



Public Document Pack

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5 February 2020

STANDARDS COMMITTEE

A meeting of the Standards Committee will be held in the Pink Room at the Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF on Thursday 20 February 2020 at **6.15 pm** and you are requested to attend. **(Please note slightly later start time).**

Members: Councillors English (Chairman), Bennett (Vice-Chair), Bower, Coster, Mrs Daniells, Edwards, Kelly, Tilbrook and Mrs Worne

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

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

Members and Officers should make their declaration by stating:

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

3. MINUTES

(Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 25 July 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. UPDATE ON THE REVIEW OF THE CODE OF CONDUCT AND LOCAL ASSESSMENT PROCEDURE

(Pages 5 - 14)

The Standards Committee considered the recommendations of the Committee on Standards in Public Life (CSPL) from its latest review of Local Government Ethical Standards at its last meeting on 25 July 2019. The Standards Committee reviewed the CSPLs best practice recommendations that were directed to local authorities and noted the recommendations that would be made to the Government.

As a consequence, the Standards Committee proposed a number of areas of change to the current Members' Code of Conduct and Local Assessment Procedure which were supported by the Full Council on 18 September 2019.

This report updates the Standards Committee on the outcome of the consultations undertaken on these proposed areas of change and seeks further views on whether there should be any change to the Principles of the Code of Conduct, in line with the Seven Principles of Public Life, before this latest review is concluded.

6. APPOINTMENT OF TWO ADDITIONAL INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE

(Pages 15 - 18)

This report seeks the agreement of the Committee to recommend the appointment of two further Independent Persons to the Standards Committee. In line with the Paragraph 4.5(7) of Part 3 (Responsibility for Functions) of the Council's Constitution, any recommendations for appointment need to then be made to the Full Council.

7. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

(Pages 19 - 20)

This report updates the Committee on the complaints against Councillors received over the past two years.

Please note that Appendix A to this report is attached as an Exempt item and so should the Committee wish to discuss any information contained within this Appendix, it will need to consider moving into Exempt business.

8. EXEMPT INFORMATION

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

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 ASSESSMENT OF COMPLAINTS AGAINST COUNCILLORS (Pages 21 - 30)

Attached is a confidential appendix setting out the detail of complaints received against Councillors from January 2018 onwards.

Note : Reports are attached for all Members of the Committee 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.

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STANDARDS

25 July 2019 at 6.00 pm

Present: Councillors English (Chairman), Coster, Mrs Daniells, Kelly and Tilbrook

Independent Persons Mr B Green and Mr J Thompson were also in attendance at this meeting.

[Note: Mr J Thompson left the meeting at Minute 128]

123. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bennett and Edwards.

124. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

125. MINUTES

The Minutes of the meeting held on 31 January 2019 were approved by the Committee as a correct record and signed by the Chairman.

126. START TIMES

The Committee

RESOLVED

That the start time of meetings for the remainder of the municipal year be 6.00pm.

127. LOCAL GOVERNMENT ETHICAL STANDARDS

The Committee on Standards in Public Life (CSPL) was established to advise the Prime Minister on ethical standards across the whole of public life in England. They act as an advisory public body sponsored by the Cabinet Office. 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. Their review was undertaken over 2018 and they published a report including a series of recommendations in January 2019.

Standards - 25.07.19

The Committee was presented with a report from the Group Head of Council Advice and Monitoring Officer which considered the best practice recommendations made by the CSPL that had been directed to local authorities. Whilst the report highlighted the recommendations made to Government by the CSPL, it did not consider these in any detail as they would be the subject of later consideration and debate once any consultation or guidance was issued in response to the CSPLs report.

In presenting the report, the Group Head of Council Advice and Monitoring Officer drew Members' attention to Appendix 4 which highlighted those areas for discussion by the Committee. This confirmed that seven of the fifteen best practice recommendations were already practices within Arun's procedures. In considering any proposals for change, the Committee was also asked to confirm what consultation they wished to see happen before revised drafts of the Code of Conduct and Local Assessment Procedure were brought back to the Committee.

The other issue drawn to the Committee's attention was whether, in considering proposals for change from the CSPL's best practice recommendations, that the opportunity was taken to review the principles of Arun's Code of Conduct to reflect the revised definitions developed by the CSPL.

The Committee then turned to the areas for consideration in the best practice recommendations and the outcomes of their discussions are set out in Appendix 4, attached to the Minutes.

Having concluded its discussions, the Committee

RESOLVED - That

- (1) the areas for change in the Members' Code of Conduct and the Local Assessment Procedure be agreed, as set out in Appendix 4 attached to the minutes;
- (2) the review of the Code of Conduct should consider updating the "Principles of the Code of Conduct" against the latest wording for the Seven Principles of Public Life;
- (3) consultation be undertaken with Town & Parish Councils in considering any areas for change; and
- (4) the Group Head of Council Advice & Monitoring Officer should 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.

128. ASSESSMENT PANEL DECISION

The Committee received a report from the Group Head of Council Advice and Monitoring Officer advising Members of the outcome of the Assessment Panel's

investigation into complaints made against Councillor Richard Bower, an Arun District Councillor.

The Committee

RESOLVED

That the decisions of the Assessment Panel be noted.

129. 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 of Schedule 12A of the Act by virtue of the paragraph specified against the item.

130. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS (EXEMPT - PARAGRAPH 1 - INFORMATION RELATING TO ANY INDIVIDUAL)

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

The Committee's attention was drawn to the proposal for a public register of complaints to be introduced which could be published via the Committee to the Council's website.

Following discussion, the Committee agreed to defer a decision regarding publication of the complaints register. The Monitoring Officer agreed to carry out further research to inform the Committee and to report back at the next meeting.

The Committee then

RESOLVED - That

- (1) the Register of Complaints against Councillors be noted; and
- (2) any decision regarding the publication of a complaints register be deferred until the next meeting.

Subject to approval at the next Standards meeting

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Standards - 25.07.19

(The meeting concluded at 7.08 pm)

ARUN DISTRICT COUNCIL

REPORT TO STANDARDS COMMITTEE ON 20 FEBRUARY 2020

SUBJECT:	Update on Review of Code of Conduct and Local Assessment Procedure
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REPORT AUTHOR:	Liz Fitcher – Group Head of Council Advice & Monitoring Officer
DATE:	January 2020
EXTN:	01903 737610

EXECUTIVE SUMMARY:

The Standards Committee considered the recommendations of the Committee on Standards in Public Life (CSPL) from its latest review of Local Government Ethical Standards at its last meeting on 25 July 2019. The Standards Committee reviewed the CSPLs best practice recommendations that were directed to local authorities and noted the recommendations that would be made to the Government.

As a consequence, the Standards Committee proposed a number of areas of change to the current Members' Code of Conduct and Local Assessment Procedure which were supported by the Full Council on 18 September 2019.

This report updates the Standards Committee on the outcome of the consultations undertaken on these proposed areas of change and seeks further views on whether there should be any change to the Principles of the Code of Conduct, in line with the Seven Principles of Public Life, before this latest review is concluded.

RECOMMENDATION:

The Committee is asked to resolve that:

- (1) the Group Head of Council Advice & Monitoring Officer brings back a revised draft of the Members' Code of Conduct and Local Assessment Procedure to a future meeting taking account of all the proposed areas for change agreed by the Council on 18 September 2019 and highlighted at this meeting; and
- (2) the final amended versions then be presented to the Full Council for approval with an estimated completion date of November 2020.

1.0 BACKGROUND

- 1.1 The Committee for Standards in Public Life's (CSPL) 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.
- 1.2 This Committee considered the best practice recommendations at its last meeting on 25 July 2019 and recommended a number of areas for proposed change to the Members' Code of Conduct and Local Assessment Procedure. Before taking forward these changes, it was agreed that they would be consulted upon with Town and Parish Councils and all Arun District Councillors.
- 1.3 This report provides the outcome of these consultations and seeks views on one further suggested area of change.

2.0 CONSULTATION FEEDBACK

- 2.1 Appendix 1 sets out the responses received from the consultation exercise. As can be seen one District Councillor provided their comments, whilst two Town Councils and nine Parish Councils responded, namely:
 - Aldwick
 - Bersted
 - Bognor Regis
 - East Preston
 - Felpham
 - Ferring
 - Littlehampton
 - Middleton-on-Sea
 - Patching
 - Rustington
 - Yapton
- 2.2 An extended period of consultation was allowed to Town and Parish Councils in view of the importance of their input to this review.
- 2.3 The feedback confirms that overall there is support for the proposed areas of change to both the Members' Code of Conduct and the Local Assessment Procedure. The two areas that the Committee is asked to review further are:
 1. Best practice recommendation 3 – the timing of reviews of the Code of Conduct. The CSPLs recommendation is every year, the Committee's view at its last meeting was every two years timed to be undertaken at the end of years 1 and 3 of each administration.
 2. Best practice recommendation 11 – who should make complaints about the conduct of a parish councillor towards a clerk. The CSPLs recommendation has not been supported by a number of the parishes who responded.

2.4 Subject to any further views highlighted at the meeting, the proposed areas for change can now be worked through and revised documents presented to a future meeting of the Committee. The timescale for completing this work is estimated to be November 2020 linked into the recently agreed review of the Council's Constitution.

3.0 FURTHER PROPOSAL FOR CONSIDERATION

3.1 As touched upon at the last meeting on 25 July 2019, the further area for consideration is whether the Principles of the Code of Conduct (as set out in Section 1, paragraph 2.1) are also covered in this review. The CSPL re-defined the definitions of the Seven Principles of Public Life in 2013. This had followed research into whether the definitions reflected public understanding and were still valid. In revising these 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 of the Committee then was that the wording of Section 1 should remain unchanged so the re-defined definitions were not put forward.

3.2 To assist the Committee in considering this further, Appendix 2 provides the CSPLs re-defined Seven Principles of Public Life; whilst Appendix 3 highlights what the amendments would be to the current Members' Code of Conduct if change was supported.

3.3 The Committee's views are welcomed.

4.0 OPTIONS:

1. To support the recommendations, as presented.
2. To ask for further work to be undertaken to support this review.
3. To not take forward the CSPLs best practice 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 and Vice-Chairman of the Committee 	✓	

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)		✓
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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 a further opportunity for the Council to consider its procedures ahead of this deadline.

9.0 BACKGROUND PAPERS:

Report to Standards Committee – 25 July 2019

<https://democracy.arun.gov.uk/ieListMeetings.aspx?Committeeld=161>

Minutes of Full Council – 18 September 2019

<https://democracy.arun.gov.uk/ieListMeetings.aspx?Committeeld=141>

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>

Respondent	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.	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. <i>Parish Council's who have not adopted ADCs 2017 Code of Conduct may wish to consider this best practice recommendation</i>	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.	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. <i>Parish Councils who do not currently publish their Code of Conduct to their website may wish to review their publication arrangements</i>	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.	6. Councils should publish a clear and straightforward public interest test against which allegations are filtered.	7. Local authorities should have access to at least two Independent Persons.	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.	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.	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.	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.	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.	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.	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.	15. Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.
Cllr Pauline Gregory	Agree with suggested changes No further comment	PCs to be encouraged to adopt this best practice	Agree regular reviews of Code of Conduct should take place twice during Administration. Years 1 & 3 appears best practice	PCs to be encouraged to adopt this best practice	Agree a new webpage with declarations updated quarterly will demonstrate openness and transparency	No further comment needed	No further comment needed	No further comment needed	No further comment needed	No further comment needed	Agree formal Standards Complaints should be made by the Chair of the Council or the whole council and not the Clerk regarding the conduct of a parish councillor towards a Clerk	No further comment needed	No further comment needed	No further comment needed	No further comment needed
Aldwick PC	Agree	Agree - NB Aldwick PC have adopted the 2017 Code	Agree	Agree - Aldwick Parish Council publish the code on their website.	Agree	No further comment needed	No further comment needed	No further comment needed	No further comment needed	No further comment needed	Agree with the Committee's finding	No further comment needed	No further comment needed	No further comment needed	No further comment needed
Bersted PC	Agreed		Agreed	Already complied with	Agreed						Agreed				
Bognor Regis TC	An actual definition of bullying and harassment would be advantageous as it results in a clearer framework for Councillors to operate under, with a clear description of behaviour that is not acceptable and should not be tolerated. From the Parishes point this is particularly important following the recent case of R Harvey v Ledbury Town Council where the court held that a council cannot run a grievance procedure alongside or as an alternative to a Standards regime and complaints by Officers about bullying or harassment must be dealt with via the Code of Conduct.	The BRTC Code of Conduct already has provisions for "Investigations" but an additional clause may be considered to prohibit Councillors misusing the Standards process to make allegations for the purposes of political gain.	Consultation with the Town Council as part of regular review of the Code of Conduct would be welcomed and whilst BRTC has not adopted the ADC Code of Conduct, note is always taken of ADC's content when the BRTC Code is reviewed. Furthermore, if the CSPL recommendation noted under 11 to force Parishes and Towns to adopt the Principal Authorities Code is adopted, then this consultation would become a necessity.	No response given	This does lead to greater transparency and therefore more trust in the Council.	No further comment needed	No further comment needed	No further comment needed	No further comment needed	No further comment needed	To restrict the Clerk to only being able to submit a complaint through the Chair or the Council as a whole is concerning, especially as the Ledbury case restricts the processing of any complaints about bullying/harassment to the Standards process. If the Chair or a larger group of Councillors are the cause of the complaint it may be impossible to have a complaint submitted.	No further comment needed	No further comment needed	No further comment needed	No further comment needed
East Preston		No response given	Happy with this proposal. Agree with the end of Year 1 and Year 3 timing. That reduces the risk of inexperienced councillors making too great changes just as they come into office.	No response given	Happy	No further comment needed	No further comment needed	No further comment needed	No further comment needed	No further comment needed	Agree no change is necessary. A bullying Chair may well intimidate a whole council from submitting a complaint on behalf of the Clerk.	No further comment needed	No further comment needed	No further comment needed	No further comment needed
Felpham PC	Agreed	No response given	Agreed - would prefer an annual rather than 2 year review/update of the Code of Conduct	No response given	Agreed	No further comment needed	No further comment needed	No further comment needed	No further comment needed	No further comment needed	Agreed	No further comment needed	No further comment needed	No further comment needed	No further comment needed
Ferring PC	In 2017 Ferring Parish Council adopted a Bullying and Harassment Policy which relates to staff members and councillors. Ferring Parish Council supports this as an additional section of the code of conduct.	<i>Code already adopted</i>	In 2017, Ferring Parish Council adopted the ADC Code of Conduct. To include a review every two years seems a lot of extra work & excessive for both ADC and the Parish Council, however Ferring Parish Council will take guidance & advice from ADC.	<i>Code already published on website</i>	At Ferring Parish Council, there have been no declarations made in the past seven years. As set out in the Commentary, a register has not been published by the Council in past administrations as there have been few, if any, declarations. In view of this, to update the register at least once per quarter seems excessive.	No further comment needed	No further comment needed	No further comment needed	No further comment needed	No further comment needed	Agree that complaints to be dealt with on a case by case basis. Ferring Parish Council will take guidance & advice from ADC.	No further comment needed	No further comment needed	No further comment needed	No further comment needed.
Littlehampton TC	This is already a provision in the Town Council's current Code of Conduct (Part 1, Section 3, Para 3.2). In addition, the Town Council has a Members & Officer Protocol in place.	As is the case with District Councillors, Littlehampton Town Councillors are required to sign an undertaking to confirm that they will comply with the Code of Conduct. This is a provision in the Town Council's current Code of Conduct (Part 5, Section 4, Accountability).	N/A	LTC Councillors are issued with a binder containing this information which is also published on the Town Council's website https://www.littlehampton-tc.gov.uk/ and hard copies can be obtained from the Town Council's offices.	This does not affect the Code of Conduct itself and this information is not currently published by the Town Council. LTC Full Council Decision 21/11/19 - LTC gifts and hospitality register to be published on website and updated once a quarter.	Agreed.	Agreed and supported.	Agreed.	Agreed.	No further comment needed	These recommendations are not legally enforceable and could therefore be considered unreasonable: Rec.19 - It is up to individual parishes to decide what qualifications they require. Rec.20 - If that happens, LTC would comply. Rec.21 - subject to clarification. LTC does not agree that there should be a sanction on the parish council as well as the councillor. Agree with the current procedure.	Legally, the Monitoring Officer (MO) is the MO for all parish and town councils. ADC currently provide very little and no training for parish councillors. This does need to be resourced.	No further comment needed	No further comment needed	No further comment needed (The Town Clerk will liaise with Members and / or Group Leaders on such issues, if appropriate and necessary).

Middleton-on-Sea	The Parish Council's Code of Conduct 2012 although it does not use the words "bullying and/or harassment" does provide provision for this type of behaviour For example point 9 which relates to valuing colleagues and staff and engaging with them in an appropriate manner. Point 10 relates to treating people with respect. If Parish Council colleague's and/or Parish Council staff feel that a Councillor is bullying or harassing them then they can raise a complaint under the Parish Council's Complaints Procedure either to Arun District Council or to the Chairman of the Parish Council for investigation. I do not therefore see any need to change our current Code of Conduct. Has the words bullying and harassment have been suggested as changes to a Code of Conduct this will be reviewed by the Parish Council	Code of Conduct complaints towards a Parish Councillor must be made to the Monitoring Officer at Arun District Council in accordance with the Parish Council's Complaints Procedure. The Parish Council's Code of Conduct although it does not state the actual wording is in part covered by the principle of Accountability which requires the Parish Councillor to submit themselves to whatever scrutiny is appropriate. We would therefore expect any Parish Councillor who may be referred to the Standards Committee to conduct themselves in accordance with the principles of the Code of Conduct and do not see any amendments to our Code of Conduct 2012	The Parish Council's Code of Conduct was also reviewed in 2017 when Arun DC carried out a review to their Code of Conduct, a number of amendments were made and they requested Town/Parish Councils to adopt it. Middleton-on-Sea Parish Council decided not to adopt the amended/new Arun DC Code of Conduct but to continue with the 2012 Code of Conduct that Arun DC provided back then. So the Parish Council through its Councillors have recently reviewed the Code of Conduct but have not chosen to seek the views of the public on a yearly basis. The Parish Council have not on a yearly basis asked Councillors to review its Code of Conduct but this can be done. The public will be able to see Parish Council Code of Conduct on the parish website.	Each Parish Councillor is given the Parish Council's Code of Conduct at the start of their term of office. Currently this is not on the Parish Council's website it could be provided now in the short term but a new website is being set up and it will be included.	For many years there has been no gifts or hospitality amounts that have been incurred by Councillors. If in the future these do occur then we will publish them on the new website.	No further comment needed	The Parish Council Complaints Procedure has procedures for a 1) Formal Complaint against the Parish Council, 2) if it is raised against an individual Councillor it will go to Monitoring Officer at Arun DC and 3) Complaint relating to Parish Staff. In response to this question the first response would be to discuss the situation with the Chairman of the Parish Council, if this is not possible due to the circumstances of the complaint and who the Clerk wishes to complain about, for example the Chairman then it would be reported to the Monitoring Officer at Arun DC.	No further comment needed							
Patching	No comment	No response given	No Comment	No response given	Noted - no comment	No further comment needed	Noted - no comment	No further comment needed							
Rustington PC	Support. Will provide more robust perimeters to the Code of Conduct.	RPC adopted the ADC Code of Conduct at Full Council on 27/11/2017 - this is not acknowledged within the ADC Local Government Ethical Standards Report presented to the Standards Committee on the 25 July 2019 Paragraph 2.3. The District Council was formally advised of the decision on 20 December 2018	Support. Parish Councils sited as being part of the Consultation process which is beneficial.	No response given	Support. Enhances Transparency although there is no Legal requirement to maintain a gifts and hospitality register. 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 reviewed in 2017 to encourage transparency. RPC's Code mirrors this.	No further comment needed	Support no change to current procedures. 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.	No further comment needed							
Yapton PC	Agreed	No response given	Agreed	No response given	Agreed	No further comment needed	Agreed	No further comment needed							



The Seven Principles of Public Life

The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

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Extract from the Members' Code of Conduct - Section 1

The amendments that would be required to Section 1, paragraph 2.1 of the Members' Code of Conduct to match the latest Seven Principles of Public Life, as recommended by the Committee on Standards in Public Life, are highlighted as:

- Deletions ~~crossed through~~
- Additions in **bold**

2. THE SEVEN PRINCIPLES OF PUBLIC LIFE ~~THE CODE OF CONDUCT~~

2.1 **The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally. All public office-holders are both servants of the public and stewards of public resources.**

2.2 In accordance with the **provisions of Section 28 of the** Localism Act 2011, ~~provisions,~~ when acting **as a public office-holder**, ~~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 **the this authority to which they have been elected or appointed:** ~~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 **must avoid placing** ~~should not place~~ themselves under any ~~financial or other~~ obligation to **people** ~~outside individuals or organisations that might try inappropriately seek to influence them in their work. the performance of their official duties.~~ **They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.**
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.~~ **Holders of public must office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.**
4. ACCOUNTABILITY: Holders of public office are accountable **to the public** ~~to the public~~ and must submit themselves to ~~whatever the~~ scrutiny **necessary to ensure this.** ~~is appropriate to their office.~~
5. OPENNESS: Holders of public office should **act and take decisions in an** ~~be as open and transparent manner. 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.~~ **Information should not be withheld from the public unless there are clear and lawful reasons for doing so.**

Extract from the Members' Code of Conduct - Section 1

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.~~ **Holders of public office should be truthful.**

7. ~~LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.~~ **exhibit these principles in their own behavior. They should actively promote and robustly support the principles and be willing to challenge poor behavior wherever it occurs.**

ARUN DISTRICT COUNCIL

REPORT TO STANDARDS COMMITTEE ON 20 FEBRUARY 2020

SUBJECT:	Appointment of two additional Independent Persons to the Standards Committee
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REPORT AUTHOR:	Liz Fatcher – Group Head of Council Advice & Monitoring Officer
DATE:	20 January 2020
EXTN:	01903 737610

EXECUTIVE SUMMARY:

This report seeks the agreement of the Committee to recommend the appointment of two further Independent Persons to the Standards Committee. In line with the paragraph 4.5(7) of Part 3 (Responsibility for Functions) of the Council's Constitution, any recommendations for appointment need to then be made to the Full Council.

RECOMMENDATIONS:

The Committee is asked to recommend to the Full Council that:

- (1) John Cooke is appointed as an Independent Person to the Standards Committee for an initial term of office of one year from the date of the Full Council decision;
- (2) Sandra Prail is appointed as an Independent Person to the Standards Committee for an initial term of office of one year from the date of the Full Council decision;
- (3) Subject to the appointments being confirmed at (1) and (2) above, the Group Head of Council Advice & Monitoring Officer be authorised to confirm the appointment terms to John Cooke and Sandra Prail; and
- (4) the Standards Committee review any extension to these terms of office in January 2021 and then report back to the Full Council.

1.0 BACKGROUND

- 1.1 Section 28 of the Localism Act 2011 requires the Council to appoint at least one Independent Person to its Standards Committee. The Act requires that the views of the independent person are to be sought, and taken into account, by the Council before it makes a decision on an allegation made under the Code of Conduct. The Council may also seek views from the independent person on other allegations not covered by the Code of Conduct.
- 1.2 The legislation does not set a maximum number of Independent Persons to be appointed. However, the Committee on Standards in Public Life has included a best practice recommendation in their January 2019 report that local authorities should have access to at least two Independent Persons.

- 1.3 The Council currently has appointed two Independent Persons, Brian Green and John Thompson whose term office will expire on 18 July 2023, or before if legislation introduces any change to the remit or term of the role. This Committee agreed at its meeting on 31 January 2019 that this number should be extended to three to ensure that there was always adequate independent opinion available to both the Committee and the Monitoring Officer.
- 1.4 Due to workload pressures, the recruitment exercise for this role did not happen until the Autumn of 2019. However, this has now been concluded following adverts placed on the Council's website and in the Arun Business newsletter.

2.0 PROPOSED APPOINTMENTS

- 2.1 In line with the decision of the Committee on 31 January 2019, the Group Head of Council Advice & Monitoring Officer, in consultation with the Chairman of the Committee, was given authority to set up the Interview Panel. This comprised two members of the Committee, the Vice-Chairman, Councillor Jamie Bennett and Councillor Sandra Daniells; Brian Green, Independent Person; and Liz Fatcher, Monitoring Officer. Interviews were held on 16 January 2020.
- 2.2 The selection process considered the candidate's application form and their response to questions posed at interview against the selection criteria and job description for the role. All applicants were also assessed against the requirements of Section 28 of the Localism Act 2011 which confirms what would disqualify a candidate from being appointed to this role.
- 2.3 The Interview Panel are recommending two candidates to the Committee to both be appointed to the role of Independent Person – John Cooke and Sandra Prail. Whilst the Panel acknowledged the Committee's previous decision to recruit one additional Independent Person, the Panel unanimously agreed that both candidates should be appointed on the basis of the excellent skills and experience they would bring to the role. This would give the Council access to four Independent Persons.
- 2.4 In proposing John Cooke and Sandra Prail, the Panel are recommending that the appointments should initially be for a one year term. In line with the Committee on Standards in Public Life's best practice recommendation (January 2019), the term of office could then be extended for a further year and renewed for two further years only, allowing a total term of up to four years. Both John Cooke and Sandra Prail are agreeable to this proposed arrangement.
- 2.5 Members of the Committee will have the opportunity to meet John Cooke and Sandra Prail prior to the meeting.

3.0 OPTIONS:

1. To agree the recommendations, as presented; or
2. To not support the recommendation of the Interview Panel.

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"> Chairman and Vice-Chairman of the Committee 	✓	
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 as the Council has already appointed two Independent Persons in accordance with the requirements of Section 28(7) of the Localism Act 2011.

7.0 REASON FOR THE DECISION:

To take forward the request of the Committee to recruit an additional Independent Person to support the Monitoring Officer and Committee.

8.0 BACKGROUND PAPERS:

Localism Act 2011, section 28

<http://www.legislation.gov.uk/ukpga/2011/20/section/28/enacted>

Report and Minutes to Standards Committee on 21 June 2018

<https://www.arun.gov.uk/standards-committee>

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ARUN DISTRICT COUNCIL

REPORT TO THE STANDARDS COMMITTEE ON 20 FEBRUARY 2020

SUBJECT: Register of Assessments of Complaints against Councillors

REPORT AUTHOR: Liz Fatcher – Group Head of Council Advice & Monitoring Officer
DATE: January 2020
EXTN: 01903 737610

EXECUTIVE SUMMARY:

This report updates the Committee on the complaints against Councillors received over the past two years.

RECOMMENDATIONS:

The Committee is asked to resolve that:

- (1) the Register of Complaints against Councillors be noted; and

the Committee is asked to consider:

- (2) if any change to publication arrangements for decision notices should be made.

1.0 BACKGROUND AND COMPLAINT ACTIVITY SINCE THE LAST REPORT

- 1.1 A Register of Assessments of Complaints against Councillors is updated regularly by the Group Head of Council Advice & Monitoring Officer and distributed to Members of the Standards Committee. The register is a confidential document for the information and use of Members of the Standards Committee only to enable them to monitor the number and type of complaints, and to review any lessons learnt. This assists Members in making decisions on where to direct training. The register is also a reference source for Members of other similar complaints, when dealing with assessments.
- 1.2 As agreed at their meeting on 19 October 2017, the Committee will receive an updated list of all complaints received for the previous two years. The latest list of complaints has been provided to Members of the Committee only as an exempt Appendix and is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, on the basis that it includes information relating to any individual.
- 1.3 Since the last meeting on 25 July 2019, ten complaints have been received under the Code of Conduct. Of the seven complaints completed, none have required a Stage 2 assessment. Should the Committee wish to discuss any information contained within the Appendix, they will need to consider moving into exempt business.

2.0 FUTURE PUBLICATION ARRANGEMENTS

- 2.1 As raised at the last meeting, practices have been reviewed on whether a modified public register of complaints should be introduced which could be published via the Committee, to the Council's website. This review has highlighted how few Councils publish information on the outcome of complaints received. The two examples found from the review will be presented at the meeting.
- 2.2 The Council is currently working within the Committee on Standards in Public Life's (CSPL) best practice recommendation (January 2019) of publishing a decision notice where a formal investigation into an allegation of misconduct has been undertaken. At Arun this is through an Assessment Panel. The CSPLs recommendation does not appear to be asking a local authority to publish a decision notice where there has not been a full investigation, or misconduct has not been found. Indeed, under Arun's Local Assessment Procedure no formal decision notice would be produced unless there had been a full Stage 2 investigation.
- 2.3 Based on this review, the Committee therefore needs to consider whether it wishes to make any change to its current publication arrangements to introduce a public register of complaints. The Committee may wish to bear in mind that one of the CSPLs recommendations to Government in their January 2019 report (Recommendation 15) is that 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 (eg bullying, conflict of interest);
 - the outcome of those complaints, including if they are rejected as trivial or vexatious; and
 - any sanctions applied.

3.0 REASON FOR THE INFORMATION

- 3.1 To comply with the adopted Code of Conduct and Local Assessment Procedure.

4.0 OPTIONS

1. For recommendation (1) none as all the complaints have been considered in line with the adopted Local Assessment Procedure.
2. For recommendation (2), the Committee need to consider if any change in current practices is required.

5.0 BACKGROUND PAPERS

Members Code of Conduct <https://www.arun.gov.uk/complaints-against-councillors>
Local Assessment Procedure <https://www.arun.gov.uk/complaints-against-councillors>

Committee on Standards in Public Life – January 2019 report
<https://www.gov.uk/government/collections/local-government-ethical-standards>

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

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