



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: Jane Fulton (Ext 37611)

9 July 2019

STANDARDS COMMITTEE

A meeting of the Standards Committee will be held in The Pink Room (Committee Room 1) at the Arun Civic Centre, Maltravers Road, Littlehampton on **Thursday 25 July 2019 at 6.00 pm** and you are requested to attend.

District Council Members: Councillors English (Chairman), Bennett (Vice-Chair), Coster, Edwards, Kelly, Mrs Stainton and Tilbrook (plus two Liberal Democrat vacancies).

Independent Persons: Mr B Green and Mr J Thompson

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

Members and Officers should make their declaration by stating:

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

3. MINUTES

(Pages 1 - 8)

To approve as a correct record the Minutes of the meeting held on 31 January 2019, as 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. START TIMES

The Committee is asked to consider its start times for meetings during 2019/20.

6. LOCAL GOVERNMENT ETHICAL STANDARDS

(Pages 9 - 60)

The Committee on Standards in Public Life (CSPL) is an advisory public body sponsored by the Cabinet Office. They advise the Prime Minister on ethical standards across the whole of public life in England. They also monitor and report on issues relating to the standards of conduct of all public office holders.

The CSPL undertook to review the effectiveness of the arrangements for the conduct of elected councillors, introduced through the Localism Act 2011, once they had bedded in. Their review was undertaken over 2018 and they published a report including a series of recommendations in January 2019.

This report considers the best practice recommendations made by the CSPL that are directed to local authorities. At this stage, it does not consider the recommendations made to the Government as these will be the subject of later consideration and debate once any consultation or guidance is issued in response to the CSPLs report.

7. ASSESSMENT PANEL DECISION

(Pages 61 - 118)

This report advises the Committee of the outcome of the Assessment Panel's investigation into allegations received against Arun District Councillor Richard Bower.

8. EXEMPT INFORMATION

The Committee is asked to consider passing the following resolution:-

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 and Part 5 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

9. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS (EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO ANY INDIVIDUAL) (Pages 119 - 128)

The Committee is asked to consider the attached report.

Note : *Indicates report is attached for all Members of the Council only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager).

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

This page is intentionally left blank

Subject to approval at the next Standards meeting

307

STANDARDS COMMITTEE

31 January 2019 at 6.00 pm

Present: Councillors English (Chairman), Dillon (Vice-Chair), Blampied, Edwards, Mrs Rapnik, Dr Walsh and Wensley

Independent Persons - Mr B Green and Mr J Thompson

[Note: The following Councillors were absent during consideration of the matters contained in the following Minutes – Councillor Mrs Rapnik – Minute 383 to Minute 386 [Part]; and Councillor Mrs Bower – Minute 390].

Apologies: Councillors Wheal

383. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

384. MINUTES

The Minutes of the meeting held on 21 June 2018 were approved by the Committee as a correct record and signed by the Chairman.

385. ASSESSMENT PANEL DECISION - ALLEGATION AGAINST A BONGOR REGIS TOWN COUNCILLOR

The Committee received a report from the Group Head of Council Advice & Monitoring Officer advising Members of the outcome of the Assessment Panel's investigation into allegations received against Councillor Damien Enticott, a Bognor Regis Town Councillor.

The Committee was reminded that in this case, three separate complaints had been received against the Councillor which had been investigated by the Assessment Panel on 17 October 2018. The findings of the Panel had been attached to the report as Appendices A, B and C. No review of the decision had been requested by either the Subject Member or the Complainant by the expiry date of the review period. The decision notices had been published on 26 November 2018.

In finding the Subject Member in breach of the Code of Conduct, the Panel determined that its decision notices should be published for the maximum period of 12 months. In line with Paragraph 6.8 of the Local Assessment Procedure, the Panel wished to ask the Committee to carry out a further review of its findings to determine whether the publication of the decisions reached should be for a longer timeframe in view of the nature of the complaints received and breaches found.

Standards - 31.01.19

A discussion took place with some Members of the Committee stating that the maximum timeframe of 12 months publicising the Assessment Panel's decision was adequate. However, other Members felt that in view of the severity of the complaints, in this instance the publication period should be extended beyond the maximum 12 months. Although both arguments were felt to be justified, the Committee agreed that unless it had a rating system built into its Local Assessment Procedure, it would be impossible to determine a suitable publication length, beyond the maximum period of 12 months and so this made it difficult to apply a longer term retrospectively.

The Group Head of Council Advice & Monitoring Officer confirmed that the Police Protocol had been actioned for this case. At this time, the Council had not been advised of the outcome of the Police's investigation.

Following some further discussion, the Committee

RESOLVED – That

- (1) the decisions of the Assessment Panel be noted; and
- (2) the outcome of the Committee's review of the publication period be confirmed as the maximum period of 12 months from 26 November 2018.

386. REVIEW OF THE LOCAL ASSESSMENT PROCEDURE

The Group Head of Council Advice & Monitoring Officer reminded the Committee that a revised Local Assessment Procedure had been adopted by Full Council on 8 November 2017 and that it had been agreed that a review would be undertaken following a year of that Procedure's operation.

The Committee received a report reviewing how the Procedure had worked in practice and it proposed some minor amendments for the Committee to consider for clarity purposes and to increase transparency of the process for dealing with Code of Conduct complaints. The Committee's views were also sought on any other changes that it felt should be put forward and proposed.

The Group Head of Council Advice & Monitoring Officer outlined that the procedure had worked well and had met the aims that the Committee had wanted in introducing a two staged review process in terms of practical use and application.

Taking into account comments received, there were six sections where change was being proposed, as set out below:

Paragraph 4

There were three additions proposed:

- (i) Whilst the flow chart at Appendix 3 confirms that this stage will be completed within 28 working days, it is suggested that an additional paragraph be added to confirm this timescale for clarity. This new

paragraph (4.2) also confirmed the timescale for acknowledging any complaint received.

(ii) In practice, the Monitoring Officer has been consulting with an Independent Person before using her discretion not to proceed with a complaint under one of the sub-paragraphs in paragraph 4.3. This was so that some independence could be seen to all parties from any decision taken. It was therefore proposed that this practice be formalised.

(iii) This stage had no right of review and for clarity it was suggested that an additional paragraph be added to confirm this and that the Monitoring Officer's decision would be reported to the Standards Committee for information.

The Committee agreed to these changes.

Paragraph 5

Clarity was being proposed in:

- (i) A new paragraph 5.5 to confirm that the investigation would be completed within 28 working days (as explained in Appendix 3), unless the Monitoring Officer advised within that timeframe that more time was needed by the Investigating Officer to conduct their review.
- (ii) This stage also had no right of review and for clarity it was suggested that an additional paragraph be added to confirm this and that the Monitoring Officer's decision would be reported to the Standards Committee for information.

The Committee agreed to these changes.

Paragraph 6

To reflect the practice introduced, it was proposed that:

- (i) The third, fourth and final bullet points in paragraph 6.6 be amended to state that the report would be issued when the decision notice was published as well as in a report to the Standards Committee, so Members and the relevant Town/Parish Council were made aware as soon as the final decision notice was issued to all parties.

The Committee agreed to these changes.

Paragraph 8

To reflect the practice introduced, it was proposed that:

- (i) An additional paragraph 8.6 be added to confirm that if no review was requested by either the Complainant or Subject Member, both would be advised in writing that the decision had been confirmed and how the decision would be published.

The Committee agreed to these changes.

Standards - 31.01.19

Paragraph 9

Clarity was being proposed in:

- (i) Paragraph 9.1 to confirm that the Chairman of the Assessment Panel would not always be the Chairman of the Standards Committee, except when the Chairman was in attendance and that the decision notice would initially be sent to the Complainant and Subject Member only for review.
- (ii) Paragraph 9.2 to confirm that the decision notice would be published once the review period had passed and to clarify the publication arrangements.

The Committee agreed to these changes.

Appendix 3 – Procedure Flowchart

It was proposed that a further timescale be introduced for those complaints dealt with under a Stage 1 investigation. As currently, the initial investigation needed to be completed within 28 working days.

However, as confirmed in paragraph 5.5, there was then a 14 day period for consultation with both the Complainant and Subject Member before the Investigation Officer's report would be presented to the Independent Person for review. For clarification, it was suggested that the flowchart confirmed this and that the Monitoring Officer may request an extension of time if required. This extension being to allow for those few occasions where the complaint was complex or the investigation required interviews with multiple witnesses.

The Committee agreed to these changes.

Finally, the Group Head of Council Advice & Monitoring Officer highlighted a further three issues where the Committee's views were sought.

These are as set out below:

1. Would Members of the Standards Committee wish to be circulated the decision letter issued by the Monitoring Officer for complaints that did not proceed to further investigation or for these to continue to only be referenced in the monitoring report presented to each meeting? *The Monitoring Officer and Chairman's view was that the former approach would help the Committee to be aware of any complaint dealt with in this way as soon as it has been resolved in case any question was raised with them prior to their next meeting and provide them with the full details.*
2. If the complaint did not go any further than Stage One (as paragraph 5.8 of the report confirmed), would Members wish for the Investigating Officer's report to be published to the Council's website and presented to the next Standards Committee for information or for these to continue to only be referenced in the monitoring report presented to each meeting? *The Monitoring Officer, Chairman and Independent Persons were all of the view that for*

transparency reasons the decision notice should be published as otherwise the Complainant and Subject Member needed to be asked to keep this confidential.

3. Should the Complainant's name be published in the decision notice as the Procedure was silent on this? *Paragraph 2.4 of the Procedure confirmed that the Subject Member would usually be told who had complained about them. However, it was silent on whether the Complainant's name would be published in the decision notice. The Monitoring Officer had not been publishing this in the absence of a clear direction. The Monitoring Officer, Chairman and Independent Persons were all of the view that the Complainant's name should be included in the decision notice in the interests of fairness to all parties, unless they had been granted anonymity.*

The Committee agreed that the points above be introduced and applied to the appropriate paragraphs of the Assessment Procedure.

The Committee

RECOMMEND TO FULL COUNCIL – That

- (1) the Local Assessment Procedure be amended to reflect the changes shown in Appendix A to the report and as highlighted at the meeting;
- (2) a copy of the amended Local Assessment Procedure be sent to all Town and Parish Councils; and
- (3) a review of the Procedure be undertaken following a further two years of operation, or sooner if required, and reported back to the Standards Committee.

387. RECRUITMENT OF ADDITIONAL INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE

The Committee received a report from the Group Head of Council Advice & Monitoring Officer which was asking the Committee for its views on the approach to be taken to recruiting additional Independent Persons to the Standards Committee as requested at the last meeting of the Committee on 21 June 2018.

The Group Head of Council Advice & Monitoring Officer explained that it had not been possible to commence a recruitment process until now due to an unprecedented increase in workload. This was because there had been a significant number of complex complaints made against Councillors under the Code of Conduct between July to November 2018.

Despite this, the consequential workload had provided an opportunity to test out all stages of the Local Assessment Procedure and had involved the Independent Persons in the majority of the complaints received. It was reported that the work had been evenly distributed between the two

Standards - 31.01.19

Independent Persons and both had been able to respond in a timely manner to the Monitoring Officer.

The two Independent Persons, Mr Green and Mr Thompson, had been consulted on whether they felt that the workload from the recent cases had been too onerous and whether they had any views on the appointment of additional Independent Persons.

The view of the Monitoring Officer was that two Independent Persons was sufficient but at the same time, the Committee needed to bear in mind how much work was involved in managing and assessing complaints. On an average, 5-6 complaints were received over a year, however since July 2018, 22 complaints had been received to date.

The two Independent Persons were then invited to provide their views. They confirmed that the workload for them had not been too onerous, however, they felt that it would be sensible for consistency and training purposes to appoint one further Independent Person to cover for any unforeseen absences such as holiday or illness.

Following a brief discussion, the Committee agreed that a recruitment exercise should be pursued to appoint one further Independent Person. The Group Head of Council Advice & Monitoring Officer proposed that a similar approach be taken to recruitment to that adopted by the Audit & Governance Committee in July 2018 in appointing new members to the Independent Remuneration Panel which conducted reviews of the Council's Members' Allowances Scheme. Having explained the stages to the approach used, it was confirmed that a new Independent Remuneration Panel had been successfully appointed through advertising in the business community and on the Council's website.

The Committee

RESOLVED – That

(1) the option for recruiting one additional Independent Person to the Standards Committee, as set out in the report, be endorsed with authority being given to the Group Head of Council Advice & Monitoring Officer, in consultation with the Chairman of the Committee, to agree the application pack and advertisement; and

(2) the Group Head of Council Advice & Monitoring Officer, in consultation with the Chairman of the Committee, be given authority to appoint two Members of the Committee and an Independent Person to sit on the Interview Panel.

388. EXEMPT INFORMATION

The Committee

RESOLVED

That under Section 100A (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 and Part 5 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

389. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

(Prior to the commencement of the discussion on this item, Councillor Mrs Bower declared a Personal Interest in some of the complaints contained within this report as her husband was the Subject Member. Councillor Mrs Bower confirmed that she would therefore leave the meeting for this item.)

The Committee received and noted a report from the Group Head of Council Advice & Monitoring Officer which updated Members on the complaints against Councillors received over the past two years.

(The meeting concluded at 6.42 pm)

This page is intentionally left blank

ARUN DISTRICT COUNCIL

REPORT TO STANDARDS COMMITTEE ON 25 JULY 2019

SUBJECT: Local Government Ethical Standards

REPORT AUTHOR: Liz Fatcher – Group Head of Council Advice & Monitoring Officer
DATE: July 2019
EXTN: 01903 737610

EXECUTIVE SUMMARY:

The Committee on Standards in Public Life (CSPL) is an advisory public body sponsored by the Cabinet Office. They advise the Prime Minister on ethical standards across the whole of public life in England. They also monitor and report on issues relating to the standards of conduct of all public office holders.

The CSPL undertook to review the effectiveness of the arrangements for the conduct of elected councillors, introduced through the Localism Act 2011, once they had bedded in. Their review was undertaken over 2018 and they published a report including a series of recommendations in January 2019.

This report considers the best practice recommendations made by the CSPL that are directed to local authorities. At this stage, it does not consider the recommendations made to the Government as these will be the subject of later consideration and debate once any consultation or guidance is issued in response to the CSPLs report.

RECOMMENDATION:

The Committee is asked to agree:

- (1) the areas for change in the Members' Code of Conduct and the Local Assessment Procedure;
- (2) that the review of the Code of Conduct should include updating the "Principles of the Code of Conduct" against the latest wording for the Seven Principles of Public Life;
- (3) what consultation is required in considering any areas for change; and
- (4) that the Group Head of Council Advice & Monitoring Officer bring back a revised draft of the Members' Code of Conduct and Local Assessment Procedure to a future meeting taking account of the areas for change.

1.0 BACKGROUND

- 1.1 The Localism Act 2011 introduced significant changes to the way that the conduct of elected councillors was handled. It abolished the national framework headed by the Standards Board for England and a national Code of Conduct; and removed powers to

suspend or disqualify councillors for serious breaches of the Code of Conduct. Instead it placed a duty on Councils to:

- a) adopt their own local Code of Conduct;
- b) put local procedures in place to investigate allegations the Code may have been broken (with principal authorities carrying out that duty for parish councils); and
- c) appoint at least one Independent Person (IP) whose views they had to take into account when considering matters under investigation.

1.2 The Committee for Standards in Public Life (CSPL) undertook to review the effectiveness of these arrangements once they had bedded in. They undertook this review during 2018 seeking evidence from all interested stakeholders and published their report including recommendations to Government and best practice recommendations to local authorities on 30 January 2019.

1.3 The CSPLs report includes 26 recommendations which are principally for the Government to consider; and 15 best practice recommendations which are directed to local authorities to consider. The CSPL intends to review progress on the implementation of the best practice recommendations in 2020.

1.4 This is the first opportunity there has been for the Standards Committee to consider the CSPLs recommendations. This report focusses on the best practice recommendations and one of the recommendations to Government (number 11). At this stage it does not consider the remaining 25 recommendations to Government/other bodies as these will be the subject of later consideration and debate once any consultation or guidance is issued.

2.0 BACKGROUND TO ARUN'S CODE OF CONDUCT AND PROCEDURES

2.1 The Council originally adopted a Members' Code of Conduct in response to the provisions of the Localism Act 2011 on 20 June 2012. This version of the Code focused on the Seven Principles of Public Life and the expectations of conduct of councillors. However, it did not define arrangements for disclosable pecuniary and other interests.

2.2 This was recognised as a concern by the Standards Committee in the last administration and the Monitoring Officer was charged with conducting a review. This led to the latest Members' Code of Conduct, based on best practice, being adopted by the Council on 8 November 2017.

2.3 Town and Parish Councils were encouraged to adopt this new Code of Conduct. Of those who confirmed they had conducted a review:

- six (Clymping, East Preston, Felpham, Ferring, Kingston and Walberton) adopted the 2017 Code;
- three (Arundel, Bersted and Middleton-on-Sea) continue to operate the 2012 version;
- both Bognor Regis and Littlehampton Town Councils have continued to adopt their own Codes of Conduct; and
- no response was received from the remaining Parish Councils so any complaints received are considered against the Code published to their website.

2.4 The Council adopted a local procedure to investigate allegations that the Code may have been broken, which also covered all Town and Parish Councils within the Arun District, in

January 2013. This was subject to review in 2017 and a new Local Assessment Procedure was adopted by the Council on 8 November 2017. It has faced two reviews since then in March 2018 when a Police Protocol was added to clarify how certain offences should be reported directly to the Police; and again in March 2019 when minor amendments were made to clarify use of the procedure in practice.

- 2.5 In line with the provisions of the Localism Act, the Council has appointed Independent Persons to the Standards Committee since 2012. Currently, two members are appointed – Brian Green and John Thompson – and the Committee has requested that a third member be appointed. Due to resourcing issues for the Monitoring Officer over the past six months, this request is still to be taken forward. However, the plan is to have a third Independent Member in place by the end of 2019.

3.0 THE CSPLs RECOMMENDATIONS AND PROPOSALS TO THE COMMITTEE

- 3.1 From conducting their review, the CSPL found that there was no appetite to return to a centrally regulated system as local arrangements on the whole were most effective at handling the majority of cases and standards were generally high. They did feel that a more consistent approach needed to be taken to standards and that Monitoring Officers and Councils needed some more effective tools to allow them to handle the more serious and persistent cases. These findings are reflected in the recommendations to Government and the Local Government Association. A key issue that will be recognised by members of this Committee is the need for Councils to have greater sanctions available to them to deal with serious and persistent misconduct. The Committee will be kept updated as and when further guidance is issued on how these recommendations will be taken forward.
- 3.2 Extracts from the CSPLs report are attached as appendices to this report. A link to the full report is provided under background papers and paper copies are available for councillors to review in the Members Room. The extracts are:
- Appendix 1 – Executive Summary
 - Appendix 2 – List of Recommendations
 - Appendix 3 – List of Best Practice
- 3.3 As set out in Appendix 3, the CSPLs best practices recommendations are directed to local authorities and are the focus of this report. Seven of the fifteen recommendations are already practices within Arun's procedures. Appendix 4 highlights this as well as the areas for discussion by the Committee.
- 3.4 One of the recommendations to Government (number 11) is also for consideration by local authorities and this relates to providing a legal indemnity to Independent Persons if their views or advice are disclosed. It should be noted that the CSPL recognise that this may need secondary legislation. Advice has been sought from the Insurance and Risk Officer who has confirmed that insurance cover is currently available to Arun's Independent Persons in respect of defence of claims only and not for the making of claims. Therefore, when we learn more about how this recommendation will be taken forward by Government, it will be important for the Council to support its intentions.
- 3.5 A final area for consideration is whether in making proposals for change to the current Code of Conduct, that the Principles of the Code (as set out in Section 1, paragraph 2) are also reviewed. The Committee will see from the CSPLs report that the listed Seven Principles

of Public Life reflect revised definitions to those included in Arun's Code. Back in 2013, the CSPL re-defined some of the definitions in the Seven Principles following research into whether the definitions reflected public understanding and were still valid. In revising their definitions, it was left to local authorities to determine if they made a similar change. No report was made at the time by the previous Monitoring Officer and when the Code was last reviewed in 2017, the view was that the wording of Section 1 should remain unchanged so the re-defined definitions were not put forward. It is timely with this latest review to seek the Committee's views on a way forward.

3.6 The Committee's views are therefore welcomed on the best practice recommendations and to agree:

- (1) the areas for change in the Members' Code of Conduct and the Local Assessment Procedure;
- (2) that the review of the Code of Conduct should include updating the "Principles of the Code of Conduct" against the latest wording for the Seven Principles of Public Life;
- (3) what consultation is required in considering any areas for change; and
- (4) that the Group Head of Council Advice & Monitoring Officer bring back a revised draft of the Members' Code of Conduct and Local Assessment Procedure to a future meeting taking account of the areas for change.

4.0 OPTIONS:

1. To agree a way forward on which proposals should be identified as areas for change in the Members' Code of Conduct and Local Assessment Procedure; and how this will be actioned.
2. To not take any view on the CSPLs recommendations at this time.

5.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> • Chairman of the Committee • Brian Green and John Thompson, Independent Persons 	✓	

6.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

7.0 IMPLICATIONS:

None

8.0 REASON FOR THE DECISION:

The CSPL have confirmed in their report that they intend to review the implementation of their best practice recommendations in 2020. The report provides an opportunity for the Council to consider its procedures ahead of this deadline.

9.0 BACKGROUND PAPERS:

Committee on Standards for Public Life “Local Government Ethical Standards” report
<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Full Council – 13 March 2019

Review of the Local Assessment Procedure

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=141&MId=784&Ver=4>

Full Council – 7 March 2018

Update to Local Assessment Procedure – Police Protocol

<https://democracy.arun.gov.uk/CeListDocuments.aspx?Committeeld=141&MeetingId=351&DF=07%2f03%2f2018&Ver=2>

Full Council – 8 November 2017

Adoption of Code of Conduct and Local Assessment Procedure

<https://democracy.arun.gov.uk/CeListDocuments.aspx?Committeeld=141&MeetingId=348&DF=08%2f11%2f2017&Ver=2>

This page is intentionally left blank



Executive summary

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public office-holders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

Codes of conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.



There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

Declaring and managing interests

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

Investigations and safeguards

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially, and that councillors are protected against politically-motivated, malicious, or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

Sanctions

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.



Town and parish councils

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

Supporting officers

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

Councils' corporate arrangements

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

Leadership and culture

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be



written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.



List of recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government



Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority’s Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government



Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government



Number	Recommendation	Responsible body
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association



List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

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

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

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

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

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

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

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

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.



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

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

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

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

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

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

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

Local Government Ethical Standards
Reviewing the Committee on Standards in Public Life's Best Practice Recommendations

To support this review:

- The Members' Code of Conduct is attached as Appendix 4A and the Local Assessment Procedure as Appendix 4B
- Shaded boxes indicate those recommendations where the Council has already adopted similar practices within current procedures

Best Practice Recommendation	Commentary	What the Committee need to consider
<p>1 Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>	<p>The Code of Conduct does not explicitly refer to bullying or harassment. It is implied that such behaviour would be a breach of the Code under the 'General Conduct' provisions at Section 2, paragraph 2.1 (9) and (10).</p> <p>The CSPL have acknowledged that whilst there is no statutory definition of bullying, the Advisory, Conciliation and Arbitration Service (Acas) have codified a helpful definition of: "Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient."</p> <p>The CSPL have provided examples of bullying behaviour in their report that could be used to develop an explicit section in the Code and cited Newcastle City Council's Code as an example to follow.</p>	<p>If a specific section should be added to the Code of Conduct to define prohibitions on bullying and harassment.</p>
<p>2 Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p>	<p>The CSPLs recommendation is to avoid councillors seeking to disrupt standards investigations; or misusing the process to make allegations against another councillor for the purposes of political gain.</p>	<p>If these provisions are satisfactory or should be strengthened within the Code of Conduct at Section 2, paragraph 1.4.</p>

Local Government Ethical Standards
Reviewing the Committee on Standards in Public Life's Best Practice Recommendations

		<p>Arun District Councillors are asked to sign an undertaking at the start of their term of office to confirm that they will comply with the Code of Conduct. This requirement is confirmed within the Code of Conduct at Section 2, paragraph 1.4.</p> <p>The Local Assessment Procedure confirms at paragraph 3.1 that the Code of Conduct applies to councillors whilst they are acting in their official capacity as a councillor. It also confirms at paragraphs 4.3(d) and 4.3(e) how complaints that are politically motivated may be dealt with.</p>	
3	<p>Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</p>	<p>The CSPLs recommendation comes from their finding that a number of authorities had not revisited their Code of Conduct since the legislation changed.</p> <p>This is not the case at Arun as a full review of the Code was conducted in 2017.</p> <p>To date, this review has not involved a wider consultation than Arun councillors. To introduce an annual review with a wider consultation process would be resource intensive to manage. Further, the review proposed to Town and Parish Councils post the adoption of the new Code in 2017 did not demonstrate support for a district-wide Code of Conduct as highlighted in paragraph 2.3 of the Monitoring Officer's covering report.</p>	<p>Whether a review every year, involving public consultation can be resourced; or whether a review every two years would be more manageable and effective, timed so this was considered in say year 2 and 4 of an administration.</p>

Local Government Ethical Standards
Reviewing the Committee on Standards in Public Life's Best Practice Recommendations

4	<p>An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.</p>	<p>For Arun District Councillors this is provided as part of their induction process at the start of their term of office. It is then maintained in the Council's Constitution and the library of documents available to them.</p> <p>For the public this is:</p> <ul style="list-style-type: none"> ○ published to the Council's website – found from a search under 'C' which takes them to the "Complaints against Councillors" webpage ○ accessible from the website's home page under 'Your Council' and then "Complaints against Councillors" ○ open to inspection in council offices ○ available within the Council's Constitution – which is also published to the website <p>Arun's website and telephone contact with Arun Direct also provide information to allow direct contact with the Monitoring Officer for help and advice.</p>	<p>If the Committee are satisfied with current accessibility arrangements, no further action is required.</p>
5	<p>Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p>	<p>The CSPL have acknowledged that there is no legal requirement for Councils to maintain a gifts and hospitality register; and that not all Councils make reference to this within their Code.</p> <p>Arun's Code does set out requirements for councillors at paragraph 11. The figure set for any gift, benefit or hospitality was retained at £25 when the Code was</p>	<p>If a new webpage on the Council's website should be created for this purpose. It would allow nil quarterly reports to be published if no declarations are made.</p>

Local Government Ethical Standards
Reviewing the Committee on Standards in Public Life's Best Practice Recommendations

		<p>reviewed in 2017 to encourage transparency.</p> <p>A register has not been published by the Council in past administrations as there have been few, if any, declarations. The register has been open for public inspection on request.</p>	
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	<p>The CSPL have taken account of the practice of the standards bodies in Scotland, Wales and Northern Ireland in making the recommendation to publish a public interest test. They offer the Northern Ireland Local Government Commissioner for Standards public interest test as a best practice example.</p> <p>The Local Assessment Procedure aims to explain how complaints will be filtered. Paragraph 4.2 explains what types of complaint may not be accepted, whilst Appendix 3 offers a flowchart of the procedure to explain the stages of assessment.</p>	If a public interest test should be included within the Local Assessment Procedure based on the best practice example.
7	Local authorities should have access to at least two Independent Persons.	In their recommendations to Government, the CSPL have also recommended that the requirement for Independent Persons to be appointed should be for a fixed term of two years, renewable once. They have included a further recommendation to formalise the Independent Person's role in statute.	No further action is suggested other than the current plan to increase the number of Independent Persons to three by the end of 2019

Local Government Ethical Standards
Reviewing the Committee on Standards in Public Life's Best Practice Recommendations

		<p>The basis for their recommendations are ensuring that the Independent Person remains as an impartial advisor and their views are clearly taken into account.</p> <p>Arun has appointed at least two Independent Persons since the Localism Act 2011 was introduced. Terms of over four years have been seen to work well as they have allowed the Independent Persons to develop considerable experience and knowledge to support the Council and Monitoring Officer in standards matters. The Independent Persons have also offered support to councillors who have been the subject of the complaint; and to the complainant themselves.</p>	
8	An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	<p>Arun updated its Local Assessment Procedure in March 2019 to widen the role and involvement of the Independent Person. This practice is confirmed in the Procedure at paragraphs:</p> <ul style="list-style-type: none"> ○ 4.4 ○ 5.9 ○ 6.1 ○ 8.4 (the Independent Person acts as a member of the Standards Committee) <p>This update reflects what is being suggested in this best practice recommendation.</p>	No further action is suggested
9	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible	This practice is confirmed in the Local Assessment Procedure at paragraph 9.	No further action is suggested

Local Government Ethical Standards
Reviewing the Committee on Standards in Public Life's Best Practice Recommendations

	on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.		
10	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	<p>This best practice is confirmed in the Local Assessment Procedure. Details of how to make a complaint are:</p> <ul style="list-style-type: none"> ○ published to the Council's website under "Complaints against Councillors" – found from a search under 'C' or from the home page under 'Your Council' ○ open to inspection in council offices 	If the Committee are satisfied with current accessibility arrangements, no further action is required.
11	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.	<p>The CSPLs recommendation is based on Parish Councils taking corporate responsibility when there are allegations about a councillor, particularly involving an employee. Experience at Arun is that the Clerk has made the complaint rather than the Chairman of the Council.</p> <p>It should be noted that the CSPLs recommendations to Government (as set out in Appendix 2) make three other proposals affecting Parish Councils namely:</p> <ul style="list-style-type: none"> ● recommendation 19 - that Clerks should hold an appropriate qualification ● recommendation 20 - for an amendment to the law to state that parish councils must adopt the Code of Conduct of their 	<p>Whether they wish to seek the views of Parish Councils on this best practice recommendation to inform any review of the Local Assessment Procedure.</p> <p>Whether they would wish to see the other recommendations of the CSPL drawn to Parish Councils' attention.</p>

Local Government Ethical Standards
Reviewing the Committee on Standards in Public Life's Best Practice Recommendations

		<p>principal authority or the new model code</p> <ul style="list-style-type: none"> • recommendation 21 – for an amendment to the law to state that any sanction imposed on a parish council following the finding of a breach is to be determined by the relevant principal authority 	
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	<p>The role of the Monitoring Officer is set by statute and confirmed within Arun's Constitution.</p> <p>The Constitution also confirms in the Officer Scheme of Delegation at Part 4, Section 3, paragraph 2.3.7 that the Monitoring Officer may appoint a Deputy Monitoring Officer to carry out all functions as required. This authority has been exercised and the Deputy Monitoring Officer is Louise Greene, the Legal Services Manager.</p>	If the Committee are satisfied with current arrangements, no further action is required.
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.	Current practices are based on informal arrangements with neighbouring councils allowing the Monitoring Officer to seek their support in undertaking an assessment where there is a potential conflict of interest. These have worked adequately when needed.	If the Committee are satisfied with current arrangements, no further action is required.
14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should	The CSPLs have recognised that partnership arrangements of this nature can create the potential for ethical risks in proposing this recommendation.	If they are satisfied with the response of the Internal Audit Manager or wish any further action to be taken whilst the Council has no active separate company/body.

Local Government Ethical Standards
Reviewing the Committee on Standards in Public Life's Best Practice Recommendations

	abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	<p>The Standards Committee did previously consider whether it needed to add an additional section to the Code of Conduct to cover the interests of councillors and officers when the Council was looking to establish a separate investment company. No further action has been proposed whilst the company remains inactive.</p> <p>A reference was made to the setting up of a local company in the Annual Governance Statement for 2016/17. However, as the project was then deferred it has not been mentioned since. The Internal Audit Manager has confirmed that reference would be included if this project, or a similar proposal, is progressed in the future.</p>	
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	This is covered as part of regular briefings to Group Leaders	If the Committee are satisfied with current arrangements, no further action is required.



MEMBERS' CODE OF CONDUCT

On election or co-option to Arun District Council, a member is required to sign an undertaking to comply with the Members' Code of Conduct.

Arun District Council adopted a new Code of Conduct on 8 November 2017 as set out overleaf. This is also included in Part 8 of the Council's Constitution.

SECTION 1 - THE PRINCIPLES BEHIND THE MEMBERS' CODE OF CONDUCT

1. INTRODUCTION

- 1.1 Arun District Council (the authority) has adopted this Code of Conduct in accordance with the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the authority. The Code was originally introduced on 1 July 2012 and was updated on 8 November 2017.
- 1.2 As an elected or co-opted member of Arun District Council, councillors have a responsibility to represent the community and work constructively with the Council's staff and partner organisations to secure better social, economic and environmental outcomes for all.

2. PRINCIPLES OF THE CODE OF CONDUCT

- 2.1 In accordance with the Localism Act 2011 provisions, when acting in this capacity a councillor is committed to behaving in a manner that is consistent with the following principles to achieve best value for residents and maintain public confidence in this authority. The following are the statutory principles of the Members' Code of Conduct:
1. **SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 2. **INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
 3. **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 4. **ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
 5. **OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
 6. **HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
 7. **LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

SECTION 2 - MEMBERS' CODE OF CONDUCT

1. SCOPE

- 1.1 This Code of Conduct applies to you whenever you are acting in your capacity as a member, or co-opted member, of the authority, including:
- at formal meetings of the authority
 - when acting as a representative of the authority
 - in taking any decision as a Cabinet Member or a Ward Councillor
 - in discharging your functions as a Ward Councillor
 - when corresponding with the authority other than in a private capacity.
- 1.2 In this Code “meeting” means any meeting organised by or on behalf of the authority including:
- any meeting of the Council, or a Committee, Sub-Committee, Working Group, Working Party or Panel constituted by the Council
 - any meeting of the Cabinet and any Committee of the Cabinet
 - any briefing by officers
 - any site visit.
- 1.3 This Code is based on the principles set out in Section 1 of Part 8 of this Constitution.
- 1.4 Any allegations received by the authority that you have failed to comply with this Code will be dealt with under the Local Assessment Procedure.

2. GENERAL CONDUCT

- 2.1 As a member of Arun District Council, I agree to sign up to the local Members' Code of Conduct and that my conduct will in particular address the statutory principles of the Code by:
1. Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
 2. Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
 3. Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the district of Arun or the good governance of the authority in a proper manner.
 4. Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member of this authority.
 5. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
 6. Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.

7. Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
8. Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources.
9. Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
10. Always treating people with respect, including the organisations and public I engage with and those I work alongside.
11. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

3. REGISTER OF INTERESTS

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

4. DISCLOSABLE PECUNIARY INTERESTS

- 4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary State, as set out at Appendix A to this Code, and either:
 - a) it is an interest of yours; or
 - b) it is an interest of:
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners and you are aware that other person has the interest.
- 4.2 You must:
 - 4.2.1 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest" you need only declare the existence of the interest but not the detail;

4.2.2 where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not:

- (i) participate, or participate further, in any discussion of the matter at the meeting;
- (ii) remain in the meeting whilst the matter is being debated;
- (iii) participate in any vote taken on the matter at the meeting;

unless you have obtained a dispensation from the Monitoring Officer.

5. PERSONAL INTERESTS

5.1 You have a personal interest in any business of the authority if it is of a description specified in Appendix B to this Code.

5.2 You have a personal interest in any business of the authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position, or the well-being or financial position of a 'relevant person' to a greater extent than the majority of other council tax payers, ratepayers or residents of your ward affected by the decision; or it relates to or is likely to affect any interests you have registered as a disclosable pecuniary interest.

5.3 A 'relevant person' is:

5.3.1 a member of your family or any person with whom you have a close association;

5.3.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

5.3.3 any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

5.3.4 any body of a type described in Appendix B.

5.4 Where you have a personal interest under paragraphs 5.3.3 or 5.3.4, you must make a verbal declaration of the existence and nature of any personal interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent. Where the interest is deemed a "sensitive interest", you need only declare the existence of the interest but not the detail.

5.5 Where you have a personal interest under paragraph 5.3.1 and 5.3.2, you need only disclose to the meeting the existence and nature of the interest when you address the meeting on that business.

5.6 Having disclosed a personal interest and providing it is not a prejudicial interest, you may still continue to participate and vote on the matter at that meeting.

5.7 Where you have a personal interest and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

6. PREJUDICIAL INTERESTS

6.1 Where you have a personal interest in any business of the authority, you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest (unless the matter falls within one of the exempt categories referred to at paragraph 9) and where that business:

6.1.1 affects your financial position or the financial position of a person or body defined as a 'relevant person'; or

6.1.2 relates to the determining of any approval, consent licence, permission or registration in relation to you or any person or body defined as a 'relevant person'.

6.2 Where you have a prejudicial interest:

6.2.1 you must make a verbal declaration of the existence and nature of any such interest at any meeting at which you are present when an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item or as soon as the interest becomes apparent.

6.2.2 you must not:

- (i) participate, or participate further, in any discussion of the matter at the meeting;
- (ii) remain in the meeting whilst the matter is being debated;
- (iii) participate in any vote taken on the matter at the meeting;

unless you have obtained a dispensation from the Monitoring Officer.

6.3 The only exception is that you may attend a meeting for the purpose of making representations, answering questions or giving evidence relating to the business being considered, provided that the public are also allowed to attend the meeting for the same purpose, whether under statutory right or otherwise. You must leave the meeting immediately after making the representations, answering questions or giving questions.

6.4 Where, as a Cabinet Member, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by yourself, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

7. SENSITIVE INTERESTS

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

8. EXEMPT CATEGORIES

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

9. CRIMINAL SANCTIONS RELATING TO DISCLOSABLE PECUNIARY INTERESTS

- 9.1 It is a criminal offence to:
- 9.1.1 fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election;
 - 9.1.2 fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - 9.1.3 fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting;
 - 9.1.4 participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest (including taking a decision as a Cabinet Member acting alone);
 - 9.1.5 fail to notify the Monitoring Officer within 28 days of the interest if you are a Cabinet Member discharging a function acting alone and have a disclosable pecuniary interest in such a matter; and
 - 9.1.6 knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

9.2 The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for a maximum of 5 years.

10. OVERVIEW SELECT COMMITTEE

10.1 You also have a prejudicial interest in any business before the Overview Select Committee of the authority (or of a sub-committee of this committee) where:

- a) that business relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the authority's committees, sub-committees, joint committees, or joint sub-committees; and
- b) at the time the decision was made or action was taken, you were a member of the Cabinet, committee, sub-committee, joint committee or joint sub-committee and you were present when that decision was made or action was taken.

10.2 In such cases, you may only attend a meeting of the Overview Select Committee for the purpose of answering questions or giving evidence relating to the business. You must leave the meeting immediately after making representations, answering questions or giving evidence.

11. GIFTS AND HOSPITALITY

11.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a Member from any person or body other than the authority.

11.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

APPENDIX A – DISCLOSABLE PECUNIARY INTERESTS

The duties to register, disclose and not to participate in respect of any matter in which a Member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by 'M' in carrying out duties as a Member, or towards the election expenses of 'M'. <i>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</i>
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: <ul style="list-style-type: none"> (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to 'Ms' knowledge): <ul style="list-style-type: none"> (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> (a) that body (to 'Ms' knowledge) has a place of business or land in the area of the relevant authority; and (b) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issues share capital of that class.

Approved by Arun District Council – 8 November 2017

These descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

“the Act” means the Localism Act 2011;

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

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

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

“M” means a member of a relevant authority;

“member” includes a co-opted member;

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

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

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

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

APPENDIX B – PERSONAL INTERESTS

You have a personal interest in any business of the authority where it either relates to or is likely to affect:

- (a) any body of which you are a member or in a position of general control or management and to which are appointed or nominated by the authority;
- (b) any body -
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

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

This page is intentionally left blank

LOCAL ASSESSMENT PROCEDURE

Adopted by Arun District Council – 8 November 2017
Version 1.2 – March 2019

TABLE OF CONTENTS

1	BACKGROUND	3
2	HOW TO MAKE A COMPLAINT	3
3	WILL MY COMPLAINT BE INVESTIGATED?	4
4	WHEN WILL A COMPLAINT NOT BE ACCEPTED?.....	5
6	ASSESSMENT PANEL HEARING – STAGE 2	7
7	DECISION.....	8
8	RIGHT OF REVIEW.....	9
9	PUBLICATION OF DECISION	9
	APPENDIX 1 – ASSESSMENT PANEL HEARING PROCEDURES	11
	APPENDIX 2 – AVAILABLE SANCTIONS.....	13
	APPENDIX 3 - PROCEDURE FLOWCHART	14
	APPENDIX 4 - PROTOCOL BETWEEN ARUN DISTRICT COUNCIL'S MONITORING OFFICER AND SUSSEX POLICE.....	15
	APPENDIX 5 – REVISIONS LOG.....	16

1 BACKGROUND

- 1.1 Under Section 28 of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that an Elected or co-opted Councillor of the authority or of a Town or Parish Council within the authority’s area (herein after referred to as the ‘Subject Member’) has failed to comply with the authority’s Code of Conduct can be investigated and decisions made on such allegations.
- 1.2 These arrangements provide for the Council to appoint at least one Independent Person¹ whose views must be sought by the Council before it takes a decision on whether an allegation should be investigated, 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.
- 1.3 The Council has adopted a Code of Conduct for Councillors, which is published on the Council’s website and is available for inspection on request from the Council’s office (see below).
- 1.4 Each Town and Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Town or Parish Council’s Code of Conduct, it should be available on their website, or you can make enquiries of their Town or Parish Clerk.
- 1.5 All Parish councils within the Arun District, and Arundel Town Council, have signed up to Arun District Council’s Code of Conduct. Bognor Regis and Littlehampton Town Councils have developed their own Code of Conduct.

2 HOW TO MAKE A COMPLAINT

- 2.1 If you wish to make a complaint against a Councillor, please complete the online complaint form which can be found on our website (<http://www.arun.gov.uk/complaints-against-councillors>) or write to:

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

Or by email to monitoring.officer@arun.gov.uk

- 2.2 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of Councillors’ interests and who is responsible for administering the system for complaints of Councillor misconduct.

¹ 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.

- 2.3 Please provide your name and address and contact details so that we can acknowledge receipt of your complaint and keep you informed of progress. Anonymous complaints will not be accepted.
- 2.4 As a matter of fairness and natural justice, the Subject Member will usually be told who has complained about them and receive details of the complaint. However, the Monitoring Officer, in consultation with an Independent Person, may withhold your identity if they can be satisfied that there are reasonable grounds for doing so, e.g. 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.

3 WILL MY COMPLAINT BE INVESTIGATED?

- 3.1 The Code of Conduct applies to Councillors whilst they are acting in their official capacity as a Councillor, or give the impression that they are acting in this capacity. The Code does not apply when they are acting in their capacity as a private individual.
- 3.2 If the Monitoring Officer is of the view that your complaint does not fundamentally relate to a code of conduct matter, then he/she will decline to progress it further under this procedure. For example, it is generally considered that complaints relating to the consideration of planning applications will not be dealt with under this procedure if there is an alternative legal remedy. You will be advised if this is the case.
- 3.3 Complaints which identify criminal conduct or breach of other regulations by any person, will be referred by the Monitoring Officer to Sussex Police for consideration, in accordance with an agreed protocol as set out in Appendix 4, or any other regulatory agency.
- 3.4 If the Subject Member is no longer a Councillor, or resigns/is removed from office at any point during the investigation, the Monitoring Officer has the power to withdraw the complaint and take no further action. 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.
- 3.5 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. Where a reasonable proposal for local resolution is proposed, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether your complaint merits formal investigation.
- 3.6 If your complaint relates to a Parish Councillor, the Monitoring Officer will seek the views of the Town/Parish Clerk about the complaint. Their view will be recorded in the investigation report and taken into account when a decision on whether to investigate is made.

4 WHEN WILL A COMPLAINT NOT BE ACCEPTED?

- 4.1 The resources involved in carrying out a formal investigation can be considerable and must be balanced by the severity of the complaint and the sanctions available to the Assessment Panel (see Appendix 2), should a breach of the code be found.
- 4.2 Your complaint will be acknowledged by the Monitoring Officer within 5 working days of receipt. You will then be informed within 28 working days whether your complaint has been accepted.
- 4.3 The Monitoring Officer has the discretion not to proceed with complaints, including those:-
- a) Containing no or insufficient evidence to demonstrate a breach of the Code;
 - b) Where there are alternative, more appropriate, remedies that should be explored first;
 - c) Where you and the Subject Member have agreed a local resolution e.g. a written or verbal apology, mediation;
 - d) Where the complaint is by one Councillor against another, a greater allowance for robust political debate (but not personal abuse or “unparliamentary” language) may be given;
 - e) That are malicious, politically motivated, or ‘tit for tat’;
 - f) Where an investigation would not be in the public interest or the matter would not warrant any sanction (see Appendix 2);
 - g) Where a substantially similar complaint has previously been considered and no new material evidence has been submitted;
 - h) Relating to allegations concerning a Councillor’s private life;
 - i) Relating to conduct in the distant past (over six months before);
 - j) Relating to dissatisfaction with a Council (or Parish Council) decision; and
 - k) About someone who is no longer a member of the Council (or relevant Parish Council) or who is seriously ill (see 3.4 above)
- 4.4 The Monitoring Officer will consult with an Independent Person before using this discretion and confirming their decision to you.
- 4.5 You will have no right of review of the Monitoring Officer’s decision.
- 4.6 The Monitoring Officer’s decision will be provided to Members of the Standards Committee for their information and then reported to the next meeting of the Committee when it considers the Register of Complaints.

5. HOW IS THE INVESTIGATION CONDUCTED? – INITIAL ASSESSMENT - STAGE 1

- 5.1 On the basis that your complaint is accepted, the Monitoring Officer will acknowledge receipt of your complaint within 5 working days, confirm that it will be investigated and will keep you informed as the complaint investigation progresses.

- 5.2 The Monitoring Officer will appoint an Investigating Officer (IO), who may be another senior officer of the same authority, an Officer of another authority, or an external investigator.
- 5.3 The IO will decide whether or not they need to meet with you to further clarify the detail of your complaint, and/or for you to explain your understanding of events. There may also be a discussion about what supporting documents may need to be provided and who else the IO may need to interview.
- 5.4 The IO will write to the Councillor against whom the complaint has been made, providing them with a copy of the complaint (unless the right to anonymity has been agreed – see 2.4 above) and ask them to provide their explanation of the event(s), to suggest what other supporting documents may be required and who else the IO may wish to interview. If your complaint relates to a Town or Parish Councillor, the IO will also advise the Town/Parish Clerk.
- 5.5 The investigation will be completed within 28 working days unless the Monitoring Officer advises within that timeframe that more time is needed by the IO to conduct their review.
- 5.6 At the end of the investigation, the IO will produce a draft report and provide copies for both you and the Subject Member to respond to within 14 days.
- 5.7 Both you and the Subject Member will be given the opportunity to comment on the draft report, and indicate agreement (or otherwise) with the content.
- 5.8 The IO will then send a copy of the report – having taken account of any comments from you and/or the Subject Member – to the Monitoring Officer for reviewing.
- 5.9 The Monitoring Officer will consult with an Independent Person to decide whether to:-
 - a) Take no action if there is clear evidence that there has been no breach of the Code of Conduct
 - b) Resolve the matter informally by asking the Subject Member to:-
 - i. take part in mediation with you in order to settle the complaint, providing both parties are willing to do so, and/or
 - ii. send a written apology to you, which is acceptable to the Monitoring Officer and the Chairman of the Standards Committee; and/or
 - iii. attend training, and/or
 - iv. correct an entry in the Register of Interests or correct a declaration made; OR
 - c) Progress to Stage 2 where the complaint is considered by the Assessment Panel
- 5.10 You will have no right of review of the Monitoring Officer's decision.

5.11 The Monitoring Officer's decision will be provided to Members of the Standards Committee for their information and will then reported to the next meeting of the Committee when it considers the Register of Complaints.

6 ASSESSMENT PANEL HEARING – STAGE 2

(If the Monitoring Officer and Independent Person support the complaint going forward)

6.1 The Assessment Panel will consist of 3 members of the Council's Standards Committee, plus an Independent Person.

6.2 The Monitoring Officer will also attend to present the report from the IO.

6.3 The Hearing will be called within a maximum period of 4 months from receipt of the complaint and the Panel will be selected from available Members of the Standards Committee. Councillors representing the ward where you live will not be permitted to sit on the Panel, nor will any Councillor who has any connection with the Subject Member.

6.4 Panel Members will be provided with copies of the original complaint, the IO report, any additional information or comments provided by you and/or the Subject Member, or statements from witnesses to the event.

6.5 Unless it is not practical, reasonable or is not likely to assist the Assessment Panel in its consideration of the Complaint, the Panel will follow the process outlined in Appendix 1.

6.6 Following the hearing and an agreed outcome being reached, the Panel shall prepare and sign a written decision for the Monitoring Officer to send to:

- the Subject Member
- you
- the Standards Committee and all Independent Persons (when the decision notice is published and via a report to Standards Committee)
- all District Councillors (via a report to Standards Committee)
- all members of the Council's Senior Management Team (when the decision notice is published) where the complaint is about an Arun District Councillor
- the Clerk and Chairman of the Town/Parish Council when the decision notice is published where the complaint is about a Town or Parish Councillor.

6.7 Separately, the Panel may provide the Monitoring Officer with any lessons to be learnt from the Complaint and any actions the Panel wish to suggest the Council to consider.

6.8 The Monitoring Officer shall publish the decision on the Council's website and that decision shall remain on the website for up to a period of 12 months unless the Standards Committee has requested a longer timeframe.

6.9 The Monitoring Officer shall place a report before the next meeting of the Standards Committee, for the Committee to ask questions about the decision of the Panel and discuss:

- any lessons learnt identified by the Panel
- any actions the Panel has suggested the Council consider

and make any recommendations it feels are appropriate for Full Council to consider.

In order to avoid unnecessary printing of paper, generally the report will only include a summary of the Panel's decision and Councillors are requested to bring the full copy of the decision they have been sent, with them to the meeting of the Standards Committee and Full Council.

7 DECISION

7.1 The Panel can reach a finding of:

- (i) no breach of the Code of Conduct
- (ii) the Complaint relates to an offence under Section 34 Localism Act 2011 [Offences] and the Panel will refer the Complaint and all evidence the Council is aware of to the Police. Such offences arise from failure, without reasonable excuse, to disclose a Pecuniary Interest or participation in the debate and/or votes on a matter in which the Subject Member has a Pecuniary Interest and has not been granted a dispensation.
- (iii) a breach of the Code of Conduct that Arun District Council, or the relevant Town or Parish Council, is responsible for dealing with
- (iv) to take no action on the Complaint because, even though a breach of the Code of Conduct has occurred, the Panel is of the view that it would not serve the public interest to pursue the consideration of the Complaint
- (v) to take no action on the Complaint because, the Subject Member is no longer a Councillor or co-opted Councillor of the Local Authority and the Panel is of the view that it would not serve the public interest to pursue the consideration of the Complaint (if the Councillor has resigned during the course of the investigation, the complaint would have been rejected at the initial assessment stage)

7.2 The Panel shall specify the period that its decision shall remain on Arun District Council's website, which shall be no longer than 12 months, unless the Standards Committee has carried out a further review and requested a longer timeframe.

7.3 Where the Panel is dealing with a Complaint against a Parish or Town Councillor or co-opted Councillor, and reaches a finding that the Subject Member has breached the Code of Conduct adopted by the Parish or Town Council, the Panel shall write to the Chairman and Clerk of that Parish or Town Council and inform them of its finding and request that

the Parish or Town Council considers what action to take in relation to the Subject Member.

- 7.4 In order to assist the Parish or Town Council, the Panel may identify what action it would have taken had the Subject Member been an Arun District Councillor in breach of Arun District Council's Code of Conduct.
- 7.5 It is noted that, although Arun District Council is the 'relevant authority' and it may have regard to the Subject Member's failure when deciding what action to take, in practical terms Arun District Council cannot enforce that such action is taken and therefore it is for the Parish or Town Council to make a decision about what action to take and how to achieve compliance.
- 7.6 Arun District Council suggests to the Parish or Town Councils within its district that those Councils seek individual undertakings from each of their Councillors; that the Councillor agrees to abide by their responsibilities under the Localism Act 2011, the Parish or Town Council Code of Conduct and to comply with any consequential request made to the Member by the Parish or Town Council.

8 RIGHT OF REVIEW

- 8.1 If either you or the Subject Member considers the decision of the Panel was not fair, or proportionate, they can appeal by asking for a Review within 20 working days from the date of the covering letter sent to them with the Decision Notice, stating why they consider the Assessment Panel decision was not fair or proportionate.
- 8.2 The request must be in writing to the Monitoring Officer.
- 8.3 The Monitoring Officer will check the reasons given in the request for the Review and if those reasons are not clear the Monitoring Officer will contact the party requesting the Review and ask for clarification.
- 8.4 The Review will be referred to the Standards Committee for a decision via a report presented by the Monitoring Officer.
- 8.5 There are no further rights of appeal within the Council's Local Assessment Procedure.
- 8.6 If no review is requested by either the Complainant or Subject Member, both will be advised in writing that the decision has been confirmed and how the decision will be published.

9 PUBLICATION OF DECISION

- 9.1 As soon as reasonably practicable after the Panel have reached a decision, the Monitoring Officer will prepare a formal decision notice (in consultation with the Chairman of the Assessment Panel) and send a copy to you and the Subject Member for review (as paragraph 8 confirms).
- 9.2 The decision notice will confirm the name of the Subject Member and the Complainant, unless they have been granted anonymity in line with paragraph 2.4.

- 9.3 Once the review period has passed the Monitoring Officer will publish the decision notice to the Council's website, make it available for public inspection, circulate it to those parties listed in paragraph 6.6, and report the decision to the next appropriate Standards Committee meeting.

APPENDIX 1 – ASSESSMENT PANEL HEARING PROCEDURES

Introductory Stage

1. Quorum of the Panel is three Elected Members, plus an Independent Person.
2. Hearings of the Panel will be held in closed session.
3. The Panel will elect a Chairman, who will be an Elected Member.
4. The Chairman will invite all attendees to introduce themselves.
5. The Chairman will explain the purpose of the Hearing and why it has been called.
6. The Monitoring Officer will outline the case and explain why they believe that the Subject Member has breached, or failed to follow, the Code of Conduct.

Assessment Stage 1 – the complainant

7. The Monitoring Officer will call the complainant, any other witnesses, and Investigating Officer into the hearing.
8. The Chairman will introduce those present and summarise the complaint and the process followed thus far, and the procedure for the Panel Hearing.
9. The complainant will explain why they feel that the Subject Member has breached/failed to follow the Code of Conduct.
10. The Panel Members may ask questions of the Monitoring Officer, Investigating Officer, complainant and any other witnesses.
11. The complainant and Monitoring Officer will be asked to give closing remarks.
12. The complainant and any other witnesses will leave the hearing to allow the Panel to continue their assessment.

Assessment Stage 2 – the Subject Member

13. The Monitoring Officer will call the Subject Member, any other witnesses, and the Investigatory Officer into the hearing.
14. The Chairman will introduce those present and summarise the complaint and the process followed thus far, and the procedure for the Panel Hearing.
15. The Subject Member will explain why they feel they have not breached/failed to follow the Code of Conduct.
16. The Monitoring Officer and Panel Members may ask questions of the Investigating Officer, Subject Member and their witnesses.

17. The Subject Member and Monitoring Officer will be asked to give closing remarks.
18. The Subject Member and any other witnesses will leave the hearing to allow the Panel to continue their assessment.

Decision Stage

19. The Independent Person will be invited to make comments.
20. The Panel will strive to reach a decision at that time, but may need further time to deliberate or seek further information.
21. If the Panel are able to conclude their deliberations on the day, the Chairman will call separately the complainant and then the Subject Member back into the room and announce the decision of the Panel.
22. If the Panel need further time to deliberate, they will agree a deadline and advise the complainant and the Subject Member of the decision in writing.
23. If the Panel decide that no breach has taken place, the hearing will close.
24. If the Panel decide that a breach has taken place, the Subject Member will be invited to comment on any mitigating circumstances.
25. The Monitoring Officer may comment on appropriate/suitable sanction.
26. The Independent Person will be invited to give further comment.
27. The Panel Members will consider an appropriate sanction.
28. The Chairman will advise separately the complainant and the Subject Member of the chosen sanction.
29. Panel Hearing closes.

Notes:-

- The Chairman has discretion to revise this procedure at a Hearing
- The Panel may proceed with the Hearing in the absence of the Subject Member and the complainant where no satisfactory explanation for their absence has been provided
- The Panel may adjourn the Hearing at any time

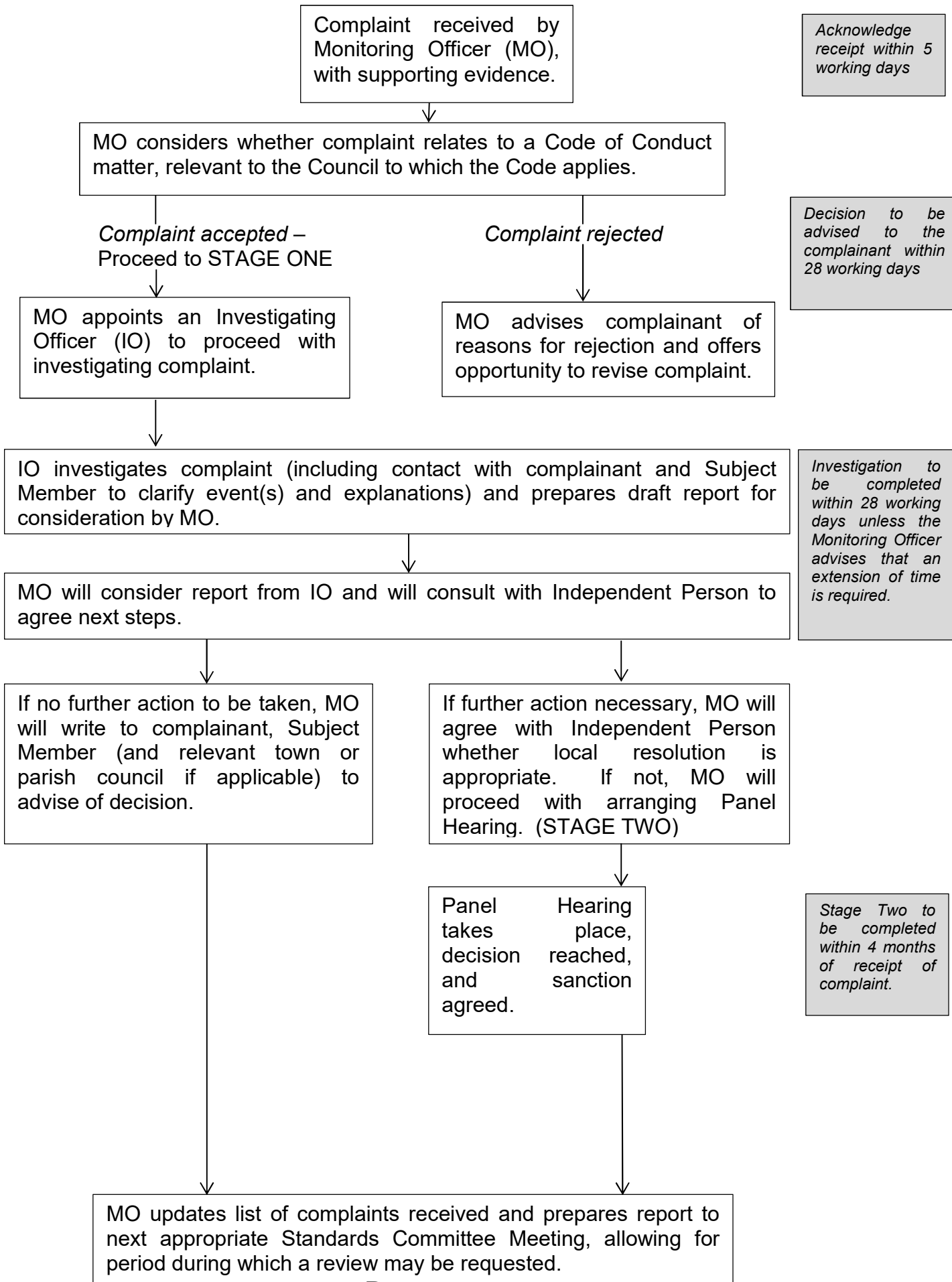
APPENDIX 2 – AVAILABLE SANCTIONS

The Panel may choose one or more of the following sanctions (or make recommendation of a sanction to the Town or Parish Council of which the Subject Member is a councillor):-

1. Censure or reprimand the Subject Member
2. Publish the findings in respect of the Subject Member's conduct
3. Report the findings to Council for information
4. Recommend to the Subject Member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council
5. Instruct the Monitoring Officer to arrange training for the Subject Member
6. Remove the Subject Member from all outside appointments to which he/she has been appointed or nominated by the Council
7. Withdraw facilities provided to the Subject Member, such as computer, website and/or email and internet access for an agreed period
8. Exclude the Subject Member from the Council's offices or other premises for an agreed period
9. Restrict the Subject Member's access to the Council's Officers for an agreed period
10. Recommend suitable training, mediation/conciliation be given
11. Accept a written apology from the Subject Member
12. Remind the Subject Member of the undertaking signed at the point of their election, in relation to the Members Code of Conduct (to comply with the Localism Act 2011)
13. Remind the Subject Member of the need to declare their pecuniary interests via the Register of Interests form – to be updated at regular intervals when requested or when circumstances alter – and at the beginning of any committee meeting where that interest relates to an Agenda item

The Panel has no power to suspend or disqualify the Subject Member.

APPENDIX 3 - PROCEDURE FLOWCHART



APPENDIX 4 - 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	Kris Ottery, Acting Chief Inspector
Email	Kris.Ottery@sussex.pnn.police.uk
Tel	101 Ext. 580223

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

Name	Liz Fatcher, Group Head of Council Advice & Monitoring Officer
Email	liz.fatcher@arun.gov.uk
Tel	01903 737610

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

APPENDIX 5 – REVISIONS LOG

Revision Log		
Version Number	Date	Revision
1.0	8 November 2017	Procedure adopted at Full Council
1.1	7 March 2018	Police Protocol adopted at Full Council – attached as Appendix 4
1.2	13 March 2019	Minor amendments adopted at Full Council to clarify arrangements within the Procedure

ARUN DISTRICT COUNCIL

REPORT TO THE STANDARDS COMMITTEE ON 25 JULY 2019

SUBJECT: Assessment Panel Decision – Allegations against Arun District Councillor Richard Bower

REPORT AUTHOR: Liz Fitcher – Group Head of Council Advice & Monitoring Officer
DATE: June 2019
EXTN: 01903 737610

EXECUTIVE SUMMARY:

This report advises the Committee of the outcome of the Assessment Panel's investigation into allegations received against Arun District Councillor Richard Bower.

RECOMMENDATIONS:

It is recommended that the decisions of the Assessment Panel be noted.

1.0 BACKGROUND

- 1.1 The role of the Assessment Panel is to consider whether the Councillor has breached the Code of Conduct based on the complaint received. If this is found to be the case, then the Panel will decide on whether any action should be taken. In this case, three separate complaints were received against the Councillor.
- 1.2 The Panel met on 6 February 2019 and the findings from its investigation are attached as Appendices 1 to 9. No review of the decisions was requested by either the Councillor or the Complainants by the expiry date of the review period. The decision notices were published on 15 March 2019 for a period of three months, as agreed by the Panel.
- 1.3 Both the sanctions listed at (1) and (2) of the decision notices have been actioned.
- 1.4 The Group Head of Planning is actioning the recommendations from the lessons learnt at (1) to (3).

2.0 PROPOSALS

- 2.1 To note the decisions of the Assessment Panel made in accordance with the Local Assessment Procedure.

3.0 OPTIONS

None as all the complaints have been considered in line with the adopted Local Assessment Procedure.

4.0 CONSULTATION:		
Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> The decision notices were consulted upon with the Subject Member and Complainant before being published 	✓	
5.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6.0 IMPLICATIONS:		
None		
7.0 REASON FOR THE DECISION:		
To reflect the Local Assessment Procedure which requires the decision of the Assessment Panel to be reported to the Standards Committee.		
8.0 BACKGROUND PAPERS:		
Members Code of Conduct and Local Assessment Procedure https://www.arun.gov.uk/complaints-against-councillors		

ARUN DISTRICT COUNCIL
ASSESSMENT PANEL – 6 FEBRUARY 2019

DECISION NOTICE - COMPLAINT 1
JACKIE AYLING

Subject Member	Councillor Richard Bower
Representing	Arun District Council
Assessment Panel Members	Councillor Paul English (Chairman) Councillor Ann Rapnik Councillor Dr James Walsh Councillor Robert Wheal John Thompson – Independent Person

Summary of Complaint

The complaint related to the Subject Member's conduct when they were acting as Chairman of the meeting of the Development Control Committee held on 24 October 2018.

The Complainant alleged that the Subject Member could clearly not conduct the meeting in a civilised and professional manner and refused to accept the outcome of a democratic vote which did not fit with his personal views.

How the Code of Conduct applies to this complaint

As required by the Localism Act 2011, Arun District Council has adopted a Members' Code of Conduct and required each councillor to sign up to this Code. This Code was last reviewed by the District Council on 8 November 2017.

The assessment of this complaint was reviewed against the Members' Code of Conduct for Arun District Councillors. It was confirmed that the Subject Member had made a declaration to comply with the latest version of the Members' Code of Conduct on 30 November 2017.

The membership of the Assessment Panel was selected to avoid any conflict of interest from involvement with the meeting of the Development Control Committee on 24 October 2018 or the Pagham ward.

The Panel's Decision

The Complainant had highlighted seven paragraphs within their complaint that they believed demonstrated that there had been a breach of the Members' Code of Conduct by the Subject Member. Two paragraphs were discounted from the review of the complaint as they related to dissatisfaction with the Council's administrative arrangements for the meeting and not the conduct of the Subject Member. The assessment therefore considered the issues raised under each of the remaining

paragraphs identified by the Complainant.

The Panel considered the report of the Investigating Officer and then heard statements from the Complainant as well as from the Subject Member. They also considered written witness statements provided by the Subject Member from two members of the Development Control Committee which were circulated at the hearing.

Having reviewed all the evidence presented, the Panel recognised the strength of public feeling in the business before the Development Control Committee on 24 October 2018, demonstrated by the high level of public attendance at the meeting. They acknowledged that this had made this a difficult meeting for the Subject Member to chair and noted from a verbal statement made by him that he had not had to deal with anything similar before. They concluded from all the evidence presented that this had led to a contentious meeting with a public gallery that was very vocal at times.

The Panel's decision on each of the five paragraphs is set out below:

Paragraph 5 – Listen to the interests of all parties

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. The Panel found no evidence to support the Complainant's view of the conduct of the Subject Member at this meeting. 2. The Panel accepted that the Subject Member's role, as Chairman of the Committee, was to give advice and guidance to the Development Control Committee to ensure it worked within the obligations of the law. 3. The Panel sought clarification from the Subject Member to the issue raised by the Complainant that he had been unaware of certain road improvements relating to the three strategic sites. The Subject Member clarified that the advice given by Highways England had referred to a road network proposal that had not formed part of Arun's Transport Assessment as the proposal fell within the boundary of Chichester District Council. He confirmed that was why he had had been unaware of this information. 4. The Panel found that the evidence confirmed that the Subject Member, along with the remainder of the Committee, had been provided with detailed information to inform their deliberations on the business before the meeting before exercising their decision taking responsibility. 5. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(5) of the Members' Code of Conduct.

Paragraph 6 - Be accountable for their decisions and co-operate when scrutinised

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel accepted that this had been a difficult meeting for the Subject Member to chair with such a high public attendance and contentious applications before the Committee. 3. The Panel noted the feedback given by officers that the meeting had been difficult for the Subject Member to manage at times as there had been some interruptions from the public gallery. 4. The Panel found that the Subject Member had acknowledged that he may have caused offence by a remark made at the meeting by making a public apology at the reconvened meeting on 13 November 2018. 5. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(6) of the Members' Code of Conduct.

Paragraph 9 - Value their colleagues

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel noted that the Subject Member had acknowledged that he may have let some irritation show as it was a long meeting. They also noted the statement made by an officer present at the meeting that some members of the public did not respect the requests that the Chairman made, in his role as Chairman, to cease their interruptions at the meeting. 3. The Panel found that no complaints had been received from any other member sitting on the Committee that they felt intimidated or put under undue pressure by the Subject Member's conduct at the meeting. 4. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(9) of the Members' Code of Conduct.

Paragraph 10 - Always treat people with respect

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. The Panel found that the Subject Member, in his role as Chairman of the Committee, had authority to adjourn the meeting where a disturbance by the public made orderly business impossible under the Council's Constitution and did give a warning to the public gallery that he would take action if they did not cease their interruptions of the meeting. Further, the Subject Member had confirmed that he had needed to raise his voice to make such announcements as the microphone system was not working properly on the day of the meeting and at times he needed to make himself heard over the noise from the public gallery. 2. The Panel acknowledged that the Subject Member had given a public apology at the reconvened meeting on 13 November 2018 that he may have caused offence by a remark made at the meeting on 24 October 2018. 3. The Panel found that no complaints had been received from other members sitting on the Committee that they felt they had not been treated with respect by the Subject Member. 4. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(10) of the Members' Code of Conduct.

Paragraph 11 - Provide leadership

<i>Decision</i>	Breach in part
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. The Panel found no evidence to support the Complainant's view that the Subject Member had demonstrated threatening behaviour at the meeting. This finding was based on: <ol style="list-style-type: none"> a. no complaints being received to this effect from members sitting on the Committee; and b. the minutes confirming that members of the Committee were able to exercise their right to speak and put forward alternative proposals to the officer recommendation prior to the adjournment. 2. The Panel also confirmed that they would have taken any substantiated allegation of threatening behaviour or bullying very seriously. 3. However, the Panel did find that the Subject Member had not followed the Council's Constitution in adjourning the meeting on 24 October 2018. The approved minutes confirmed that the meeting was adjourned as the Committee was unable to make progress. The rules of the Council's Constitution confirm that a motion to adjourn a meeting, unless due

	<p>to a public disturbance, requires a proposer and seconder to move such a request and for this motion to be put to a vote by the Committee. Based on the wording in the approved minutes, the Subject Member did not have authority to adjourn the meeting as he chose to do on 24 October 2018.</p> <p>4. Whilst the Panel accepted that this had been a difficult meeting for the Subject Member to chair and that he believed he had authority to adjourn the meeting, they found no evidence that he had taken advice before taking the decision to adjourn the meeting.</p> <p>5. On this basis, the Panel determined that the Subject Member had breached paragraph 2.1(11) of the Members' Code of Conduct in relation to adjourning the meeting.</p>
--	--

Sanctions to be recommended to Arun District Council

Based on their findings from this assessment, the Panel have recommended the following two sanctions:

1. In addition to the arrangements for publication of the decision notice in the Local Assessment Procedure, this should also be provided directly to the Leader of the Conservative Group so they can see the conclusions and findings drawn from the assessment.
2. The Subject Member should be provided with a copy of the Committee Procedure Rules from the Council's Constitution for review to ensure he is fully aware of the procedural requirements at meetings of the Development Control Committee. Further, the Subject Member should be asked to provide written confirmation to the Leader of the Conservative Group and the Monitoring Officer of his understanding of these requirements.

Reviewing lessons learnt from comments made by the Complainant, the Panel also believe that clearer information needs to be provided to members of public attending meetings of the Development Control Committee to understand the Council's planning obligations and how the meeting will operate. They therefore recommend:

1. The Group Head of Planning be requested to explore the introduction of an information guide that confirms the requirements of the Local Plan for strategic sites and how the planning process for determining planning applications works within this by publicising this guide on the Council's website and making it available as a handout at meetings of the Committee.
2. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to explore the introduction of a simple guide that explains how the voting process works at the Development Control Committee and what the expectations are from Members presenting alternative proposals to the officer recommendation about valid planning reasons, for example what considerations there are in proposing reasons for refusal of an application.

3. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to create a notice that covers expectations of the public's conduct at meetings, for example what happens if there is a public disturbance or interruption from the public gallery, so this can be available to view throughout the meeting and not just as part of the Chairman's introduction at the start of the meeting.

Publication of the Decision

1. Following the review period, the decision of the Panel will be published to Arun District Council's website for a period of 3 months.
2. The Panel's decision will be reported to the next meeting of the Standards Committee.

ARUN DISTRICT COUNCIL
ASSESSMENT PANEL – 6 FEBRUARY 2019

DECISION NOTICE - COMPLAINT 2
JENNIFER AYLING

Subject Member	Councillor Richard Bower
Representing	Arun District Council
Assessment Panel Members	Councillor Paul English (Chairman) Councillor Ann Rapnik Councillor Dr James Walsh Councillor Robert Wheal John Thompson – Independent Person

Summary of Complaint

The complaint related to the Subject Member's conduct when they were acting as Chairman of the meeting of the Development Control Committee held on 24 October 2018.

The Complainant alleged that the Subject Member had not championed the needs of residents.

How the Code of Conduct applies to this complaint

As required by the Localism Act 2011, Arun District Council has adopted a Members' Code of Conduct and required each councillor to sign up to this Code. This Code was last reviewed by the District Council on 8 November 2017.

The assessment of this complaint was reviewed against the Members' Code of Conduct for Arun District Councillors. It was confirmed that the Subject Member had made a declaration to comply with the latest version of the Members' Code of Conduct on 30 November 2017.

The membership of the Assessment Panel was selected to avoid any conflict of interest from involvement with the meeting of the Development Control Committee on 24 October 2018 or the Pagham ward.

The Panel's Decision

The Complainant had highlighted three paragraphs within their complaint that they believed demonstrated that there had been a breach of the Members' Code of Conduct by the Subject Member. Two paragraphs were discounted from the review of the complaint as they related to administrative arrangements by Arun District Council in publishing the Local Plan and managing the meeting of the Committee and not the conduct of the Subject Member. The assessment therefore considered the issues raised under the remaining paragraph identified by the Complainant.

The Panel noted that the Complainant was unable to attend and agreed that the hearing should proceed in their absence.

The Panel considered the report of the Investigating Officer, the comments put forward by the Complainant and then heard statements from the Subject Member. They also considered written witness statements provided by the Subject Member from two members of the Development Control Committee which were circulated at the hearing.

Having reviewed all the evidence presented, the Panel recognised the strength of public feeling in the business before the Development Control Committee on 24 October 2018, demonstrated by the high level of public attendance at the meeting. They acknowledged that this had made this a difficult meeting for the Subject Member to chair and noted from a verbal statement made by him that he had not had to deal with anything similar before. They concluded from all the evidence presented that this had led to a contentious meeting with a public gallery that was very vocal at times.

The Panel's decision is set out below:

Paragraph 1 – Champion the needs of residents

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found that the Subject Member had a responsibility to champion the needs of residents in the whole of the Arun District in his role as Chairman of the Development Control Committee, not just one particular ward. 3. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council's Constitution. 4. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee on 12 December 2018. 5. The Panel found no evidence to support the Complainant's presumption that the suspension of the meeting had allowed for undue pressure to be applied

	<p>on councillors behind closed doors on the basis of no complaints being made to this effect from members sitting on the Committee.</p> <p>6. The Panel therefore determined that the Subject Member had not breached paragraph 2.1(1) of the Members' Code of Conduct.</p>
--	--

Sanctions to be recommended to Arun District Council

Based on their findings from this assessment, the Panel have recommended the following two sanctions:

1. In addition to the arrangements for publication of the decision notice in the Local Assessment Procedure, this should also be provided directly to the Leader of the Conservative Group so they can see the conclusions and findings drawn from the assessment.
2. The Subject Member should be provided with a copy of the Committee Procedure Rules from the Council's Constitution for review to ensure he is fully aware of the procedural requirements at meetings of the Development Control Committee. Further, the Subject Member should be asked to provide written confirmation to the Leader of the Conservative Group and the Monitoring Officer of his understanding of these requirements.

Reviewing lessons learnt from comments made by the Complainant, the Panel also believe that clearer information needs to be provided to members of public attending meetings of the Development Control Committee to understand the Council's planning obligations and how the meeting will operate. They therefore recommend:

1. The Group Head of Planning be requested to explore the introduction of an information guide that confirms the requirements of the Local Plan for strategic sites and how the planning process for determining planning applications works within this by publicising this guide on the Council's website and making it available as a handout at meetings of the Committee.
2. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to explore the introduction of a simple guide that explains how the voting process works at the Development Control Committee and what the expectations are from Members presenting alternative proposals to the officer recommendation about valid planning reasons, for example what considerations there are in proposing reasons for refusal of an application.
3. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to create a notice that covers expectations of the public's conduct at meetings, for example what happens if there is a public disturbance or interruption from the public gallery, so this can be available to view throughout the meeting and not just as part of the Chairman's introduction at the start of the meeting.

Publication of the Decision

1. Following the review period, the decision of the Panel will be published to Arun District Council's website for a period of 3 months.

2. The Panel's decision will be reported to the next meeting of the Standards Committee.

ARUN DISTRICT COUNCIL
ASSESSMENT PANEL – 6 FEBRUARY 2019

DECISION NOTICE - COMPLAINT 3
K G MEADMORE

Subject Member	Councillor Richard Bower
Representing	Arun District Council
Assessment Panel Members	Councillor Paul English (Chairman) Councillor Ann Rapnik Councillor Dr James Walsh Councillor Robert Wheal John Thompson – Independent Person

Summary of Complaint

The complaint related to the Subject Member's conduct when they were acting as Chairman of the meeting of the Development Control Committee held on 24 October 2018.

The Complainant had stated that their complaint related to a failure by elected officers of the Arun District Council to duly note the dependencies and conditions pre-requisite in the planning and approval processes and proposing at such Committee meeting to grant outline planning consent without adequate conditions or caveats. Their follow up letter confirmed that they held the Subject Member, in his role as Chairman of the meeting, primarily responsible in making this comment.

The Complainant alleged that the Subject Member had failed to respect and accept the democratic process in refusing to accept the voting outcome and further refusing a secondary vote outcome to defer and then terminating the meeting entirely. They also alleged that the Subject Member failed to recognise that the Councillors had adequately explained their reasoning for denying outline planning approval.

How the Code of Conduct applies to this complaint

As required by the Localism Act 2011, Arun District Council has adopted a Members' Code of Conduct and required each councillor to sign up to this Code. This Code was last reviewed by the District Council on 8 November 2017.

The assessment of this complaint was reviewed against the Members' Code of Conduct for Arun District Councillors. It was confirmed that the Subject Member had made a declaration to comply with the latest version of the Members' Code of Conduct on 30 November 2017.

The membership of the Assessment Panel was selected to avoid any conflict of interest from involvement with the meeting of the Development Control Committee

on 24 October 2018 or the Pagham ward.

The Panel's Decision

The Complainant had highlighted four paragraphs within their complaint that they believed demonstrated that there had been a breach of the Members' Code of Conduct by the Subject Member. The Panel noted that the Complainant was unable to attend the hearing and had provided further comments which they wished to see addressed in their absence. Having taken account of the information provided, the Panel agreed that the hearing should proceed.

The Panel considered the report of the Investigating Officer, the comments put forward by the Complainant and then heard statements from the Subject Member. They also considered written witness statements provided by the Subject Member from two members of the Development Control Committee which were circulated at the hearing.

Having reviewed all the evidence presented, the Panel recognised the strength of public feeling in the business before the Development Control Committee on 24 October 2018, demonstrated by the high level of public attendance at the meeting. They acknowledged that this had made this a difficult meeting for the Subject Member to chair and noted from a verbal statement made by him that he had not had to deal with anything similar before. They concluded from all the evidence presented that this had led to a contentious meeting with a public gallery that was very vocal at times.

The Panel's decision on each of the four paragraphs is set out below:

Paragraph 1 – Champion the needs of residents and Paragraph 5 – Listen to the interests of all parties

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none">1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting.2. The Panel found that the Subject Member had a responsibility to champion the needs of residents in the whole of the Arun District in his role as Chairman of the Development Control Committee, not just one particular ward.3. The Panel noted that the Council's Constitution confirmed that the Subject Member had no delegated authority to determine planning applications and that it was for a majority of the Committee to determine any planning application.4. The Panel found that the evidence confirmed that the Subject Member, along with the remainder of the Committee, had been provided with detailed

	<p>information to inform their deliberations on the business before the meeting before exercising their decision taking responsibility.</p> <p>5. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council's Constitution.</p> <p>6. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee on 12 December 2018.</p> <p>7. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(1) and 2.1(5) of the Members' Code of Conduct.</p>
--	---

Paragraph 2 - Deal with representations or enquiries from residents	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<p>1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting.</p> <p>2. The Panel did accept that this had been a difficult meeting for the Subject Member to chair and that he had acknowledged that he may have caused offence by a remark made at the meeting by making a public apology at the reconvened meeting on 13 November 2018.</p> <p>3. The Panel found that no complaints had been received from any other member sitting on the Committee that they felt intimidated by the Subject Member's conduct at the meeting.</p> <p>4. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(2) of the Members' Code of Conduct.</p>

Paragraph 7 - Contribute to making their authority's decision making processes as open and transparent as possible	
<i>Decision</i>	Breach in part
<i>Reason for the Decision</i>	<p>1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting.</p>

	<ol style="list-style-type: none"> 2. The Panel found that the minutes of the meeting on 24 October 2018 confirmed that the voting process on the second planning application followed the rules of the Council's Constitution. These minutes, that were subsequently approved as a correct record on 12 December 2018, also confirmed the basis for the adjournment of the meeting. 3. However, the Panel did find that the Subject Member had not followed the Council's Constitution in adjourning the meeting on 24 October 2018. The approved minutes confirmed that the meeting was adjourned as the Committee was unable to make progress. The rules of the Council's Constitution confirm that a motion to adjourn a meeting, unless due to a public disturbance, requires a proposer and seconder to move such a request and for this motion to be put to a vote by the Committee. Based on the wording in the approved minutes, the Subject Member did not have authority to adjourn the meeting as he chose to do on 24 October 2018. 4. Whilst the Panel accepted that this had been a difficult meeting for the Subject Member to chair and that he believed he had authority to adjourn the meeting, they found no evidence that he had taken advice before taking the decision to adjourn the meeting. 5. On this basis, the Panel determined that the Subject Member had breached paragraph 2.1(7) of the Members' Code of Conduct in relation to his conduct in adjourning the meeting.
--	--

Sanctions to be recommended to Arun District Council

Based on their findings from this assessment, the Panel have recommended the following two sanctions:

1. In addition to the arrangements for publication of the decision notice in the Local Assessment Procedure, this should also be provided directly to the Leader of the Conservative Group so they can see the conclusions and findings drawn from the assessment.
2. The Subject Member should be provided with a copy of the Committee Procedure Rules from the Council's Constitution for review to ensure he is fully aware of the procedural requirements at meetings of the Development Control Committee. Further, the Subject Member should be asked to provide written confirmation to the Leader of the Conservative Group and the Monitoring Officer of his understanding of these requirements.

Reviewing lessons learnt from comments made by the Complainant, the Panel also believe that clearer information needs to be provided to members of public attending meetings of the Development Control Committee to understand the Council's

planning obligations and how the meeting will operate. They therefore recommend:

1. The Group Head of Planning be requested to explore the introduction of an information guide that confirms the requirements of the Local Plan for strategic sites and how the planning process for determining planning applications works within this by publicising this guide on the Council's website and making it available as a handout at meetings of the Committee.
2. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to explore the introduction of a simple guide that explains how the voting process works at the Development Control Committee and what the expectations are from Members presenting alternative proposals to the officer recommendation about valid planning reasons, for example what considerations there are in proposing reasons for refusal of an application.
3. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to create a notice that covers expectations of the public's conduct at meetings, for example what happens if there is a public disturbance or interruption from the public gallery, so this can be available to view throughout the meeting and not just as part of the Chairman's introduction at the start of the meeting.

Publication of the Decision

1. Following the review period, the decision of the Panel will be published to Arun District Council's website for a period of 3 months.
2. The Panel's decision will be reported to the next meeting of the Standards Committee.

This page is intentionally left blank

ARUN DISTRICT COUNCIL
ASSESSMENT PANEL – 6 FEBRUARY 2019

DECISION NOTICE - COMPLAINT 4
COLIN HAMILTON

Subject Member	Councillor Richard Bower
Representing	Arun District Council
Assessment Panel Members	Councillor Paul English (Chairman) Councillor Ann Rapnik Councillor Dr James Walsh Councillor Robert Wheal John Thompson – Independent Person

Summary of Complaint

The complaint related to the Subject Member's conduct when they were acting as Chairman of the meeting of the Development Control Committee held on 24 October 2018.

The Complainant alleged that the Subject Member's behaviour was entirely inappropriate and that he was rude, boorish and arrogant.

How the Code of Conduct applies to this complaint

As required by the Localism Act 2011, Arun District Council has adopted a Members' Code of Conduct and required each councillor to sign up to this Code. This Code was last reviewed by the District Council on 8 November 2017.

The assessment of this complaint was reviewed against the Members' Code of Conduct for Arun District Councillors. It was confirmed that the Subject Member had made a declaration to comply with the latest version of the Members' Code of Conduct on 30 November 2017.

The membership of the Assessment Panel was selected to avoid any conflict of interest from involvement with the meeting of the Development Control Committee on 24 October 2018 or the Pagham ward.

The Panel's Decision

The Complainant had highlighted six paragraphs within their complaint that they believed demonstrated that there had been a breach of the Members' Code of Conduct by the Subject Member. One paragraph was discounted from the review of the complaint as it related to administrative arrangements by Arun District Council in publishing the Local Plan and not the conduct of the Subject Member. The assessment therefore considered the issues raised under the remaining paragraphs identified by the Complainant.

The Panel noted that the Complainant was unable to attend and agreed that the hearing should proceed in their absence.

The Panel considered the report of the Investigating Officer, the comments put forward by the Complainant and then heard statements from the Subject Member. They also considered written witness statements provided by the Subject Member from two members of the Development Control Committee which were circulated at the hearing.

Having reviewed all the evidence presented, the Panel recognised the strength of public feeling in the business before the Development Control Committee on 24 October 2018, demonstrated by the high level of public attendance at the meeting. They acknowledged that this had made this a difficult meeting for the Subject Member to chair and noted from a verbal statement made by him that he had not had to deal with anything similar before. They concluded from all the evidence presented that this had led to a contentious meeting with a public gallery that was very vocal at times.

The Panel's decision on each of the five paragraphs is set out below:

Paragraph 1 – Champion the needs of residents

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found that the Subject Member had a responsibility to champion the needs of residents in the whole of the Arun District in his role as Chairman of the Development Control Committee, not just one particular ward. 3. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council's Constitution. 4. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee on 12 December 2018. 5. The Panel therefore determined that the Subject Member had not breached paragraph 2.1(1) of the Members' Code of Conduct.

Paragraph 6 - Be accountable for their decisions and co-operate when scrutinised

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. In his role as Chairman of the Development Control Committee, the Panel concluded that the Subject Member was not accountable to just the local residents of Pagham but to the whole of the community within the Arun District. Further, they concluded that he had an obligation to ensure that the obligations of planning law were correctly applied at meetings of the Committee. 3. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(6) of the Members' Code of Conduct.

**Paragraph 9 - Value their colleagues and
Paragraph 10 – Always treat people with respect**

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found that the Subject Member, in his role as Chairman of the Committee, had authority to adjourn the meeting where a disturbance by the public made orderly business impossible under the Council's Constitution and did give a warning to the public gallery that he would take action if they did not cease their interruptions of the meeting. Further, the Subject Member had confirmed that he had needed to raise his voice to make such announcements as the microphone system was not working properly on the day of the meeting and at times he needed to make himself heard over the noise from the public gallery. 3. The Panel found that no complaints had been received from any other member sitting on the Committee that they felt intimidated by the Subject Member's conduct at the meeting. 4. The Panel confirmed that there was no rule within the Council's Constitution that prevented a councillor who

	<p>was in a relationship with another councillor from sitting on the same Committee.</p> <p>5. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(9) and 2.1(10) of the Members' Code of Conduct.</p>
--	---

Paragraph 11 – Provide leadership	
<i>Decision</i>	Breach in part
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. The Panel found no evidence to support the Complainant's view that the Subject Member had demonstrated bullish behaviour at the meeting based on no complaints being received to this effect from members sitting on the Committee. The Panel confirmed that they would have taken any substantiated allegation of bullying very seriously. 2. The Panel also found no evidence to support the Complainant's view of the conduct of the Subject Member at this meeting in relation to the voting process. 3. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council's Constitution. 4. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee on 12 December 2018. 5. The Panel did find that the Subject Member had not followed the Council's Constitution in adjourning the meeting on 24 October 2018. The approved minutes confirmed that the meeting was adjourned as the Committee was unable to make progress. The rules of the Council's Constitution confirm that a motion to adjourn a meeting, unless due to a public disturbance, requires a proposer and seconder to move such a request and for this motion to be put to a vote by the Committee. Based on the wording in the approved minutes, the Subject Member did not have authority to adjourn the meeting as he chose to do on 24 October 2018. 6. Whilst the Panel accepted that this had been a difficult meeting for the Subject Member to chair and that he believed he had authority to adjourn the meeting, they found no evidence that he had taken advice before taking the decision to adjourn the meeting.

	7. On this basis, the Panel determined that the Subject Member had breached paragraph 2.1(11) of the Members' Code of Conduct in relation to his conduct in adjourning the meeting.
--	---

Sanctions to be recommended to Arun District Council

Based on their findings from this assessment, the Panel have recommended the following two sanctions:

1. In addition to the arrangements for publication of the decision notice in the Local Assessment Procedure, this should also be provided directly to the Leader of the Conservative Group so they can see the conclusions and findings drawn from the assessment.
2. The Subject Member should be provided with a copy of the Committee Procedure Rules from the Council's Constitution for review to ensure he is fully aware of the procedural requirements at meetings of the Development Control Committee. Further, the Subject Member should be asked to provide written confirmation to the Leader of the Conservative Group and the Monitoring Officer of his understanding of these requirements.

Reviewing lessons learnt from comments made by the Complainant, the Panel also believe that clearer information needs to be provided to members of public attending meetings of the Development Control Committee to understand the Council's planning obligations and how the meeting will operate. They therefore recommend:

1. The Group Head of Planning be requested to explore the introduction of an information guide that confirms the requirements of the Local Plan for strategic sites and how the planning process for determining planning applications works within this by publicising this guide on the Council's website and making it available as a handout at meetings of the Committee.
2. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to explore the introduction of a simple guide that explains how the voting process works at the Development Control Committee and what the expectations are from Members presenting alternative proposals to the officer recommendation about valid planning reasons, for example what considerations there are in proposing reasons for refusal of an application.
3. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to create a notice that covers expectations of the public's conduct at meetings, for example what happens if there is a public disturbance or interruption from the public gallery, so this can be available to view throughout the meeting and not just as part of the Chairman's introduction at the start of the meeting.

Publication of the Decision

1. Following the review period, the decision of the Panel will be published to Arun District Council's website for a period of 3 months.
2. The Panel's decision will be reported to the next meeting of the Standards Committee.

ARUN DISTRICT COUNCIL
ASSESSMENT PANEL – 6 FEBRUARY 2019

DECISION NOTICE - COMPLAINT 5
SIOBHAN BINYON

Subject Member	Councillor Richard Bower
Representing	Arun District Council
Assessment Panel Members	Councillor Paul English (Chairman) Councillor Ann Rapnik Councillor Dr James Walsh Councillor Robert Wheal John Thompson – Independent Person

Summary of Complaint

The complaint related to the Subject Member's conduct when they were acting as Chairman of the meeting of the Development Control Committee held on 24 October 2018.

The Complainant alleged that the Subject Member did not champion the needs of residents, listen to the interests of all parties and value the views of other councillors.

How the Code of Conduct applies to this complaint

As required by the Localism Act 2011, Arun District Council has adopted a Members' Code of Conduct and required each councillor to sign up to this Code. This Code was last reviewed by the District Council on 8 November 2017.

The assessment of this complaint was reviewed against the Members' Code of Conduct for Arun District Councillors. It was confirmed that the Subject Member had made a declaration to comply with the latest version of the Members' Code of Conduct on 30 November 2017.

The membership of the Assessment Panel was selected to avoid any conflict of interest from involvement with the meeting of the Development Control Committee on 24 October 2018 or the Pagham ward.

The Panel's Decision

The Complainant had highlighted three paragraphs within their complaint that they believed demonstrated that there had been a breach of the Members' Code of Conduct by the Subject Member. Comments made throughout the complaint relating to planning matters which fell outside of the scope of the Panel were discounted. The assessment therefore considered the issues raised under the remainder of the paragraphs identified by the Complainant.

The Panel considered the report of the Investigating Officer and then heard statements from the Complainant as well as from the Subject Member. They also considered written witness statements provided by the Subject Member from two members of the Development Control Committee which were circulated at the hearing. In addition, the Complainant provided an audio recording of the meeting for the Panel to consider.

Having reviewed all the evidence presented, the Panel recognised the strength of public feeling in the business before the Development Control Committee on 24 October 2018, demonstrated by the high level of public attendance at the meeting. They acknowledged that this had made this a difficult meeting for the Subject Member to chair and noted from a verbal statement made by him that he had not had to deal with anything similar before. They concluded from all the evidence presented that this had led to a contentious meeting with a public gallery that was very vocal at times.

The Panel’s decision on each of the three paragraphs is set out below:

Paragraph 1 – Champion the needs of residents

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant’s comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found that the Subject Member had a responsibility to champion the needs of residents in the whole of the Arun District in his role as Chairman of the Development Control Committee, not just one particular ward. Further, the Panel accepted that the Subject Member’s role, as Chairman of the Committee, was to give advice and guidance to the Development Control Committee to ensure it worked within the obligations of the law. 3. The Panel noted that two of the ward councillors for Pagham had been present at the meeting – Councillor Mrs Hall as a member of the Committee and Councillor Patel who spoke as a ward councillor. 4. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council’s Constitution in relation to the Development Control Committee and that the decisions of the Committee were determined by a majority vote.

	<p>5. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee on 12 December 2018.</p> <p>6. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(1) of the Members' Code of Conduct.</p>
--	--

Paragraph 5 - Listen to the interests of all parties	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found that the evidence confirmed that the Subject Member, along with the remainder of the Committee, had been provided with detailed information to inform their deliberations on the business before the meeting before exercising their decision taking responsibility. 3. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council's Constitution. 4. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee on 12 December 2018. 5. The Panel noted from their questioning of the Subject Member that Councillor Mrs Bower's proposal had been to defer application P/6/17/OUT to consider the access to the site which as the minutes confirm was duly proposed and seconded in accordance with the rules of the Council's Constitution. Councillor Mrs Hall had made a proposal for refusal of the application but this did not get seconded by a member of the Committee as required by the rules of the Council's Constitution. Without such seconding, the proposal could not be deliberated further or put to the vote. 6. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(5) of the Members' Code of Conduct.

Paragraph 9 - Value their colleagues

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none">1. The Panel found no evidence to support the Complainant's view of the conduct of the Subject Member at this meeting.2. The Panel accepted that the Subject Member's role, as Chairman of the Committee, was to give advice and guidance to the Development Control Committee to ensure it worked within the obligations of the law and to remind Members of these obligations when they were exercising their decision making responsibility. However, they acknowledged the Complainant's view that they had construed this as the Subject Member putting pressure on other members of the Committee.3. The Panel found that no complaints had been received from any other member of the Committee that they felt intimidated by the Subject Member's conduct at the meeting or put under pressure to vote in a certain way.4. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(9) of the Members' Code of Conduct.

Sanctions to be recommended to Arun District Council

Based on their findings from this assessment, the Panel have recommended the following two sanctions:

1. In addition to the arrangements for publication of the decision notice in the Local Assessment Procedure, this should also be provided directly to the Leader of the Conservative Group so they can see the conclusions and findings drawn from the assessment.
2. The Subject Member should be provided with a copy of the Committee Procedure Rules from the Council's Constitution for review to ensure he is fully aware of the procedural requirements at meetings of the Development Control Committee. Further, the Subject Member should be asked to provide written confirmation to the Leader of the Conservative Group and the Monitoring Officer of his understanding of these requirements.

Reviewing lessons learnt from comments made by the Complainant, the Panel also believe that clearer information needs to be provided to members of public attending meetings of the Development Control Committee to understand the Council's planning obligations and how the meeting will operate. They therefore recommend:

1. The Group Head of Planning be requested to explore the introduction of an information guide that confirms the requirements of the Local Plan for strategic sites and how the planning process for determining planning applications works within this by publicising this guide on the Council's website and making it available as a handout at meetings of the Committee.
2. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to explore the introduction of a simple guide that explains how the

voting process works at the Development Control Committee and what the expectations are from Members presenting alternative proposals to the officer recommendation about valid planning reasons, for example what considerations there are in proposing reasons for refusal of an application.

3. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to create a notice that covers expectations of the public's conduct at meetings, for example what happens if there is a public disturbance or interruption from the public gallery, so this can be available to view throughout the meeting and not just as part of the Chairman's introduction at the start of the meeting.

Publication of the Decision

1. Following the review period, the decision of the Panel will be published to Arun District Council's website for a period of 3 months.
2. The Panel's decision will be reported to the next meeting of the Standards Committee.

This page is intentionally left blank

ARUN DISTRICT COUNCIL
ASSESSMENT PANEL – 6 FEBRUARY 2019

DECISION NOTICE - COMPLAINT 6
NICOLA SWANN

Subject Member	Councillor Richard Bower
Representing	Arun District Council
Assessment Panel Members	Councillor Paul English (Chairman) Councillor Ann Rapnik Councillor Dr James Walsh Councillor Robert Wheal John Thompson – Independent Person

Summary of Complaint

The complaint related to the Subject Member's conduct when they were acting as Chairman of the meeting of the Development Control Committee held on 24 October 2018.

The Complainant alleged that the Subject Member failed to contribute to making the authority's decision-making processes as open and transparent as possible; failed to behave in accordance with legal obligations; and failed to value and respect colleagues.

How the Code of Conduct applies to this complaint

As required by the Localism Act 2011, Arun District Council has adopted a Members' Code of Conduct and required each councillor to sign up to this Code. This Code was last reviewed by the District Council on 8 November 2017.

The assessment of this complaint was reviewed against the Members' Code of Conduct for Arun District Councillors. It was confirmed that the Subject Member had made a declaration to comply with the latest version of the Members' Code of Conduct on 30 November 2017.

The membership of the Assessment Panel was selected to avoid any conflict of interest from involvement with the meeting of the Development Control Committee on 24 October 2018 or the Pagham ward.

The Panel's Decision

The Complainant had highlighted four paragraphs within their complaint that they believed demonstrated that there had been a breach of the Members' Code of Conduct by the Subject Member. The Panel noted that the Complainant was unable to attend the hearing and had provided further comments which they wished to see addressed in their absence. Having taken account of the information provided, the

Panel agreed that the hearing should proceed.

The Panel considered the report of the Investigating Officer, the comments put forward by the Complainant and then heard statements from the Subject Member. They also considered written witness statements provided by the Subject Member from two members of the Development Control Committee which were circulated at the hearing.

Having reviewed all the evidence presented, the Panel recognised the strength of public feeling in the business before the Development Control Committee on 24 October 2018, demonstrated by the high level of public attendance at the meeting. They acknowledged that this had made this a difficult meeting for the Subject Member to chair and noted from a verbal statement made by him that he had not had to deal with anything similar before. They concluded from all the evidence presented that this had led to a contentious meeting with a public gallery that was very vocal at times.

The Panel’s decision on each of the four paragraphs is set out below:

Paragraph 7 - Contribute to making their authority’s decision-making processes as open and transparent as possible and Paragraph 8 – Behave in accordance with legal obligations

<i>Decision</i>	Breach in part
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant’s comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting in terms of the voting procedure at the meeting. 2. The Panel found that the minutes of the meeting on 24 October 2018 confirmed that the voting process on the second planning application followed the rules of the Council’s Constitution. These minutes, that were subsequently approved as a correct record on 12 December 2018, also confirmed the basis for the adjournment of the meeting. 3. However, the Panel did find that the Subject Member had not followed the Council’s Constitution in adjourning the meeting on 24 October 2018. The approved minutes confirmed that the meeting was adjourned as the Committee was unable to make progress. The rules of the Council’s Constitution confirm that a motion to adjourn a meeting, unless due to a public disturbance, requires a proposer and seconder to move such a request and for this motion to be put to a vote by the Committee. Based on the wording in the approved minutes, the Subject Member did not have authority to adjourn the meeting as he chose to do on 24 October 2018.

	<p>4. Whilst the Panel accepted that this had been a difficult meeting for the Subject Member to chair and that he believed he had authority to adjourn the meeting, they found no evidence that he had taken advice before taking the decision to adjourn the meeting.</p> <p>5. On this basis, the Panel determined that the Subject Member had breached paragraph 2.1(7) and 2.1(8) of the Members' Code of Conduct in relation to his conduct in adjourning the meeting.</p>
--	--

Paragraph 9 - Value their colleagues and Paragraph 10 – Always treat people with respect	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel noted that the Subject Member had acknowledged that he may have let some irritation show as it was a long meeting. They also noted the statement made by an officer present at the meeting that some members of the public did not respect the requests that the Chairman made, in his role as Chairman, to cease their interruptions at the meeting. 3. The Panel found that the Subject Member, in his role as Chairman of the Committee, had authority to adjourn the meeting where a disturbance by the public made orderly business impossible under the Council's Constitution and did give a warning to the public gallery that he would take action if they did not cease their interruptions of the meeting. Further, the Subject Member had confirmed that he had needed to raise his voice to make such announcements as the microphone system was not working properly on the day of the meeting and at times he needed to make himself heard over the noise from the public gallery. 4. The Panel also accepted that this had been a difficult meeting for the Subject Member to chair and that he had acknowledged that he may have caused offence by a remark made at the meeting by making a public apology at the reconvened meeting on 13 November 2018. 5. The Panel found that no complaints had been received from any other member sitting on the Committee that they felt intimidated by the Subject Member's conduct at the meeting. 6. As the Panel had already taken a decision on the Chairman's authority to adjourn the meeting as confirmed under paragraphs 7 and 8, they did not did

	<p>not reconsider this under these paragraphs.</p> <p>7. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(9) and 2.1(10) of the Members' Code of Conduct.</p>
--	---

Sanctions to be recommended to Arun District Council

Based on their findings from this assessment, the Panel have recommended the following two sanctions:

1. In addition to the arrangements for publication of the decision notice in the Local Assessment Procedure, this should also be provided directly to the Leader of the Conservative Group so they can see the conclusions and findings drawn from the assessment.
2. The Subject Member should be provided with a copy of the Committee Procedure Rules from the Council's Constitution for review to ensure he is fully aware of the procedural requirements at meetings of the Development Control Committee. Further, the Subject Member should be asked to provide written confirmation to the Leader of the Conservative Group and the Monitoring Officer of his understanding of these requirements.

Reviewing lessons learnt from comments made by the Complainant, the Panel also believe that clearer information needs to be provided to members of public attending meetings of the Development Control Committee to understand the Council's planning obligations and how the meeting will operate. They therefore recommend:

1. The Group Head of Planning be requested to explore the introduction of an information guide that confirms the requirements of the Local Plan for strategic sites and how the planning process for determining planning applications works within this by publicising this guide on the Council's website and making it available as a handout at meetings of the Committee.
2. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to explore the introduction of a simple guide that explains how the voting process works at the Development Control Committee and what the expectations are from Members presenting alternative proposals to the officer recommendation about valid planning reasons, for example what considerations there are in proposing reasons for refusal of an application.
3. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to create a notice that covers expectations of the public's conduct at meetings, for example what happens if there is a public disturbance or interruption from the public gallery, so this can be available to view throughout the meeting and not just as part of the Chairman's introduction at the start of the meeting.

Publication of the Decision

1. Following the review period, the decision of the Panel will be published to Arun District Council's website for a period of 3 months.
2. The Panel's decision will be reported to the next meeting of the Standards Committee.

This page is intentionally left blank

ARUN DISTRICT COUNCIL
ASSESSMENT PANEL – 6 FEBRUARY 2019

DECISION NOTICE - COMPLAINT 7
CYNTHIA WEEKS

Subject Member	Councillor Richard Bower
Representing	Arun District Council
Assessment Panel Members	Councillor Paul English (Chairman) Councillor Ann Rapnik Councillor Dr James Walsh Councillor Robert Wheal John Thompson – Independent Person

Summary of Complaint

The complaint related to the Subject Member's conduct when they were acting as Chairman of the meeting of the Development Control Committee held on 24 October 2018.

The Complainant alleged that the Subject Member failed to deal with representations from members of the community impartially; be accountable for his decisions; contribute to making the authority's decision making process as transparent as possible; and failed to value colleagues.

How the Code of Conduct applies to this complaint

As required by the Localism Act 2011, Arun District Council has adopted a Members' Code of Conduct and required each councillor to sign up to this Code. This Code was last reviewed by the District Council on 8 November 2017.

The assessment of this complaint was reviewed against the Members' Code of Conduct for Arun District Councillors. It was confirmed that the Subject Member had made a declaration to comply with the latest version of the Members' Code of Conduct on 30 November 2017.

The membership of the Assessment Panel was selected to avoid any conflict of interest from involvement with the meeting of the Development Control Committee on 24 October 2018 or the Pagham ward.

The Panel's Decision

The Complainant had highlighted six paragraphs within their complaint that they believed demonstrated that there had been a breach of the Members' Code of Conduct by the Subject Member. Two paragraphs were discounted from the review of the complaint as they related to material considerations relating to the planning applications and the membership of the Development Control Committee and not the

conduct of the Subject Member. The assessment therefore considered the issues raised under each of the remaining paragraphs identified by the Complainant.

The Panel considered the report of the Investigating Officer and then heard statements from the Complainant as well as from the Subject Member. They also considered written witness statements provided by the Subject Member from two members of the Development Control Committee which were circulated at the hearing.

Having reviewed all the evidence presented, the Panel recognised the strength of public feeling in the business before the Development Control Committee on 24 October 2018, demonstrated by the high level of public attendance at the meeting. They acknowledged that this had made this a difficult meeting for the Subject Member to chair and noted from a verbal statement made by him that he had not had to deal with anything similar before. They concluded from all the evidence presented that this had led to a contentious meeting with a public gallery that was very vocal at times.

The Panel's decision on each of the four paragraphs is set out below:

Paragraph 2 - Deal with representations or enquiries from residents	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found that the Subject Member had a responsibility to champion the needs of residents in the whole of the Arun District in his role as Chairman of the Development Control Committee, not just one particular ward. Further, the Panel accepted that the Subject Member's role, as Chairman of the Committee, was to give advice and guidance to the Development Control Committee to ensure it worked within the obligations of the law. 3. The Panel found that the minutes confirmed that the voting process for both applications followed the rules of the Council's Constitution in relation to the Development Control Committee and that the decisions of the Committee were determined by a majority vote. 4. The Panel found no evidence that a declaration of interest prevented the Subject Member from taking part in the decision making process, nor did they find any evidence of bias from the findings of fact. 5. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(2) of the Members' Code of Conduct.

**Paragraph 6 - Be accountable for their decisions and co-operate when scrutinised and
Paragraph 7 – Contribute to making the authority’s decision making processes as transparent as possible**

<i>Decision</i>	Breach in part
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant’s comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting in terms of information provided to the Committee and the voting procedure. 2. Whilst they understood the frustration of the Complainant about information that they felt should have been made available at the meeting about a previous planning application, the Panel found that it was not the Subject Member’s individual responsibility, in his role as Chairman, to have identified any further background evidence to be drawn to the Committee’s attention at this meeting. All members of the Committee had been provided with the agenda for the meeting in advance and each had a responsibility to make a request to officers that any information omitted from the report should be provided to the meeting; or to request a deferral of the application at the meeting if they felt the omitted information was relevant information for the Committee to consider ahead of their decision taking. 3. The Panel found that the minutes of the meeting on 24 October 2018 confirmed that the voting process on the second planning application followed the rules of the Council’s Constitution. These minutes, that were subsequently approved as a correct record on 12 December 2018, also confirmed the basis for the adjournment of the meeting. 4. However, the Panel did find that the Subject Member had not followed the Council’s Constitution in adjourning the meeting on 24 October 2018. The approved minutes confirmed that the meeting was adjourned as the Committee was unable to make progress. The rules of the Council’s Constitution confirm that a motion to adjourn a meeting, unless due to a public disturbance, requires a proposer and seconder to move such a request and for this motion to be put to a vote by the Committee. Based on the wording in the approved minutes, the Subject Member did not have authority to adjourn the meeting as he chose to do on 24 October 2018. 5. Whilst the Panel accepted that this had been a difficult meeting for the Subject Member to chair and that he

	<p>believed he had authority to adjourn the meeting, they found no evidence that he had taken advice before taking the decision to adjourn the meeting.</p> <p>6. On this basis, the Panel determined that the Subject Member had breached paragraph 2.1(6) and 2.1(7) of the Members' Code of Conduct in relation to his conduct in adjourning the meeting.</p>
--	--

Paragraph 9 - Value their colleagues	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what proposals were put forward and voted upon prior to the Chairman's decision to adjourn the meeting during consideration of application P/6/17/OUT. Further, the Panel found that the voting process had followed the rules of the Council's Constitution. 6. The Panel accepted that the Subject Member's role, as Chairman of the Committee, was to give advice and guidance to the Development Control Committee to ensure it worked within the obligations of the law. 3. The Panel also accepted that this had been a difficult meeting for the Subject Member to chair and that he had acknowledged that he may have caused offence by a remark made at the meeting by making a public apology at the reconvened meeting on 13 November 2018. 4. The Panel found that no complaints had been received from any other member sitting on the Committee that they felt intimidated or offended by the Subject Member's conduct at the meeting. 5. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(9) of the Members' Code of Conduct.

Sanctions to be recommended to Arun District Council
<p>Based on their findings from this assessment, the Panel have recommended the following two sanctions:</p> <ol style="list-style-type: none"> 1. In addition to the arrangements for publication of the decision notice in the Local Assessment Procedure, this should also be provided directly to the Leader of the Conservative Group so they can see the conclusions and findings drawn from the assessment. 2. The Subject Member should be provided with a copy of the Committee

Procedure Rules from the Council's Constitution for review to ensure he is fully aware of the procedural requirements at meetings of the Development Control Committee. Further, the Subject Member should be asked to provide written confirmation to the Leader of the Conservative Group and the Monitoring Officer of his understanding of these requirements.

Reviewing lessons learnt from comments made by the Complainant, the Panel also believe that clearer information needs to be provided to members of public attending meetings of the Development Control Committee to understand the Council's planning obligations and how the meeting will operate. They therefore recommend:

1. The Group Head of Planning be requested to explore the introduction of an information guide that confirms the requirements of the Local Plan for strategic sites and how the planning process for determining planning applications works within this by publicising this guide on the Council's website and making it available as a handout at meetings of the Committee.
2. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to explore the introduction of a simple guide that explains how the voting process works at the Development Control Committee and what the expectations are from Members presenting alternative proposals to the officer recommendation about valid planning reasons, for example what considerations there are in proposing reasons for refusal of an application.
3. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to create a notice that covers expectations of the public's conduct at meetings, for example what happens if there is a public disturbance or interruption from the public gallery, so this can be available to view throughout the meeting and not just as part of the Chairman's introduction at the start of the meeting.

Publication of the Decision

1. Following the review period, the decision of the Panel will be published to Arun District Council's website for a period of 3 months.
2. The Panel's decision will be reported to the next meeting of the Standards Committee.

This page is intentionally left blank

ARUN DISTRICT COUNCIL
ASSESSMENT PANEL – 6 FEBRUARY 2019

DECISION NOTICE - COMPLAINT 8
SHIRLEY BASS

Subject Member	Councillor Richard Bower
Representing	Arun District Council
Assessment Panel Members	Councillor Paul English (Chairman) Councillor Ann Rapnik Councillor Dr James Walsh Councillor Robert Wheal John Thompson – Independent Person

Summary of Complaint

The complaint related to the Subject Member's conduct when they were acting as Chairman of the meeting of the Development Control Committee held on 24 October 2018.

The Complainant alleged that the Subject Member did not champion the needs of residents; listen to the interests of all parties; be accountable for his decisions; contribute to making the decision making processes as open and transparent as possible; value his colleagues; and provide leadership at the meeting.

How the Code of Conduct applies to this complaint

As required by the Localism Act 2011, Arun District Council has adopted a Members' Code of Conduct and required each councillor to sign up to this Code. This Code was last reviewed by the District Council on 8 November 2017.

The assessment of this complaint was reviewed against the Members' Code of Conduct for Arun District Councillors. It was confirmed that the Subject Member had made a declaration to comply with the latest version of the Members' Code of Conduct on 30 November 2017.

The membership of the Assessment Panel was selected to avoid any conflict of interest from involvement with the meeting of the Development Control Committee on 24 October 2018 or the Pagham ward.

The Panel's Decision

The Complainant had highlighted seven paragraphs within their complaint that they believed demonstrated that there had been a breach of the Members' Code of Conduct by the Subject Member. One paragraph was discounted from the review of the complaint as it related to the administrative arrangements for the meeting and

the membership of the Development Control Committee and not the conduct of the Subject Member. The assessment therefore considered the issues raised under each of the remaining paragraphs identified by the Complainant.

The Panel considered the report of the Investigating Officer and then heard statements from the Complainant as well as from the Subject Member. They also considered written witness statements provided by the Subject Member from two members of the Development Control Committee which were circulated at the hearing.

Having reviewed all the evidence presented, the Panel recognised the strength of public feeling in the business before the Development Control Committee on 24 October 2018, demonstrated by the high level of public attendance at the meeting. They acknowledged that this had made this a difficult meeting for the Subject Member to chair and noted from a verbal statement made by him that he had not had to deal with anything similar before. They concluded from all the evidence presented that this had led to a contentious meeting with a public gallery that was very vocal at times.

The Panel’s decision on each of the six paragraphs is set out below:

Paragraph 1 – Champion the needs of residents	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant’s comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found that the Subject Member had a responsibility to champion the needs of residents in the whole of the Arun District in his role as Chairman of the Development Control Committee, not just one particular ward. Further, the Panel accepted that the Subject Member’s role, as Chairman of the Committee, was to give advice and guidance to the Development Control Committee to ensure it worked within the obligations of the law. 3. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council’s Constitution. 4. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee

	<p>on 12 December 2018.</p> <p>5. The Panel found that the Subject Member, in his role as Chairman of the Committee, had authority to adjourn the meeting where a disturbance by the public made orderly business impossible under the Council's Constitution and did give a warning to the public gallery that he would take action if they did not cease their interruptions of the meeting. Further, the Subject Member had confirmed that he had needed to raise his voice to make such announcements as the microphone system was not working properly on the day of the meeting.</p> <p>6. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(1) of the Members' Code of Conduct.</p>
--	---

Paragraph 5 – Listen to the interests of all parties	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found no evidence that the meeting had been chaired in a manner that was undemocratic. 3. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council's Constitution. 4. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee on 12 December 2018. 5. The Panel found that the evidence confirmed that the Subject Member, along with the remainder of the Committee, had been provided with detailed information to inform their deliberations on the business before the meeting before exercising their decision taking responsibility. 6. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(5) of the Members' Code of Conduct.

Paragraph 6 - Be accountable for their decisions and co-operate when scrutinised

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. Whilst they understood the frustration of the Complainant about information that they felt should have been made available at the meeting about a previous planning application, the Panel found that it was not the Subject Member's individual responsibility, in his role as Chairman, to have identified any further background evidence to be drawn to the Committee's attention at this meeting. All members of the Committee had been provided with the agenda for the meeting in advance and each had a responsibility to make a request to officers that any information omitted from the report should be provided to the meeting; or to request a deferral of the application at the meeting if they felt the omitted information was relevant information for the Committee to consider ahead of their decision taking. 3. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(6) of the Members' Code of Conduct.

Paragraph 7 - Contribute to making their authority's decision making processes as open and transparent as possible

<i>Decision</i>	Breach in part
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting in terms of the voting procedure at the meeting. 2. The Panel found that the minutes of the meeting on 24 October 2018 confirmed that the voting process on the second planning application followed the rules of the Council's Constitution. These minutes, that were subsequently approved as a correct record on 12 December 2018, also confirmed the basis for the adjournment of the meeting. 3. However, the Panel did find that the Subject Member had not followed the Council's Constitution in adjourning the meeting on 24 October 2018. The approved minutes confirmed that the meeting was adjourned as the Committee was unable to make progress. The rules of the Council's Constitution

	<p>confirm that a motion to adjourn a meeting, unless due to a public disturbance, requires a proposer and seconder to move such a request and for this motion to be put to a vote by the Committee. Based on the wording in the approved minutes, the Subject Member did not have authority to adjourn the meeting as he chose to do on 24 October 2018.</p> <p>4. Whilst the Panel accepted that this had been a difficult meeting for the Subject Member to chair and that he believed he had authority to adjourn the meeting, they found no evidence that he had taken advice before taking the decision to adjourn the meeting.</p> <p>5. On this basis, the Panel determined that the Subject Member had breached paragraph 2.1(7) of the Members' Code of Conduct in relation to his conduct in adjourning the meeting.</p>
--	---

Paragraph 9 - Value their colleagues	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel noted that the Subject Member had acknowledged that he may have let some irritation show as it was a long meeting. They also noted the statement made by an officer present at the meeting that some members of the public did not respect the requests that the Chairman made, in his role as Chairman, to cease their interruptions at the meeting. 3. The Panel found that the Subject Member, in his role as Chairman of the Committee, had authority to adjourn the meeting where a disturbance by the public made orderly business impossible under the Council's Constitution and did give a warning to the public gallery that he would take action if they did not cease their interruptions of the meeting. Further, the Subject Member had confirmed that he had needed to raise his voice to make such announcements as the microphone system was not working properly on the day of the meeting. 4. The Panel also accepted that this had been a difficult meeting for the Subject Member to chair and that he had acknowledged that he may have caused offence by a remark made at the meeting by making a public apology at the reconvened meeting on 13 November 2018. 5. The Panel found that no complaints had been received from any other member sitting on the Committee that

	<p>they felt intimidated or offended by the Subject Member's conduct at the meeting.</p> <p>6. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(9) of the Members' Code of Conduct.</p>
--	---

Paragraph 11 - Provide leadership	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. The Panel found no evidence to support the Complainant's view that the Subject Member had demonstrated threatening behaviour at the meeting. This finding was based on: <ol style="list-style-type: none"> a. no complaints being received to this effect from members sitting on the Committee; and b. the minutes confirming that members of the Committee were able to exercise their right to speak and put forward alternative proposals to the officer recommendation prior to the adjournment. 2. The Panel also confirmed that they would have taken any substantiated allegation of threatening behaviour or bullying very seriously. 3. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(11) of the Members' Code of Conduct.

Sanctions to be recommended to Arun District Council
<p>Based on their findings from this assessment, the Panel have recommended the following two sanctions:</p> <ol style="list-style-type: none"> 1. In addition to the arrangements for publication of the decision notice in the Local Assessment Procedure, this should also be provided directly to the Leader of the Conservative Group so they can see the conclusions and findings drawn from the assessment. 2. The Subject Member should be provided with a copy of the Committee Procedure Rules from the Council's Constitution for review to ensure he is fully aware of the procedural requirements at meetings of the Development Control Committee. Further, the Subject Member should be asked to provide written confirmation to the Leader of the Conservative Group and the Monitoring Officer of his understanding of these requirements. <p>Reviewing lessons learnt from comments made by the Complainant, the Panel also believe that clearer information needs to be provided to members of public attending meetings of the Development Control Committee to understand the Council's planning obligations and how the meeting will operate. They therefore recommend:</p> <ol style="list-style-type: none"> 1. The Group Head of Planning be requested to explore the introduction of an information guide that confirms the requirements of the Local Plan for strategic sites and how the planning process for determining planning

applications works within this by publicising this guide on the Council's website and making it available as a handout at meetings of the Committee.

2. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to explore the introduction of a simple guide that explains how the voting process works at the Development Control Committee and what the expectations are from Members presenting alternative proposals to the officer recommendation about valid planning reasons, for example what considerations there are in proposing reasons for refusal of an application.
3. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to create a notice that covers expectations of the public's conduct at meetings, for example what happens if there is a public disturbance or interruption from the public gallery, so this can be available to view throughout the meeting and not just as part of the Chairman's introduction at the start of the meeting.

Publication of the Decision

1. Following the review period, the decision of the Panel will be published to Arun District Council's website for a period of 3 months.
2. The Panel's decision will be reported to the next meeting of the Standards Committee.

This page is intentionally left blank

ARUN DISTRICT COUNCIL
ASSESSMENT PANEL – 6 FEBRUARY 2019

DECISION NOTICE - COMPLAINT 9
STEVEN BASS

Subject Member	Councillor Richard Bower
Representing	Arun District Council
Assessment Panel Members	Councillor Paul English (Chairman) Councillor Ann Rapnik Councillor Dr James Walsh Councillor Robert Wheal John Thompson – Independent Person

Summary of Complaint

The complaint related to the Subject Member's conduct when they were acting as Chairman of the meeting of the Development Control Committee held on 24 October 2018.

The Complainant alleged that the Subject Member did not champion the needs of residents; listen to the interests of all parties; be accountable for his decisions; contribute to making the decision making processes as open and transparent as possible; value his colleagues; and provide leadership at the meeting.

How the Code of Conduct applies to this complaint

As required by the Localism Act 2011, Arun District Council has adopted a Members' Code of Conduct and required each councillor to sign up to this Code. This Code was last reviewed by the District Council on 8 November 2017.

The assessment of this complaint was reviewed against the Members' Code of Conduct for Arun District Councillors. It was confirmed that the Subject Member had made a declaration to comply with the latest version of the Members' Code of Conduct on 30 November 2017.

The membership of the Assessment Panel was selected to avoid any conflict of interest from involvement with the meeting of the Development Control Committee on 24 October 2018 or the Pagham ward.

The Panel's Decision

The Complainant had highlighted seven paragraphs within their complaint that they believed demonstrated that there had been a breach of the Members' Code of Conduct by the Subject Member. One paragraph was discounted from the review of the complaint as it related to the administrative arrangements for the meeting and the membership of the Development Control Committee and not the conduct of the

Subject Member. The assessment therefore considered the issues raised under each of the remaining paragraphs identified by the Complainant.

The Panel considered the report of the Investigating Officer and then heard statements from the Complainant as well as from the Subject Member. They also considered a further written statement provided by the Complainant and written witness statements provided by the Subject Member from two members of the Development Control Committee which were circulated at the hearing.

Having reviewed all the evidence presented, the Panel recognised the strength of public feeling in the business before the Development Control Committee on 24 October 2018, demonstrated by the high level of public attendance at the meeting. They acknowledged that this had made this a difficult meeting for the Subject Member to chair and noted from a verbal statement made by him that he had not had to deal with anything similar before. They concluded from all the evidence presented that this had led to a contentious meeting with a public gallery that was very vocal at times.

The Panel's decision on each of the six paragraphs is set out below:

Paragraph 1 – Champion the needs of residents	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found that the Subject Member had a responsibility to champion the needs of residents in the whole of the Arun District in his role as Chairman of the Development Control Committee, not just one particular ward. Further, the Panel accepted that the Subject Member's role, as Chairman of the Committee, was to give advice and guidance to the Development Control Committee to ensure it worked within the obligations of the law. 3. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council's Constitution. 4. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee on 12 December 2018.

	<p>5. The Panel found that the Subject Member, in his role as Chairman of the Committee, had authority to adjourn the meeting where a disturbance by the public made orderly business impossible under the Council's Constitution and did give a warning to the public gallery that he would take action if they did not cease their interruptions of the meeting. Further, the Subject Member had confirmed that he had needed to raise his voice to make such announcements as the microphone system was not working properly on the day of the meeting.</p> <p>6. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(1) of the Members' Code of Conduct.</p>
--	---

Paragraph 5 – Listen to the interests of all parties	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel found no evidence that the meeting had been chaired in a manner that was undemocratic. 3. The Panel found that the minutes from the meeting on 24 October 2018 confirmed what was considered in the debate on the determined application (P/140/16/OUT) and what proposals were put forward and lost in the consideration of application P/6/17/OUT prior to the adjournment of the meeting. Further, the minutes confirmed that the voting process for both applications followed the rules of the Council's Constitution. 4. In making this determination, the Panel found that these minutes had subsequently been agreed as a correct record by the Development Control Committee on 12 December 2018. 5. The Panel found that the evidence confirmed that the Subject Member, along with the remainder of the Committee, had been provided with detailed information to inform their deliberations on the business before the meeting before exercising their decision taking responsibility. 6. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(5) of the Members' Code of Conduct.

Paragraph 6 - Be accountable for their decisions and co-operate when scrutinised

<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. Whilst they understood the frustration of the Complainant about information that they felt should have been made available at the meeting about a previous planning application, the Panel found that it was not the Subject Member's individual responsibility, in his role as Chairman, to have identified any further background evidence to be drawn to the Committee's attention at this meeting. All members of the Committee had been provided with the agenda for the meeting in advance and each had a responsibility to make a request to officers that any information omitted from the report should be provided to the meeting; or to request a deferral of the application at the meeting if they felt the omitted information was relevant information for the Committee to consider ahead of their decision taking. 3. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(6) of the Members' Code of Conduct.

Paragraph 7 - Contribute to making their authority's decision making processes as open and transparent as possible

<i>Decision</i>	Breach in part
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting in terms of the voting procedure at the meeting. 2. The Panel found that the minutes of the meeting on 24 October 2018 confirmed that the voting process on the second planning application followed the rules of the Council's Constitution. These minutes, that were subsequently approved as a correct record on 12 December 2018, also confirmed the basis for the adjournment of the meeting. 3. However, the Panel did find that the Subject Member had not followed the Council's Constitution in adjourning the meeting on 24 October 2018. The approved minutes confirmed that the meeting was adjourned as the Committee was unable to make progress. The rules of the Council's Constitution

	<p>confirm that a motion to adjourn a meeting, unless due to a public disturbance, requires a proposer and seconder to move such a request and for this motion to be put to a vote by the Committee. Based on the wording in the approved minutes, the Subject Member did not have authority to adjourn the meeting as he chose to do on 24 October 2018.</p> <p>4. Whilst the Panel accepted that this had been a difficult meeting for the Subject Member to chair and that he believed he had authority to adjourn the meeting, they found no evidence that he had taken advice before taking the decision to adjourn the meeting.</p> <p>5. On this basis, the Panel determined that the Subject Member had breached paragraph 2.1(7) of the Members' Code of Conduct in relation to his conduct in adjourning the meeting.</p>
--	---

Paragraph 9 - Value their colleagues	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> 1. Having appreciated that the Complainant's comments were based on their personal opinion and observations of the meeting, the Panel found no evidence to support their view of the conduct of the Subject Member at this meeting. 2. The Panel noted that the Subject Member had acknowledged that he may have let some irritation show as it was a long meeting. They also noted the statement made by an officer present at the meeting that some members of the public did not respect the requests that the Chairman made, in his role as Chairman, to cease their interruptions at the meeting. 3. The Panel found that the Subject Member, in his role as Chairman of the Committee, had authority to adjourn the meeting where a disturbance by the public made orderly business impossible under the Council's Constitution and did give a warning to the public gallery that he would take action if they did not cease their interruptions of the meeting. Further, the Subject Member had confirmed that he had needed to raise his voice to make such announcements as the microphone system was not working properly on the day of the meeting. 4. The Panel also accepted that this had been a difficult meeting for the Subject Member to chair and that he had acknowledged that he may have caused offence by a remark made at the meeting by making a public apology at the reconvened meeting on 13 November 2018. 5. The Panel found that no complaints had been received from any other member sitting on the Committee that

	<p>they felt intimidated or offended by the Subject Member's conduct at the meeting.</p> <p>6. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(9) of the Members' Code of Conduct.</p>
--	---

Paragraph 11 - Provide leadership	
<i>Decision</i>	No breach
<i>Reason for the Decision</i>	<p>1. The Panel found no evidence to support the Complainant's view that the Subject Member had demonstrated threatening behaviour at the meeting. This finding was based on:</p> <ul style="list-style-type: none"> a. no complaints being received to this effect from members sitting on the Committee; and b. the minutes confirming that members of the Committee were able to exercise their right to speak and put forward alternative proposals to the officer recommendation prior to the adjournment. <p>2. The Panel also confirmed that they would have taken any substantiated allegation of threatening behaviour or bullying very seriously.</p> <p>3. On this basis, the Panel determined that the Subject Member had not breached paragraph 2.1(11) of the Members' Code of Conduct.</p>

Sanctions to be recommended to Arun District Council
<p>Based on their findings from this assessment, the Panel have recommended the following two sanctions:</p> <ol style="list-style-type: none"> 1. In addition to the arrangements for publication of the decision notice in the Local Assessment Procedure, this should also be provided directly to the Leader of the Conservative Group so they can see the conclusions and findings drawn from the assessment. 2. The Subject Member should be provided with a copy of the Committee Procedure Rules from the Council's Constitution for review to ensure he is fully aware of the procedural requirements at meetings of the Development Control Committee. Further, the Subject Member should be asked to provide written confirmation to the Leader of the Conservative Group and the Monitoring Officer of his understanding of these requirements. <p>Reviewing lessons learnt from comments made by the Complainant, the Panel also believe that clearer information needs to be provided to members of public attending meetings of the Development Control Committee to understand the Council's planning obligations and how the meeting will operate. They therefore recommend:</p> <ol style="list-style-type: none"> 1. The Group Head of Planning be requested to explore the introduction of an information guide that confirms the requirements of the Local Plan for strategic sites and how the planning process for determining planning

applications works within this by publicising this guide on the Council's website and making it available as a handout at meetings of the Committee.

2. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to explore the introduction of a simple guide that explains how the voting process works at the Development Control Committee and what the expectations are from Members presenting alternative proposals to the officer recommendation about valid planning reasons, for example what considerations there are in proposing reasons for refusal of an application.
3. The Group Head of Planning, in consultation with the Monitoring Officer, be requested to create a notice that covers expectations of the public's conduct at meetings, for example what happens if there is a public disturbance or interruption from the public gallery, so this can be available to view throughout the meeting and not just as part of the Chairman's introduction at the start of the meeting.

Publication of the Decision

1. Following the review period, the decision of the Panel will be published to Arun District Council's website for a period of 3 months.
2. The Panel's decision will be reported to the next meeting of the Standards Committee.

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank