	

1. PURPOSE OF REPORT

The Councillors Guide to Personal Safety was last reviewed in March 2023. Committee are asked to conduct a further review in light of recent incidents at Committee meetings.

2. RECOMMENDATIONS

It is recommended that the Committee:

- 2.1. Considers the Councillors Guide to Personal Safety and any updates that it considers necessary; and
- 2.2. Seeks views from all political groups on updates to the Guide, for consideration at its meeting on 16 January 2025.

3. EXECUTIVE SUMMARY

- 3.1. The Councillors Guide to Personal Safety was last reviewed in March 2023. Recent incidents in 2024 which have impacted upon Councillor safety have suggested that a review of the document should be undertaken and refreshed to reflect updated guidance.

4. DETAIL

- 4.1. The Councillor Guide to Personal Safety was introduced to help Councillors to maintain personal safety whilst conducting their duties. This is attached at Appendix 1. It forms part of a suite of other policies and guidance such as the Code of Conduct and Social Media Guidance, and is stored in the 'Useful Documents' library in the Members Area on SharePoint.
- 4.2. The Guide includes guidance on how a Councillor should protect themselves and each other whilst carrying out their duties. For example, when visiting constituents or attending ward surgeries.
- 4.3. There is a balance to be maintained between Councillors making themselves available as a Councillor, carrying out their public duties, and keeping themselves (and their household) safe. The guidance gives advice on matters such as handling nuisance phone calls and dealing with personal callers, as well as practical advice on situations such as attending evening meetings (e.g. returning to your car in the dark).
- 4.4. Some unpleasant events have occurred recently, with Councillors being threatened as a consequence of difficult decisions being made. This is not just a local issue – there have been national incidents that have raised the profile of needing to ensure that elected representatives at all levels of government are kept as safe as possible while fulfilling their democratic duties. The murder of Jo Cox MP raised the matter of safety within politics and the Guide to Personal Safety was reviewed in 2017 as a direct consequence of this. In 2021, David Amess MP was murdered at a constituency surgery. A further review of the Guide took place in March 2023.
- 4.5. Since those incidents, central government has asked Monitoring Officers to look favourably on requests from Councillors for their home addresses to not be published on the Council's website. The Monitoring Officer has always considered such requests in such a way.
- 4.6. Councillor safety is covered during the comprehensive induction programme that is delivered after every local election, and Councillors are reminded of the guidance as and when an incident arises.
- 4.7. The Local Government Association has also issued guidance for Councillors – attached at Appendix 2. The Monitoring Officer has also circulated details of other advice and webinars on Councillor safety, as and when he has been made aware.
- 4.8. The Committee is asked to review the Guide and decide whether any amendments need to be made to ensure it is up-to-date for Councillors. The Committee may wish to seek views from within each political group and to finalise comments at a later meeting.

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 No financial implications are identified.

8 RISK ASSESSMENT CONSIDERATIONS

8.1 Ensuring the Guide if up-to-date assists in supporting a risk-based approach to protecting Councillors in carrying out their democratic responsibilities.

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

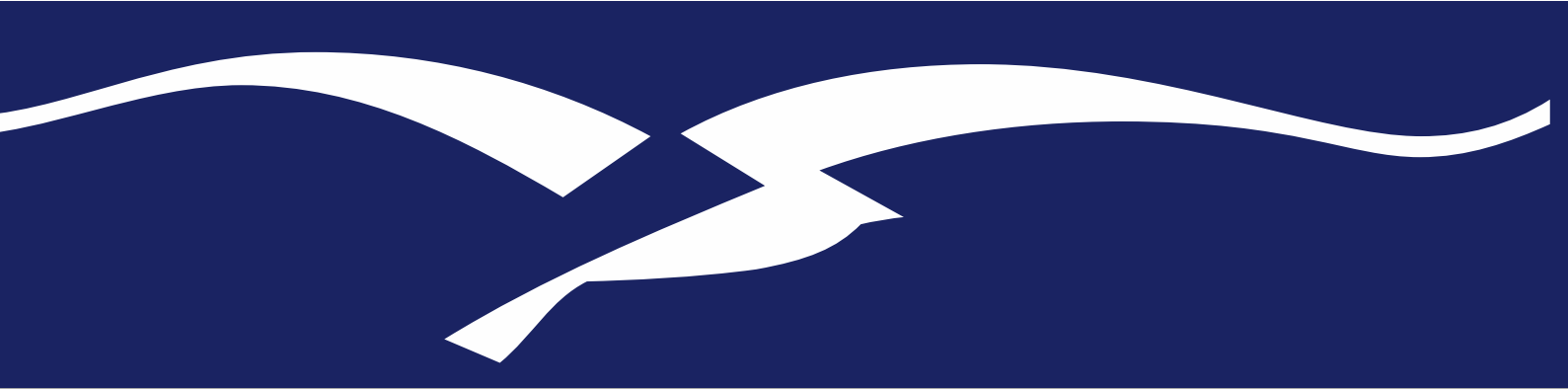
17 FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

CONTACT OFFICER:

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

BACKGROUND DOCUMENTS: None

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**A Councillor's
Guide to
Personal Safety**

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1.0 INTRODUCTION

- 1.1 An important role of councillors is to keep in touch with their communities. This includes helping individuals with any problems they might have. Often this extends beyond just the delivery of council services. These contacts are usually rewarding and non-adversarial. Councillors become experienced in calming down and treating with respect and sympathy angry and frustrated residents who often resort to their elected representative when they feel that they are getting nowhere in resolving their problems through other channels.
- 1.2 Circumstances will vary and councillors will make their own decisions about how to conduct their duties as councillors while remaining easily accessible to their residents. Councillors should undertake their own individual risk assessments in carrying out their various duties.
- 1.3 The purpose of this guide is to set out what personal safety measures can be taken by councillors to prevent and to deal with those rare circumstances when they might find themselves in situations where they become anxious for their safety. In general terms, the guidance follows advice given to others who by virtue of public duties or employment meet many people whom they do not know.

2.0 WARD SURGERIES

- 2.1 The arrangements each councillor makes will vary according to local circumstances and it will be a fortunate councillor who can find premises for their surgery which meet every aspect of good safety practice and are also accessible to their constituents. What follows are suggestions about how to make a surgery safe and effective – some apply wherever the surgery is held while others are good practice to be followed if the opportunity arises. Most councillors will go through their entire service on the council without experiencing any problems and a little time given to preparation and planning can reduce the already small risk further.
- 2.2 The Basics:
 - If possible, do not hold surgeries alone in an otherwise empty building. Try to get someone to act as ‘receptionist’. This not only makes you safer but makes it much easier to manage a busy surgery. If you are currently doing surgeries alone, arrange to discuss how this can be overcome with fellow ward councillors, council officers or members of your local party.
 - If you cannot avoid doing surgeries on your own, make sure you remember a few simple guidelines. The layout of the room should suit you i.e., you should sit nearest to the door with the constituents seated on the other side of the table. Seating is best set out at an angle of 45 degrees – seating directly opposite can be confrontational.

- If there is no separate waiting room, try to ensure that the waiting constituents are as far as possible away from those whom you are talking to.
- Make sure there are no heavy items in the room that could be used as weapons.
- Before the surgery commences, check that you have a signal on your mobile phone as you can get blind spots. In addition, ensure that you have easy access to a land line.

2.3 If you are at the stage of looking for suitable premises in which to hold a surgery, try to get a space with as many as possible of the following features:

- council premises, for example, libraries during opening hours or other premises where there are many other people about.
- premises where the names of any visitors for councillors are recorded.
- premises where there is a comfortable waiting area.
- the surgery – interviewing – room:
 - is in view of the reception or public area.
 - is connected to the reception by an alarm and there is a procedure for dealing with a call for assistance.
 - has a vision panel in the door.
 - is decorated in calming pastel colours.
 - has a swift means of escape and any visitors are not able to lock the door from the inside.

3.0 ATTENDANCE AT MEETINGS

3.1 Councillors will often have to attend evening meetings, which may finish after dark and are advised, if possible, to park their cars as close as possible to the Civic Centre or Bognor Regis Town Hall, in a well-lit area.

3.2 If meetings finish after dark or if members of the public/appellants have been angry or upset at a meeting for whatever reason, councillors should consider the need for them to be accompanied to their cars by other councillors or council officers who have attended the meeting.

4.0 DEALING WITH EMOTIONAL CONSTITUENTS

4.1 It is inevitable that some of the people you will meet will be angry or upset – if everything in the garden was rosy, they probably wouldn't be coming to see you! You need to be prepared to handle all types of emotion. For example, it is worth having some tissues on hand for the person for whom it is just too much and bursts into tears.

- 4.2 Councillors have developed the quiet skill of being concerned about constituents' problems without being so involved that they become too emotional to be of help. Calmness is the fact of whatever comes up will help you and your constituents.
- 4.3 You may find that racist or other offensive remarks are made. If they are directed at you – do not respond – this will only make a situation worse. Instead bring the interview to an end as quickly as possible. If they are more general remarks, you should indicate that this is not acceptable and that you cannot continue the interview. Often this will elicit an apology. Otherwise ask the person to leave. However, you must use your own judgement and **if you are alone and in a vulnerable situation do not put yourself at risk** no matter how angry the remarks make you.
- 4.4 Training is available to help those who have to deal with aggressive and difficult people. Further information can be obtained from Human Resources. A wide range of advice is included in such training for example dressing sensibly – not wearing anything around your neck, for example, that a person could get hold of.

5.0 HOME VISITS

- 5.1 Councillors do sometimes visit residents in their homes especially those who are elderly or disabled or where they simply want to see for themselves conditions that are the subject of complaints.
- 5.2 It is for each councillor to decide whether a particular visit should be made, especially if the person to be visited is unknown to the councillor. Most councillors trust their own instincts as to whether to meet someone alone. Sometimes the councillor might prefer to be accompanied by a ward colleague or obtain an initial report from council officers or invite the person to a more public place. It is always advisable for you to keep a record of your whereabouts. If necessary, you can let the person whom you are visiting know there is such a record or that you are expected at another place by a certain time, etc., or make a call on your mobile phone during the visit.
- 5.3 If considered necessary, councillors can contact the Group Head of Law & Governance on 01903 737607 or the Corporate Health & Safety team via email health.safety@arun.gov.uk as they have access to the council's 'Customers of Concern' database.

6.0 PERSONAL CALLERS

- 6.1 Most councillors seek to maintain a balance between their personal and public lives and do not want to encourage any callers at their private homes. Good publicity by the authority as to how to contact councillors and details of ward surgeries reduces the chances of unwanted callers.

7.0 MALICIOUS AND NUISANCE TELEPHONE CALLS

7.1 Councillors occasionally get the odd nuisance or abusive call. Although infrequently, they can become the target of a persistent, anonymous caller who may have a grudge against the council. These calls need to be dealt with in accordance with police advice as follows:

- Keep calm. Try not to sound anxious or distressed. Sadly, most malicious callers enjoy causing distress to their victims – if this opportunity is denied them, they are less likely to continue.
- Do not enter into a conversation with the client or respond emotionally.
- If they are silent, do not try to persuade them to speak.
- Take control. If the phone rings again, wait for the caller to identify themselves before you speak. Genuine persons will speak first. If it is a malicious caller, put the handset down calmly and ignore it for 10 minutes before replacing the handset. This will frustrate the malicious caller and should decrease the possibility of randomly being targeted again as each call they make which does not get through will increase their phone bill.
- Keep pen and paper near the phone to allow you to record details.
- Note any clues the caller may provide as to sex, age, accent, etc.
- Listen to any clues which may reveal the motive and intention of the caller.
- Immediately write down the details including times and dates when calls were made to assist police at a later stage recording.
- Listen for background noise which may provide valuable information for example railway sounds, industrial noises, machinery, music, animals.
- Dial 1471 after the call to obtain the caller's telephone number. If necessary, callers can still be traced even if they have used the '141 number withheld' facility. Ask your phone service provider for details.
- Inform the Police on 101/999.
- Inform the Group Head of Law & Governance on 01903 737607.

8.0 MAIL AND E-MAIL

8.0 As with telephone calls, councillors on rare occasions can become the target of malicious mail or e-mail. Materials of various types might be sent.

8.1 E-mails

- Do not delete these – they may be material evidence.
- Save them onto your computer or produce them as hard copies if necessary.
- Make a record listing what you receive and when.
- Contact the Police on 101 / 999 to obtain advice on the most appropriate action.

8.2 Faxes and Malicious Material

- Do not throw away malicious material. Keep it (and the envelope it arrived in) in a secure place and handle them as little as possible.
- If the handwriting on the package or envelope appears to belong to a repeat sender of malicious or nuisance material, do not open it.
- Keep any malicious faxes you are sent.
- Keep a record of all malicious material which is sent to you.
- Call the Police (telephone 101/ 999) for advice on what to do next.

8.3 Malicious Text Messages

- Do not delete them.
- If the messages are persistent and you report them, you may be asked to attend a police station so that the messages can be witnessed and recorded in a statement.

8.4 Councillors may receive repeated letters from a constituent who has a particular 'axe to grind' and who will never be satisfied that a complaint has been dealt with satisfactorily even though all proper channels of the Council's Complaints Procedure have been exhausted. In these circumstances, councillors should seek guidance from the Group Head of Law & Governance (Monitoring Officer) in respect of the council's procedures for dealing with vexatious complainants.

9.0 CAR SAFETY AND PARKING

9.1 You need to take the same precautions as most car owners do:

- consider whether an area will be dark and isolated when you return to your car.
- park, where possible, under street lighting.
- where possible arrange to park so that you can exit in forward gear.
- lock car doors as soon as getting into the car.
- take boxes/bags to the car when other people are around.

10.0 PERSONAL SAFETY

10.1 If councillors feel nervous about their safety when carrying out their duties, lone working devices may offer some reassurance. Advice on the purchase of such

devices can be obtained from the Corporate Health and Safety team via email health.safety@arun.gov.uk.

11.0 REPORTING INCIDENTS

- 11.1 Any incidents/accidents, even if fairly minor, or any 'nearly happened' or 'near miss' incidents should be reported to the council's Corporate Health and Safety team to enable the appropriate records to be maintained. This enables the council to monitor incidents and decide if any action needs to be taken to prevent a similar incident reoccurring. You may also consider it advisable to warn ward colleagues and, depending on the nature of the incident, you may wish to report it to the Police.
- 11.2 To report an incident, please contact the Group Head of Law & Governance (Monitoring Officer) who will complete the reporting form on your behalf.
- 11.3 Contact details are as follows:-

Corporate Health & Safety	health.safety@arun.gov.uk
Group Head of Law & Governance	01903 737607 or monitoring.officer@arun.gov.uk
Sussex Police	101 / 999

12.0 TRAINING

- 12.1 Councils have shared responsibilities for the safety of councillors whilst on council business as they do for their officers.
- 12.2 Training for councillors can be made available through the Corporate Health & Safety team. Please contact the Group Head of Law & Governance (Monitoring Officer) on 01903 737607 or via monitoring.officer@arun.gov.uk.

Ends....

- ① Resetting the relationship between local and national government. Read our **Local Government White Paper** (<https://www.local.gov.uk/local-government-white-paper>)



Practical advice for handling physical abuse and personal security

This section sets out the practical advice for dealing with physical abuse and improving personal safety.



This section presents practical principles that councillors can follow to enhance their personal and home security and minimise the risk of physical abuse. The principles can be applied to various settings such as surgeries, home visits, while traveling and council meetings and we have provided example throughout the Guide.

Definition and legal position

Physical abuse encompasses a wide range of bodily harms including, but not limited to, pushing, slapping, kicking, brandishing weapons, kidnapping, sexual assault, rape and murder in extreme occasions. Physical abuse is the most easily recognised form of violence, but it is also the rarest form of abuse experienced by councillors. Most councillors will not experience any physical abuse but preparing and planning can reduce the risk even further. In this Guide, verbal abuse is

dealt with under psychological abuse, although verbal abuse can include threats which represent a personal safety concern, or a crime and councillors should be aware that verbal abuse can escalate to physical abuse.

Many of the behaviours and conduct captured under the broad term 'physical abuse' are criminal offences (relevant criminal offences are listed in full within the legal chapter of this Guide). Any physical contact without consent and/or lawful excuse is likely to be an offence of common assault in England and Wales (Criminal Justice Act 1988) and, where this causes injury, will be captured by Actual Bodily Harm or Grievous Bodily Harm offences (Offences Against the Person Act 1861). Similarly, physical contact which is sexual in nature is likely to be a sexual offence (Sexual Offences Act 2003).

Preventative measures and personal safety

The best way to avoid physical abuse is to be aware that it can happen, make early choices to reduce or mitigate risks and risk-assess your activities both before and during the activity.

Below we'll go through some principles and examples of how you can do this in practice.

Be proactive: home security and technology

There are multiple actions that can help councillors be and feel safer both personally and in their homes. By following the SHIELD principles described above councillors can mitigate against the risk of physical abuse.

Take the below case study as an example:

A councillor has been the victim of a campaign of abuse by a resident who is unhappy about the planning decision that they were involved with. Recently, the resident approached the councillor in the street and mentioned that he knows where they live and made threats against the councillor. The councillor reported the incident to the police, who flagged the councillor's

home address and recommended some extra precautions be taken while the police investigate the incident.

In the example above, a suggested next step for the councillor would be review their home and personal safety arrangements and as part of this, set clear boundaries between their public and private life where possible. Council officers or local police may be able to support councillors to complete home risk assessments.

Councillors may wish to review their home security regularly, for example basic actions like ensuring fences and walls are in a good state of repair and that entrance and exit routes are well lit can reduce safety risks. Councillors might also consider installing CCTV cameras, smart doorbells or better external lighting at home. Expert installers affiliated with the **National Security Inspectorate (<https://www.nsi.org.uk/>)** (NSI) or the **Security Systems and Alarms Inspection Board (<https://ssaib.org/>)** (SSAIB) can advise on what mitigations might be most useful and the council or local police force may also be able to support councillor in reviewing their home security.

Funding available for councillor's home security varies across different councils and different nations. The **Independent Remuneration Panel (<https://gov.wales/independent-remuneration-panel-wales-annual-report-2022-2023.html>)** for Wales has clarified that councils should provide funding for appropriate security measures to protect councillors from personal risk or significant threat. However, in Northern Ireland these items are not eligible expenses. In England, the provision varies and the LGA continues to promote good practice around support councillors with their safety and security, including new **Councillor Safety case studies** published in April 2022. We would encourage you to speak with your council and local police team on funding for appropriate security measures.

Programming emergency numbers into mobile phones can be helpful if used appropriately. Having a trusted colleague or family member on speed dial can help in non-emergency situations and non-emergency

incidents can be reported to the police online and by calling 101. 999 is for emergency situations. Where you cannot call, the service is poor, or if you cannot speak, you can also text 999 for assistance, although the response may be slower by text. It's advisable to register your mobile for the 999 text service ahead of time, by texting Register to 999.

It is also useful to get familiar with emergency features that some wearable devices, such as smart watches, offer. They can be pre-programmed with emergency numbers to make it easier to contact the police, a family member or a trusted friend.

Use personal alarms, phone trackers and other technological devices to let people know your location in case of emergency. There are numerous apps that allow trusted members of a group to share their geolocation. You can share your location using Google maps, however, there are a range of specific apps designed to help you share your location with colleagues or family members. Common examples include **Life 360** (<https://www.life360.com/intl/>), **HollieGuard** (<https://hollieguard.com/>), **PeopleSafe technologies** (https://peoplesafe.co.uk/?utm_source=Google&utm_medium=cpc&utm_campaign=CB_Brand-Peoplesafe&utm_term=peoplesafe&gclid=EAlaIqobChMI7sn33Z_99gIVEO3tCh3rWgPsEAAYASAAEgLk-fD_BwE); your council may also have a bespoke personal alarm system or a preferred App for councillors to use.

Set boundaries between your private and public life. Councillors are advised not to meet residents in their own home. If a resident comes to your house, you do not have to open the door. You can discuss their issue outside and suggest they book a time to see you somewhere more appropriate. If you agree to see a resident in your home, ensure another person is there to support you.

Take advantage of training and support offers. Look out for council safety training workshops and participate when they are offered. New and experienced councillors are advised to attend regular safety training if it is available.

Be aware: public interactions and ward surgeries

Councillors often have to make difficult decisions in public meetings and come into contact with residents regularly in the community and at ward surgeries. Openness and transparency are important parts of democracy, but it can also make councillors vulnerable to abuse. This is why it is important to embed safety in the design of activities and when planning public duties and interactions with residents. Take the below case study as an example:

A council meeting is due to be held next week where the closure of public library is due to be discussed. This has been a controversial issue for a long time as the public library is a place where residents meet, socialise and learn. Its closing is expected to impact the elderly the most. It is expected that a lot of very upset residents will attend the meeting. A councillor who is going to the meeting suspects that the discussion will get heated and that this will spill out into conversations with residents in the community and at their ward surgery.

The above case study illustrates the difficulties many councillors face when communicating difficult decisions to residents. If councillors feel safe to engage with residents that are upset, it is advised to use calming techniques, for example by letting residents have their say and actively listening to their concerns. However, it is important to remember if you feel threatened or unsafe, you can bring the interaction to a close.

Some suggested ways of practicing being safety aware councillors may take include:

Ensuring that meetings are held in suitable locations and environments such as council premises during opening times, when there are other people in the building. It is advisable to declutter and clear the room from heavy objects that can be used as weapons. Consider the layout of the room, ensure you can stand and exit easily, this may mean sitting

closest to the door to facilitate a swift exit if needs be, it is also advisable to use a desk to provide a natural barrier between you and the resident.

Keep a record of the interaction, including the names of the attendees. Some councillors indicate that asking attendees to pre-register has improved feelings of safety. Pre-registration gives councillors an indication of how many people will show up at the meeting and other potential issues that may arise, giving them time to prepare and adapt their personal safety strategy.

Keep an incident log and record and report any type of unacceptable behaviour. Any incident recorded should be dated, timed and signed in case future action is required. It is also good to share this with fellow councillors and the council so they can be aware of potential issues and if necessary, adapt their own personal safety strategy.

Travel safe

Councillors are highly visible members of their local communities, this can make them vulnerable not just when they are acting in their capacity as a councillor, but also in their everyday life and in particular when travelling to and from council or ward events. Embedding safety into journeys and travel planning is an important personal safety consideration.

Councillors regularly have to travel to council meetings, sometimes in the evening. The case study below provides an example of how a councillor might risk assess their travel plans in these circumstances.

A councillor has an evening council meeting in a building they have never been to before. The councillor doesn't drive and uses a route planner app to look at different options and decide whether to cycle to the meeting or take the bus. The councillor looks at the bus stop where they would need to wait at on a map and remembers it isn't very well lit and that the service is irregular past 8 o'clock in the evening. The councillor is very familiar with the bike route and lock-up facilities and decides to

cycle instead. They also have a colleague who usually cycles to the meetings as well and contact them to coordinate their arrival times so they can walk to and from the building together.

Before leaving home by public transport, bike or car, it is advisable to:

Be unpredictable and avoid routine

Having the same routine, for example when and how you travel can make it easier for people to know where you will be and when. Instead try to vary the times of your travel and your routes, particularly when on foot.

Check the route to the destination and back

Doing this ahead of time can also help avoid any risky situations, getting lost or missing the last train/bus home. Pre-book taxis or minicabs if required.

Keep hands and mind free

Mobile phones are a great tool to have if the need for help arises, but they also are a distraction. Keep your phone in easy reach, in a pocket rather than a bag, and pay attention to your surroundings while travelling.

Instinct is a good guide

Think twice before offering a lift to unknown people, avoid empty streets if travelling on foot, and don't sit in empty train carriages and upstairs in empty buses.

Plan ahead

Park your car or bicycle in well-lit and accessible location, where it is also easy to leave; ensure you have some emergency cash and other forms of payment in case you have to change your plans.

Make sure someone knows where you are

While on council business in the community or at the council make sure someone knows where you are expected to be, when you are expected to return and how you will be travelling. This is sometimes called the 'Buddy system' and your buddy could be a friend, family member, a fellow councillor or council officer. For example, when walking home from a council meeting in the evening you should let them know that the meeting has finished, you are on your way and what time you expect to arrive home. If you don't live with your buddy, let them know when you've arrived safely home.

Think smart about home visits

It is preferable not to arrange meetings with residents in their homes. Often utilising public spaces, having conversations over the phone or using virtual meeting, are options that can be just as effective. However, for various reasons, sometimes councillors may decide to visit a resident in their home. Take the example below:

A private renting resident has some issues with the way their landlord is dealing with some issues inside the property and asks their councillor to meet with them at their home. The councillor agrees that a home visit is appropriate to view the state of the property, however, the resident shows signs of being very angry towards the council in a preliminary phone call and the councillor is concerned about attending the property.

In this case, councillors can:

- Check for references about the home and the resident. Councillors can ask fellow councillors if they've encountered the resident before and ask council officers to check their violent persons/cautionary contracts register to see if the resident or address is listed. If there are serious

concerns, the council may be able to check if the local police have flagged the resident or address due to violent or abusive behaviour and whether the police consider it advisable to visit the resident.

- Don't go alone. See if you can be accompanied by a fellow councillor or if a relevant officer might attend with you, for example from the relevant service the resident is interested in. It is always advisable for councillors to do home visits in pairs and avoid lone working.
- Call the resident to confirm the meeting and assess their mood beforehand. It is also worth asking the resident if there is a cat, dog or other pets within the house and if so, ask the resident to keep them in a separate room.
- Carry out a mini risk assessment before entering their home. On arrival look for evidence of dogs, people you weren't expecting, the general state of the house and possible exit routes. Avoid entering the property immediately after the door is opened but take a moment to assess the situation. Don't allow the resident to lock you in with them. Sit near the door and have a clear exit route. Take some time to think and feel if everything is alright and assess the physical and mental state of the resident.
- Share information about your whereabouts and plan by letting other people know about the time and expected duration of the visit. Ensure that your mobile phone is working, that it has battery at all times and update the emergency numbers.

Protecting your information

It is important for councillors to keep in touch with residents and communities and be accessible to both. Most engagements with residents are rewarding and non-adversarial. However, sometimes councillors will be contacted by angry or frustrated residents, as in the example below, and it is important to set clear boundaries between councillors private and public lives.

A councillor holds regular surgeries in the public library. They take place every week at the same time and in the same location. Normally, the surgeries are very rewarding as they facilitate face to face interactions with residents and an opportunity to discuss with them directly their problems or concerns. However, the councillor notices that the same person is showing up every week to angrily discuss things that are not related to the council. Later, the resident started waiting for the councillor to finish the surgery.

In this case, it is advisable to consider:

- Avoiding holding surgeries alone and be careful what information you share publicly. It isn't always preferable to advertise surgery locations and times on public websites. Instead, councillors can operate appointment only ward surgeries or only give out information about when and where the surgery is to people who get in contact to request this information.
- A good council website is key in facilitating official communications by offering clear information on councillor's official contact details and working

hours, but councillors should be careful about what information is in the public domain.

Keep home addresses private

Candidates standing in local elections now have the option to keep their home address private and only declare the area they reside in. After elections councillors are required to declare all pecuniary interests within 28 days of being elected but you can apply for a dispensation from your Monitoring Officer to keep your address private on the public register.

Other general principles for personal safety

Use your network of family, colleagues and friends

Establish a safety network with people you trust so they can help you if you need it. Personal and professional networks not only make work more fun and are key for the implementation of a successful personal safety strategy. Safety networks can be involved by:

- Informing trusted colleagues, family and friends of your planned activities, the place and time of surgeries, whereabouts or any home visits planned.
- Asking someone to accompany you to different activities.
- Establishing with them a safety word to ask for assistance, if needed.
- Sharing experiences. Councillors have indicated that they feel safer and reassured when they share their experiences with others.

Keep a record

This is not only for police matters but can apply to ongoing minor acts of aggression or abuse. Keeping a record can also be used to warn other colleagues of potential red flags and to help the council identify patterns of behaviour that require a coordinated response by the council.

Keep calm

Some residents can be angry or upset and look to councillors to fix issues that may be beyond their control. Keep calm and try not to engage in heated exchanges. You are within your rights to postpone or close a meeting or visit if you feel abused or threatened. Tell the person you will speak to them when they are calmer and try to re-schedule the appointment.

Contact the police if you feel unsafe

Remember that people's thresholds to deal with unacceptable behaviour are different and people experience things differently. You are a representative of your local community but are under no obligation to put yourself into unsafe situations. If you are subjected to offensive, threatening, intimidating, racist, homophobic, sexist or derogatory remarks, you are within your rights to bring the meeting to an end and seek assistance. It is recommended that you take a detailed note of the incident and person(s) involved and let your council know about the incident. You can decide if you want to inform the police.

Councillors may find the **Further resources** (<https://www.local.gov.uk/further-resources>) section of this Guide helpful for more detailed personal safety guidance and supportive documents.

Councillors' guide to handling harassment, abuse and intimidation

[\(/councillors-guide-handling-harassment-abuse-and-intimidation\)](#)

Definition of harassment, abuse and intimidation

[\(/definition-harassment-abuse-and-intimidation\)](#)

General advice on handling abuse and intimidation

[\(/general-advice-handling-abuse-and-intimidation\)](#)

Practical advice for handling online abuse

[\(/practical-advice-handling-online-abuse\)](#)

Practical advice for handling physical abuse and personal security

[\(/practical-advice-handling-physical-abuse-and-personal-security\)](#)

Practical advice for handling psychological abuse and impact on wellbeing

[\(/practical-advice-handling-psychological-abuse-and-impact-wellbeing\)](#)

What legal support is there?

[\(/what-legal-support-there\)](#)

Advice for supporting councillors

[\(/advice-supporting-councillors\)](#)

Basics on communicating with residents, colleagues and officers

[\(/basics-communicating-residents-colleagues-and-officers\)](#)

Further resources

[\(/further-resources\)](#)

REPORT TO:	Standards Committee – 17 October 2024
SUBJECT:	Register of Assessment of Complaints Against Councillors
LEAD OFFICER:	Daniel Bainbridge, Group Head of Law & Governance
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:	
Complaints regarding district, town and parish councillors are assessed against the relevant Code of Conduct and in accordance with the Local Assessment Procedures.	
FINANCIAL SUMMARY:	
No financial implications as this is an information-only 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 11 July 2024. 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 11 July 2024, the following complaints have been received, progressed or completed.

Case Ref	Complaint Against	Allegation/Complaint	Alleged breach of Code Ref	Outcome
2024/03	Parish Councillor	Disrespect and intimidation to fellow councillor.	Parish Council Code	Complaint Discontinued
2024/04	Arun District Councillor	Misuse of social media	Paras 1.1, 5.1, 6.1 & 8.1	No Breach
2024/05	Arun District Councillor	Disrespect shown to fellow councillor	Para 1.1	No Breach
2024/06	Parish Councillor	Disrespect shown to member of public	Parish Council Code	Complaint Discontinued
2024/07	Parish Councillor	Disclosure of confidential information	Parish Council code	No Breach
2024/08	Parish Councillor	Failure to declare interest	Parish Council Code	No Breach
2024/09	Arun District Council	Disrespect shown to fellow councillor	Para 1.1	MO conducting initial assessment
2024/10	Arun District Council	Disrespect shown to member of public	Para 1.1	MO conducting initial assessment
2024/11	Parish Councillor	Misuse of social media	Parish Council Code	Complaint paused pending other action
2024/12	Parish Councillor	Disrespect shown to a fellow councillor	Parish Council Code	MO conducting initial assessment
2024/13	Parish Councillor	Disrespect shown to a fellow councillor; bullying, harassment	Parish Council Code	MO conducting initial

		& discrimination; breach of confidentiality; disrepute to council		assessment
2024/14	Parish Councillor	Disrespect shown to a fellow councillor; bullying & harassment; disrepute to council	Parish Council Code	MO conducting initial assessment
2024/15	Parish Councillor	Not upholding Nolan principles nor displaying expected standards of behaviour (disrespect, discrimination and brining council into disrepute)	Parish Council Code	MO conducting initial assessment
2024/16	Parish Councillor	Not upholding Nolan principles nor displaying expected standards of behaviour (disrespect, discrimination and bringing council into disrepute).	Parish Council Code	MO conducting initial assessment

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/Parish	Complaint by Councillor	Complaint by Public	Resolved by Informal Resolution
Oct-23	0	0	0	0	0	0
Nov-23	4	1	3	1	3	2
Dec-23	1	0	1	1	0	0
Jan -24	1	1	0	1	0	0
Feb-24	1	0	1	1	0	0
Mar-24	2	1	1	1	1	0
Apr-24	2	1	1	1	1	0
May -24	4	2	2	2	2	0
June 24	2	0	2	0	2	0
July 24	1	1	0	1	0	0
Aug 24	3	1	2	2	1	0
Sep 24	4	0	4	2	2	0
TOTAL	25	8	17	13	12	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 2024/25

Standards Committee Monitoring Officer	Report Author	Date of Meeting	Full Council Meeting Date
1. Register of Assessments of Complaints Against Councillors	Monitoring Officer	11.07.24	17.07.24
2. Monitoring Officer Report	Monitoring Officer		
3. Member Learning & Development	Monitoring Officer		
4. Update on IP Recruitment	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors	Monitoring Officer	17.10.24	07.11.24
2. Monitoring Officer Report	Monitoring Officer		
3. Member Learning & Development	Monitoring Officer		
4. IP Protocol	Monitoring Officer		
5. Update on IP Recruitment	Monitoring Officer		
6. Review of Councillors Guide to Personal Safety	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors	Monitoring Officer	16.01.25	19.03.25
2. Monitoring Officer Report	Monitoring Officer		
3. Member Learning & Development	Monitoring Officer		

STANDARDS COMMITTEE WORK PROGRAMME 2024/25

4. Code of Conduct Review	Monitoring Officer		
5. Review of Councillors Guide to Personal Safety	Monitoring Officer		
1. Register of Assessments of Complaints Against Councillors	Monitoring Officer	06.03.25	19.03.25
2. Monitoring Officer Report	Monitoring Officer		
3. Member Learning & Development	Monitoring Officer		