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Subject to approval at the next Standards Committee meeting

405

STANDARDS COMMITTEE

18 January 2024 at 6.00 pm

Present: Councillors May (Vice-Chair, in the Chair), Batley, Kelly, Lloyd, Purser, Turner, Woodman, Haywood (Substitute for Huntley) and Long (Substitute for Worne)

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

[Councillor Lloyd was absent from the meeting during discussion at all or part of Minute 530 – 538]

530. WELCOME AND ELECTION OF VICE-CHAIR

The Vice-Chair in the Chair opened the meeting and welcomed Members and Officers. She explained that the Chair had given his apologies for the meeting and proposed Councillor Woodman as acting Vice-Chair for the meeting. This was seconded by Councillor Batley and approved by the Committee.

531. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Huntley, Worne, Ayling and Goodheart.

532. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

533. MINUTES

The Minutes of the meeting held on 31 October 2023 were approved by the Committee. These would be signed after the meeting.

534. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

There were no urgent matters for this meeting.

535. PUBLIC QUESTION TIME

No public questions had been submitted for this meeting.

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536. MONITORING OFFICER REPORT - JANUARY 2024

Upon the invitation of the Chair, the Monitoring Officer introduced the report to Committee. He highlighted paragraph 4.2 and 4.3, 'Maintaining the Constitution'. The Constitution Working Party met on 16 October 2023 and made recommendations to Full Council regarding amendments to the Constitution, including the removal of the 3 hour time limit for the Planning Committee and Licensing Sub Committee. These recommendations were approved by Full Council on 10 January 2024. The changes had now been made to the Constitution, which had been republished and provided to Members.

The Local Assessment Procedures was a separate item on the agenda, as was an update on Member Learning and Development.

There were no questions from Members.

The Committee noted the report.

537. MEMBER LEARNING & DEVELOPMENT

Upon the invitation of the Chair, the Monitoring Officer introduced the report, explaining that the training matrix at Appendix A, had been updated to reflect that Councillors Goodheart and Haywood were now trained to sit on the Standards Committee. He reminded Members that there had been a change to political groupings confirmed at Full Council on 10 January 2024, which was the formation of a new group, the Arun Independent Group. This had meant a change to the allocations of Committees and Councillor Goodheart had therefore taken up a position on the Standards Committee.

The Monitoring Officer followed up on a request made by Councillor Turner at a previous meeting, and he confirmed that an email would be sent to Members later in the month regarding training on data protection. Councillor Turner thanked the Monitoring Officer for this.

The Chair then invited questions. One Member drew attention to paragraph 4.3 of the report regarding potential future one-off and/or regular training opportunities for Members. She felt refresher training would be beneficial. The Monitoring Officer agreed that refresher training was important and explained the Committee had a role in continuing to identify the need and areas in which Members would benefit from additional training.

Having provided the Monitoring Officer with observations regarding future learning and development opportunities for Members, the Committee noted the report.

538. REVIEW OF LOCAL ASSESSMENT PROCEDURES

Upon the invitation of the Chair, the Monitoring Officer introduced the report to Committee. He explained the Local Assessment Procedure and Assessment Panel Procedure governed the entire process of Member complaints, including for Town and Parish Councils. This report brought forward revised Local Assessment Procedure and Assessment Panel Procedure documents. It reflected lessons learned over the 12-month period since the procedures were last reviewed at the Committee's meeting on 23 February 2023, and also best practice.

The amendment to the Local Assessment Procedure in the report was to extend the initial assessment period from 20 working days to 30 working days. The current period was restrictive and the Monitoring Officer felt it was difficult to turn around the initial assessment within 4 weeks. He explained the timescale he followed and he gave a recent example in which the subject member had provided their views at the end of the allocated 2 week period, the Monitoring Officer then had to go back with questions which the subject member needed time to respond to, which would impact on the timeframe. The Monitoring Officer had looked at best practice and what other authorities were doing, and he felt a 6 week period would be helpful and reasonable.

The Monitoring Officer updated that following conversations with an Independent Person in advance of the meeting, he also wished to add at the end of paragraph 7 of the Local Assessment Procedure (page 26 of the agenda pack) an additional sentence 'A councillor against whom an allegation has been made has the right to consult the Independent Person should they wish to do so at any stage'. It was also pointed out that this should not be the same Independent Person advising the Monitoring Officer on the complaint.

It was also highlighted that the Monitoring Officer had the right to refer to an officer of another authority and it was suggested that paragraph 3 of the Local Assessment Procedure (on page 25) should include the wording '(or an officer of another authority)' as follows:

The MO may refer the matter to the standards committee to take the decision in his or her place and he or she may delegate the matter to his or her deputy(ies) or another officer (**or an officer of another authority**) if, for example he or she believes there is a conflict of interest. This power is at the discretion of the MO.

Clarification was sought on why Councillors were referred to as District Councillors in paragraph 6, and Members in all other parts of the Procedures. The Monitoring Officer explained this was because paragraph 6 specifically related to District Councillors, whereas all other parts referred to District, Town and Parish Councillors.

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

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The Committee

RESOLVED

- 1) That the operation of the Local Assessment Procedure (Appendix A) and Hearings (Assessment Panel) Procedure (Appendix B), including the proposed amendments made by the Monitoring Officer, had been reviewed; and

RECOMMEND TO FULL COUNCIL

- 2) That the revised Local Assessment Procedure be adopted.

539. INDEPENDENT PERSON RECRUITMENT

Upon the invitation of the Chair, the Monitoring Officer introduced the report, reminding Members that at its last meeting, Committee received a report introducing the process and timings for the recruitment of the Council's Independent Persons, whose current terms of appointment were due to expire in July 2024. They had resolved that the Council seek to recruit three Independent Persons for a term of 4 years commencing in July 2024, with an interview panel comprising three Members of the Committee, the Group Head of Law and Governance and an existing Independent Person. They also authorised the Group Head of Law and Governance to prepare an application pack and bring the documentation to this meeting for approval. The Monitoring Officer clarified that should any existing Independent Persons apply, he would look for Independent Persons outside of Arun to sit on the Panel. He also updated Members that he had explored the possibility of recruiting jointly with other West Sussex district and borough councils, however this was not something he would be taking forward. The application pack was included in appendix 1.

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

Questions and debate were invited and the following points were raised:

- Should a link to the Constitution be included in the application pack? The Monitoring Officer confirmed this could be done.
- Page 57, section 5 under Criminal Convictions and Cautions, said to find further information at the end of the pack, but the information did not seem to be there. The Monitoring Officer would look into this and email round to the Committee after the meeting any additions to the pack regarding this.
- Clarification was sought regarding what was meant by the 'principal authority' referred to in the first bullet point on page 49. The Monitoring Officer confirmed Arun District Council were the principal authority.

- Regarding paragraph 4.3 of the report, it was asked whether this could be advertised with the forces employment charity, which was free to use. The Monitoring Officer confirmed he would support that.
- It was asked whether there could be an overlap of some weeks between the current Independent Persons leaving and the new Independent Persons commencing, in order to share knowledge. The Monitoring Officer would look into this.

The Committee

RESOLVED

That the application pack for Independent Persons set out in the Appendix to this report, be agreed.

540. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

Upon the invitation of the Chair, the Monitoring Officer introduced the report, drawing Members attention to the table in paragraph 4.2. He updated the Committee that for complaint 23/3, he had now received confirmation that the subject member was prepared to apologise and so the matter would be dealt with by way of informal resolution. Complaint 23/05 was found to be no breach. Regarding 23/06, an apology had been issued which had been accepted under informal resolution. He had also very recently received 2 further complaints, which would be showing on the Table at the next meeting.

Upon the Chair inviting questions, it was asked whether there may be benefit to showing totals of complaints for each of the Parish Councils. The Monitoring Officer explained that if there was a trend in one particular Parish, he would bring this as an exempt report to the Committee, however he did not feel stating the Parish would be appropriate as part of the open meeting.

The Committee noted the report.

541. WORK PROGRAMME

The Monitoring Officer updated the Committee that he would be bringing another report regarding Independent Persons Recruitment to the next meeting of the Standards Committee.

The Committee noted the Work Programme.

(The meeting concluded at 6.39 pm)

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