

STANDARDS COMMITTEE

16 December 2021 at 6.00 pm

Present: Councillors Tilbrook (Chair), P. English (Vice-Chair), Bicknell, J. English, Haywood, Kelly and Edwards (Substitute for Caffyn)

Also present were Independent Persons Mr J Thompson and Mr J Cooke.

Councillors Gunner were also in attendance for all or part of the meeting.

531. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Gregory and Caffyn and Independent Person Mrs Sandra Prail.

532. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

533. MINUTES

The Minutes of the meeting held on 16 September 2021 were approved by the Committee. These would be signed at the end of the meeting.

534. PUBLIC QUESTION TIME

The Chair confirmed that no questions were submitted for this meeting.

535. MONITORING OFFICER REPORT

Upon invitation of the Chair, the Group Head of Law and Governance introduced the report. She highlighted the proposed actions for Members to note and agree on, which included the Member/Officer Protocol to be brought back to Committee in the near future; it was good practice for local authorities to adopt a Protocol for the Monitoring Officer, she wanted the Committee's view on whether they would like this developed; an update on the adoption of the new Code of Conduct, signing of the Code by Members, and Monitoring the operation of the Code as detailed in the report; it was suggested to Members that the flowchart on Page 9 regarding Declaration of Interests would be tabled on each agenda for each Committee, to be used as an aide memoir for Members to see if there was anything they should declare; Code of Conduct Training took place on 7 December, 23 Members attended this, and the recording would be circulated to all Members; Page 49-51 showed which training Members had received, and who could substitute on the relevant Committees.

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Members (and a non-Committee Member given permission to speak by the Committee) then took part in a full debate and the following points were raised:

- The report did not mention delegating investigations to relevant Officers. The Group Head of Law and Governance said this would need to be taken to the Constitution Working Party to request that this was included in the Constitution.
- Whether the Code of Conduct could be signed electronically, which it was confirmed was acceptable.
- Whether the definition of the different Interests could be included on the back of the flowchart.
- The Bognor Regis Town Council Code of Conduct was for Members to note.
- Whether Parish and Town Councillors would receive training on the Code of Conduct. The Group Head of Law and Governance confirmed the training session would be circulated to Parish and Town Councillors.
- Would Group Leaders' comments and feedback be included in the flowchart on Page 9? It was confirmed these would be incorporated.
- It was asked that the Training Matrix be circulated to all Members.
- It was asked that training be organised to ensure Members were available to substitute for the Standards and Audit & Governance Committees.

The Committee agreed to note the Monitoring Officer Report and the proposed actions, specifically developing a protocol for the Monitoring Officer role, noting the Bognor Regis Town Council Code of Conduct, noting the appendices including the training matrix and the Declaration of Interest flowchart, and also to request to Constitution Working Party that the wording of the Constitution be reviewed to allow other Officers to investigate complaints.

#### 536. REVIEW OF THE 2021 MEMBER CODE OF CONDUCT

Upon invitation of the Chair, the Group Head of Law and Governance introduced the report. Page 54, paragraph 1.5 was highlighted, which confirmed that the previous Monitoring Officer had delivered some training to District Councillors, and external training was delivered to Members on the 7 December, which was an extensive 2 hour session. This would be circulated to Parish Councillors.

Members (and a non-Committee Member given permission to speak by the Committee) then took part in a full debate and the following points were raised:

- No Members had been in contact to raise concerns about the Code.
- The Declarations of Interest flowchart would be sufficient.
- It would be helpful to have a definition of the Declarations on the back page of the flowchart.
- The Committee should consider extending the scope over which an interest should be declared, and it was felt the wording on Paragraph 9 of Page 24 of the Bognor Regis Town Council Code of Conduct, should be added to Arun's Code.
- As the Code was agreed by Committee in March 2021, it was too early for a review, however any changes felt necessary should be made now.

It was agreed that the Code of Conduct would be placed onto the Work Programme and brought back to the Committee with the requested alterations.

Following discussion, Recommendation 1 was Proposed by Councillor Edwards and Seconded by Councillor Bicknell.

The Committee

RESOLVED

That the 2021 Code of Conduct is effective and appropriate and needs no review at this time

#### 537. REVIEW OF INDEPENDENT PERSONS TO STANDARDS COMMITTEE

Upon invitation of the Chair, the Group Head of Law and Governance introduced the report. She explained the Localism Act required that at least one Independent Person (IP) be appointed to Committee. Currently Arun had three IPs which provided resilience and support, and she felt three were sufficient.

Members then took part in a full debate and the following points were raised:

- The current pool of IPs was sufficient, they had a raft of experience, and Arun was very lucky to have them.
- The IPs felt that three were sufficient as they needed the regular flow of work to gain the experience, and additional IPs would reduce this.
- It was asked how many times the IPs had been used over the past 12 months. The Group Head of Law and Governance explained her processes and that she sought advice from the IPs on a rotational basis. The IPs present said they had given advice on 2 and 3 matters each.
- It was asked whether it could be made clearer on the register which IPs gave advice on which complaint.

Following discussion, Recommendation 1 was Proposed by Councillor Bicknell and Seconded by Councillor Haywood.

The Committee

RESOLVED

That the current pool of three Independent Persons is sufficient to give support to Committee on Standards matters

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538. REVIEW OF THE LOCAL ASSESSMENT PROCEDURE AND HEARINGS PROCEDURE

Upon invitation of the Chair, the Group Head of Law and Governance introduced the report and explained the recommendations to the Committee.

Members (and a non-Committee Member given permission to speak by the Committee) then took part in a full debate and the following points were raised:

- Clarification was sought around the list of anomalies for the Local Assessment Procedure and support was given for the proposed actions.
- It was suggested that the Hearings Panel Procedure Paragraph 14 be changed to 5 working days to mirror the Local Assessment Procedure.
- Members of the Standards Committee were there to uphold the standards and Code of Conduct at Arun District Council, and party politics should not form part of Standards Committee meetings or Hearings Panels.
- It was felt that if a Subject Member was accompanied during the Hearing, the person accompanying them should not be allowed to speak to the Panel, ask questions or represent the Subject Member. Consideration should also be given to whether or not the accompanying person should or should not be a fellow Councillor.
- Whether political proportionality should be applied to Hearings Panels should be reviewed.
- There was an urgent need for additional training specifically regarding Hearings Panels in order for more Councillors to be able to sit on them.
- It was felt the Chair or Vice-Chair of Standards should sit on the Hearings Panels.

Further discussion took place on whether an accompanying friend should be allowed to talk in a Hearings Panel. The Group Head of Law and Governance emphasised that her recommendation was to give the Panel the decision as to whether or not the accompanying person should be able to speak. It was asked what the practice of other local authorities was. In the experience of the Group Head of Law and Governance, it was usually down to the Panel to decide.

Councillor Edwards Proposed an amendment to the comment at 5e on Appendix A which would be to read 'The rule of natural justice will apply, and the Subject Member will be advised that they can choose to be accompanied by a friend or colleague. The friend or colleague may speak with the Subject Member but may not address the Panel.'

This was Seconded by Councillor Paul English, and following a vote, confirmed as CARRIED.

The Chair asked the Committee to vote on whether to support or remove the comment at Paragraph 2 of Appendix A. The Committee agreed that the comment 'We would include representation from at least 2 different political groups' was not supported and should be removed.

Following discussion, Recommendation 2, with the changes agreed to the comments on Paragraphs 5e and 2 of Appendix A, was Proposed by Councillor Edwards and Seconded by Councillor Paul English.

The Committee

RESOLVED

That the Monitoring Officer be authorised to carry out changes identified on Appendix A, as amended during Committee's consideration of this item

539. WORK PROGRAMME

The Committee noted the Work Programme.

540. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

Upon invitation of the Chair, the Group Head of Law and Governance introduced the report.

There were no questions from Members.

The recommendation was Proposed by Councillor P English and Seconded by Councillor Edwards.

The Committee

RESOLVED

That the Register of Complaints against Councillors and progress of any outstanding complaints be noted.

541. 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 items of business on the grounds that they 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 items.

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542. REGISTER OF ASSESSMENTS OF COMPLAINTS AGAINST COUNCILLORS

The recommendation was Proposed and Seconded.

Following a discussion, the Committee

RESOLVED

That the Register of Complaints against Councillors be noted.

(The meeting concluded at 8.11 pm)