

ARUN DISTRICT COUNCIL

REPORT TO STANDARDS COMMITTEE

ON 16 SEPTEMBER 2021

REPORT

SUBJECT: Monitoring Officer Report

REPORT AUTHOR: Solomon Agutu – Interim Monitoring Officer

DATE: 01 September 2021

EXTN: 37432

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 comment on the proposal for review of Member/Officer Protocol

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 promotion of high standards of conduct is not only through the Code of Conduct but also through the promotion and adoption of protocols. There is currently a Member /Officer protocol in Arun which needs to be reviewed in the light of the change to the Committee style governance. Appendix 1 to this report sets out the issues and seeks Committee views on the approach to review.

In Parishes, national level cases show that breakdown in relationships between Members and Officers can be improved by a higher profile being given to the Member/Officer protocol. The MO will be contacting Parish Councils with a view to discussing the need to review their own Member/Officer protocols or adopting one where one does not exist.

Behaviour during Virtual meetings

Another issue which has become prominent in Arun is how Members behave during online meetings, specifically eating, drinking and smoking. The Monitoring Officer received complaints about this while meetings were still online. The Monitoring Officer has decided not to prioritise this issue as Council meetings are going back to normal physical meetings and the issue of refreshments during physical meetings has not caused concern.

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, 19 Parishes have agreed to adopt the Code. Of these

- 14 have adopted the Code and completed their documentation (namely Aldwick, Barnham & Eastergate, Bersted, Clapham, Clymping, East Preston, Felpham, Ferring, Findon, Kingston, Patching, Rustington, Slindon, Walberton)
- 5 have agreed to adopt but we are still waiting for a full suite of signed documents: - Aldingbourne, Angmering, Lyminster & Crossbush, Pagham, Yapton
- Middleton-on-Sea are remaining with the 2012 Code
- Littlehampton and Bognor Regis Town Councils have their own Codes
- Arundel Town Council and Ford have yet to advise us

In summary, 19 Councils have confirmed adoption. Of the remainder, 1 x staying with the 2012 Code, 2 x have their own Codes, 2 x yet to advise.

Signing Acceptance of the Code

The Monitoring Officer monitors the signing of acceptance by Members of the new Code. There are 12 District Councillors who have not yet submitted their signed Declarations – Cllrs Baker, Batley, Bicknell, Buckland, Dendle, Goodheart, Oppler, Seex, Stainton, Stanley, Warr, and Yeates

Monitoring the Operation of the Code - the complaint form.

The adoption of the new Code also led to the adoption of a new form for submitting complaints. Officers consulted Members by email on a series of proposed improvements to the form. The result of the consultation has been varied and so the new form is being submitted to this Committee as a separate item on the agenda for final decision.

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

The Monitoring Officer has no current concerns about the Local Assessment Procedure. However, in the course of arranging a Hearing Panel concern was raised about the process and the Monitoring Officer will be explaining how we go about assembling a Panel. By coincidence it also emerged that the only Members who had made themselves available for a recent Hearing Panel were Members of the same political party as the Subject Member. The Hearing Procedure makes no provision for this as in those Councils where you have a

“one party state” it is no bar to being a Member of the same political party. In Arun where there is no overall control the issue is more sensitive and Committee views are sought on this as a matter of good administration.

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.

An online training session has been held for Members of Felpham Parish Council as part of the outcome of a Panel decision. A modified Seminar is now under preparation for Arun District Council Members and for the other Parishes in the District who have adopted the Code. The training will benefit from the LGA guidance on the Code which is now available.

LGA Guidance on Model Code

LGA has been promoting the LGA Model Code of Conduct. Some of our Parish Councils have held back from adopting the Code because they are waiting for Guidance. The LGA has now prepared the guidance. This guidance is useful to Arun Councillors as Arun has partially adopted the LGA Code. This guidance will be factored in the Member Training on the Code of Conduct. The Guidance can be found here. <https://local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

Recruitment of Independent Persons

We have a full complement of Independent Persons.

Related Functions

The MO is constantly monitoring supporting the training and development of Members on other areas related to their work.

Member Learning and Development

At the last meeting, Committee Members expressed a wish to see a list of those Members who have been trained to sit on various Committees in order to make it easier to be able to arrange substitution. This list is set out in Appendix 2.

2. PROPOSAL(S):

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

3. OPTIONS:

NA

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:
NA

8. BACKGROUND PAPERS:
NA

APPENDIX 1

REVIEW OF MEMBER OFFICER PROTOCOL

Standards Committee Members will be aware of the Committee on Standards in Public Life (“the CSPL”) review of local government ethical standards published in January 2019. In addition to the 26 recommendations made by the CSPL to improve ethical standards in local government, the CSPL made 15 best practice recommendations for local authorities that should be considered as a benchmark of good ethical practice, which it expected that all local authorities could and should implement. The adoption of the new Code of Conduct by Arun has implemented some of these recommendations.

In accordance with CSPL and in response to the transition to Committee governance the Monitoring Officer recommended that a review be undertaken of the current Member/Officer Relations Protocol. This document currently forms part of the Council’s Constitution and provides a high-level position with regards to Member/Officer interactions from which the Members Code of Conduct and Officers Code of Conduct flow.

A review will need to be undertaken by both the Monitoring Officer and the Head of Human Resources. As well as the CSPL best practice recommendations, this review will take into account feedback from both Officers and Members.

The language to be reviewed to reflect the Committee system of governance and in addition:

- to clarify that the Protocol relates to interactions and relations between Members and Officers both in-person and via other means, including through Social Media.
- To clarify a mutual appreciation of work/life balance from Members and Officers and reflect the growing use of technology which allows communications to be sent and accessed 24 hours a day, 7 days a week and the need to ensure respect in terms of requests for responses and turn-around expectations.
- the Monitoring Officer/Chief Executive will meet regularly with political group leaders to discuss standards. This is a CSPL best practice recommendation
- To affirm that in the new Committee system the authority of Members is collective and, as individuals, they have no authority to issue specific directions to any employee or make criticism directly.
- In the light of some aggressive conduct by Councillors to document that individual Councillors are under a duty not to engage in conduct likely to

undermine the trust and confidence required in contracts of employment. Although the Council collectively is the employer, the unofficial actions of an individual Councillor could destroy the entire basis of the employer/employee relationship and that employees were entitled to a *“reasonably congenial working relationship”*.

- Submitting agenda items and workplans of Committees

Process for review

The Monitoring Officer and Head of Human Resources to consider the current scheme and make suggestions for amendments.

The Monitoring Officer to circulate Standards Committee Members and Constitution Working Party (CWP) members (by email) with the suggested changes for comments.

A revised protocol be prepared for the consideration of Standards Committee who will then recommended to CWP to refer to Full Council.

APPENDIX 2

Member Training Schedule – as at 31 August 2021

List of Members Fully Trained in line with Constitutional Requirements

<u>Name of Committee</u>	<u>Members of Committee Trained</u>	<u>Non-Members Trained [that could be used as Subs]</u>	<u>Notes</u>
<u>Planning Policy</u>	<ul style="list-style-type: none"> • Bower • Chapman • Charles • Coster • Elkins • Goodheart • Hughes • Jones • Lury • Thurston • Yeates 	<ul style="list-style-type: none"> • Baker • Bennett • Bicknell • Blanchard-Cooper • Brooks • Catterson • Clayden • Alison Cooper • Andy Cooper • Dixon • Edwards • Paul English • Gunner • Huntley • Hamilton • Haywood • Kelly • Needs • Northeast • Oliver-Redgate • Oppler • Pendleton • Stanley • Stainton • Smith • Tilbrook • Walsh • Warr • Worne 	

<p><u>Audit & Governance</u></p>	<ul style="list-style-type: none"> • Bennett • Chace • Chapman • Clayden • Goodheart • Haywood • Northeast • Oliver-Redgate • Oppler • Staniforth • Tilbrook 	<ul style="list-style-type: none"> • Bicknell • Brooks • Bower • Roberts • Thurston 	
<p><u>Planning Committee</u></p>	<ul style="list-style-type: none"> • Blanchard-Cooper • Bower • Chapman • Charles • Coster • Edwards • Kelly • Lury • Goodheart • Thurston • Tilbrook <p><u>Named Subs</u></p> <ul style="list-style-type: none"> • Catterson • Daniells • Hamilton • Jones • Worne • Clayden • Cooper - Alison • Rhodes 	<ul style="list-style-type: none"> • Baker • Bennett • Blanchard-Cooper • Bicknell • Brooks • Cooper – Andy • Dixon • English – Paul • Elkins • Gunner • Huntley • Hughes • Haywood • Kelly • Needs • Northeast • Oliver-Redgate • Oppler • Pendleton • Roberts • Stanley • Stainton • Smith • Walsh • Warr • Yeates 	

<p><u>Licensing Committee</u></p>	<ul style="list-style-type: none"> • Blanchard-Cooper • Andy Cooper • Gregory • Daniells • Hamilton – See note • Kelly • Northeast – see note • Oliver-Redgate • Stainton – see note • Staniforth • Worne – see note 		<ul style="list-style-type: none"> • Cllrs Worne and Northeast attending training on 5 October 2021 [cannot vote at a Licensing Committee meeting until this training has been completed] • Cllrs Hamilton and Stainton – yet to complete mandatory training – so cannot vote at Committee • It be noted that there is no provision for substitute or reserve members to be appointed to any Licensing Committee [as approved by Full Council – 15 July 2020].

<u>Standards Committee</u>	<ul style="list-style-type: none"> • Bennett • Bicknell • Buckland – See note • Caffyn • Daniells • English – Paul • English – Joan • Gregory • Haywood • Kelly • Tilbrook 	<ul style="list-style-type: none"> • Pendleton 	<ul style="list-style-type: none"> • Buckland – still to complete mandatory training – so cannot vote at a meeting until training completed