

ARUN DISTRICT COUNCIL
REPORT TO STANDARDS COMMITTEE
ON 16 DECEMBER 2021

REPORT

SUBJECT: Monitoring Officer Report – December 2021

REPORT AUTHOR: Sameera Khan – Monitoring Officer
DATE: November 2021
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 any proposed actions for the Monitoring Officer.

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.

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. Committee are asked to support the development of a draft document to be presented to the March 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, 20 Parishes have agreed to adopt the Code. Of these

- 15 have adopted the Code and completed their documentation (namely Aldwick, Angmering, Barnham & Eastergate, Bersted, Clapham, Clymping, East Preston, Felpham, Ferring, Findon, Kingston, Patching, Rustington, Slindon, Walberton)
- 4 have agreed to adopt but we are still waiting for a full suite of signed documents: - Aldingbourne, Lyminster & Crossbush, Pagham, Yapton
- Middleton-on-Sea are remaining with the 2012 Code
- Littlehampton Town Council has their own Code
- Bognor Regis Town Council has adopted a new 2021 Code, largely based on the LGA Model and ADC's 2021 Code (see Appendix B)
- Arundel Town Council will be reviewing their Standing Orders in December and will take the opportunity to consider the Code of Conduct at this time
- Ford have yet to advise us

In summary, 20 Councils have confirmed adoption. Of the remainder, 1 x staying with the 2012 Code, 1 x has their own Code, 1 has confirmed that they will review later this year, and 1 has yet to advise.

Signing Acceptance of the Code

The Monitoring Officer monitors the signing of acceptance by Members of the new Code. There are 7 District Councillors who have not yet submitted their signed Declarations – Cllrs Baker, Bicknell, Buckland, Goodheart, Oppler, Seex, and Stainton. Reminders have been issued and the Monitoring Officer is awaiting responses.

Monitoring the Operation of the Code.

The adoption of the new Code also prompted a review of the complaint form. Officers consulted Members by email on suggested improvements to the form. Due to conflicting priorities, no further work has been done on the development of an alternative Complaint Form for Committee to consider. It is anticipated that this will come to the March meeting.

In light of queries surrounding declarations of interest at meetings, the Monitoring Officer has designed a flowchart to assist Councillors in deciding whether or not they need to declare an interest, and which type of interest to declare. The draft chart is attached to this report at Appendix A for Committee to consider and discuss.

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

On the Agenda for this meeting

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.

Due to conflicting priorities, the Monitoring Officer has been unable to progress this work. However, we are liaising with an external trainer to deliver training in December.

Recruitment of Independent Persons

On the Agenda for this meeting.

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

See Training Matrix attached at Appendix C.

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 - DRAFT Flowchart for Declaring Interests

Appendix B – BRTC Code of Conduct 2021

Appendix C – Training Matrix