

ARUN DISTRICT COUNCIL
REPORT TO STANDARDS COMMITTEE
ON 30 MARCH 2022

REPORT

SUBJECT: Monitoring Officer Report – March 2022

REPORT AUTHOR: Solomon Agutu – Interim Monitoring Officer

DATE: March 2022

EXTN: 37610

AREA: Corporate Support – Law & Governance

EXECUTIVE SUMMARY:

This report asks Standards Committee to note the report of the Monitoring Officer and to give directions as set out in the report.

RECOMMENDATIONS: That Committee

1. Notes the Monitoring Officer Report and supports the proposed items for the future workplan.

Background

The functions of the Monitoring Officer (MO) are set out in Part 2 of the Constitution (Articles). Those functions relevant to Standards Committee are:

- (a) Maintaining the Constitution – the Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, officers and the public.
- (b) N/A
- (c) Supporting the Standards Committee – the Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) Conducting investigations – the Monitoring Officer will consider allegations of misconduct by Councillors in accordance with the Council's adopted Local Assessment Procedure.

Member/Officer Protocol.

The Monitoring Officer is looking to review this Protocol and will bring a report to a future Committee meeting to be considered in the context of the changes being proposed to align the constitution to a committee system and way from Cabinet thinking.

The Monitoring Officer would also like to develop a protocol for the role of the Monitoring Officer. Whilst their duties are listed within the Constitution (Part 2 – Articles; Para 4.0), it

is considered good practice to have a specific protocol to guide Members and Officers as to what can be expected of the Monitoring Officer. This will be brought to a future committee meeting.

Monitoring take-up of the Arun new Code of Conduct

Following adoption of the new Code, the Monitoring Officer (supported by Independent Persons) held a briefing session for all Parish Clerks to promote the adoption of the new Code in the Parish Councils. The new Code was then submitted to the Parishes for adoption. So far, 22 Parishes have agreed to adopt the Code. Of these:-

- 18 have adopted the 2021 Code and completed their documentation
- 4 have agreed to adopt but we are still waiting for a full suite of signed documents (Arundel, Bognor Regis, Lyminster & Crossbush, Pagham)
- Middleton-on-Sea Parish Council is remaining with the 2012 Code
- Littlehampton Town Council has their own Code
- Ford Parish Council will be discussing at their meeting 15/3/22, awaiting advice.

Signing Acceptance of the Code

The Monitoring Officer monitors the signing of acceptance by Members of the new Code. We are just waiting for one outstanding declaration which will be returned by the end of March.

Monitoring the Operation of the Code.

At their meeting on 16 December 2021, Committee discussed the effectiveness and relevance of the 2021 Code and suggested some updates., Committee agreed that the Code in place was effective and appropriate and did not require a full review. However, they did wish for a clearer definition of registrable interests and requested that the Monitoring Officer extend the scope over which an interest should be declared. Committee requested that the narrative included in Bognor Regis Town Council's Code of Conduct be replicated within Arun's Code. (Minute 536 refers). The Monitoring Officer has reviewed the proposals and the Monitoring Officer does not believe that explanations should be part of or within the Code but if needed should be given as a standalone briefing paper.

In examining the requested changes, the Monitoring Officer also identified some additional minor amendments where reference is made to 'Cabinet' and a numbering error at paragraphs 3.4 & 3.5. These changes will be made as part of the current fine tuning of the constitution which is designed to make the constitution culturally reflect the committee style as opposed to cabinet style.

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

No further updates.

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

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

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

The register of complaints under consideration and investigation is a separate item on the agenda.

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

Training on the Code of Conduct was delivered to district councillors virtually, by an external provider, on 7 December 2021 – 23 district councillors attended this. The recording of the presentation, and a copy of the presentation slides, was subsequently circulated to all councillors, and those who were unable to attend the presentation have been asked to watch the recording and confirm to the Monitoring Officer that they have done so. A reminder was issued on 02.02.22. At the time of writing this report, 9 councillors have done so (total of 32 completions). A further reminder will be issued to councillors who have not yet responded.

Recruitment of Independent Persons

Nothing further to report.

Related Functions

The MO is constantly monitoring supporting the training and development of Members on other areas related to their work. The Monitoring Officer proposes that Members receive a report at the next meeting dealing with Member Learning and Development generally. The Monitoring Officer believes that Members should help develop an induction programme and a rolling programme. If committee agree the report will cover:-

- 1) induction programme for new Members following May 2023 elections
- 2) a development programme for Members for the period 2023 – 2027.

As this committee only meets four times a year it makes sense to forward plan this important work.

Member Learning and Development

See Training Matrix attached at Appendix A.

2. PROPOSAL(S):

The proposal is that Committee notes the report and comment where necessary.

3. OPTIONS:

None

4. CONSULTATION:

N/A

Has consultation been undertaken with?	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		✓
5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 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. IMPLICATIONS:

This is a standard report to keep Committee Members abreast of the relevant work of the Monitoring Officer since the last meeting of the Committee

7. REASON FOR THE DECISION:

This report is for Committee information.

8. BACKGROUND PAPERS:

Appendix A - Training Matrix