

**ARUN DISTRICT COUNCIL**  
**ASSESSMENT PANEL – 6 FEBRUARY 2019**

**DECISION NOTICE - COMPLAINT 2**  
**JENNIFER AYLING**

<b>Subject Member</b>	Councillor Richard Bower
<b>Representing</b>	Arun District Council
<b>Assessment Panel Members</b>	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>	<b>No breach</b>
<i>Reason for the Decision</i>	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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</li> </ol>

	<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>
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### **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.