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Minutes of a meeting of the
Joint Governance Sub-Committee
21 January 2021
at 6.30 pm

Councillor Roy Barraclough (Chairman)

Councillor Mike Barrett
Councillor Kevin Boram
Councillor Ann Bridges

Councillor Liz Haywood
Councillor Tim Wills

*Absent

Simon Norris-Jones, Independent Person, attended the meeting as the co-opted member of the Sub-Committee.

JGCSC/6/20-21 Election of a Chairman

Resolved,

That the Joint Governance Sub-Committee appointed Councillor Roy Barraclough to be Chairman for the meeting.

JGCSC/7/20-21 Declarations of Interest

It was noted that Kevin Jenkins was attending the meeting, not in the capacity as a Councillor, but in the capacity of the Subject Member's Representative.

JGCSC/8/20-21 Procedure for the Meeting

Following introductions from all those present, the Sub-Committee was asked to approve the procedure for the meeting, a copy of which is attached to the signed copy of the minutes as item 3.

Resolved,

That the Joint Governance Sub-Committee agreed to follow the Procedure for the Meeting as detailed in agenda item 3 of the papers.

JGCSC/9/20-21 Exclusion of Press and Public

It was proposed by Councillor Roy Barraclough, seconded by Councillor Kevin Boram that the hearing be conducted in Part A, open to the Press and Public.

The Subject Member's Representative (SMR) advised that the Subject Member (SM) welcomed the meeting being held in the public arena.

Resolved,

That the Joint Governance Sub-Committee unanimously agreed to hold the meeting in Part A, open to the Press and Public.

JGCSC/10/20-21 Alleged Breach of the Adur District Council Code of Conduct - Cllr Neil Parkin

The Legal Advisor (LA) advised that the Sub-Committee had been convened to determine an allegation that Cllr Parkin (SM) had breached Adur District Council's Code of Conduct for elected members. The Sub-Committee's role was to establish the facts, which were not in dispute and to establish whether there had been a breach of the Code of Conduct.

The alleged words used by the SM had resulted in 7 complaints from Councillors, alleging that various areas of the code had been breached, and 2 complaints from members of the public.

The LA also advised the Sub-Committee of an additional paper which provided details of questions from 1 of the complainants to the Independent Investigator (II). Copies of the questions and corresponding answers had been shared in advance of the meeting.

The Independent Investigator outlined his report to the Sub-Committee.

In accordance with stages 6 (ii) and (iii) of the procedure for the hearing, the SMR and Members of the Sub-Committee asked the II a number of questions in relation to the contents of his report, to which the II replied.

In accordance with stage 8 of the procedure for the hearing, the SMR asked the Monitoring Officer (MO) whether consideration had been given to the complaint being politically motivated. The MO and Independent Person (IP) advised that consideration had been given to whether there was a potential breach of the Code of Conduct and if the complaint should be determined by the MO or a Sub-Committee. It was noted that the IP's comments were also set out in the MO's report.

In accordance with stage 9 of the procedure for the hearing the Sub-Committee sought clarification from the MO as to whether the SM had been given an opportunity to retract his statement. The SMR suggested that no informal resolution had been offered in this case.

In accordance with stage 10 of the procedure for the hearing, the SMR outlined the SM's defence to the allegation that they had breached the code of conduct. It was noted that the SM did not dispute the words spoken, but did dispute the context in which they were spoken. There had been no intent to cause offence or use language of a racist nature, it had been an off the cuff comment and in hindsight, the SM acknowledged that the words could have been said differently contextually.

In accordance with stage 13 of the procedure for the hearing, the MO asked whether the SM had been offered an opportunity for informal resolution. The SMR replied not to his knowledge. It was noted that as the Leader of the Council had said these words; it had been deemed important for the complaint to go before a Sub-Committee for determination rather than determination by the MO.

The MO was provided with an opportunity for final comment in accordance with stage 15 of the procedure for the hearing.

The SMR was provided with an opportunity for final comment in accordance with stage 16 of the procedure for the hearing. It was suggested that there was no evidence that the SM had been given an opportunity to apologise and that the SM had been exercising his freedom of speech. The SM did not believe that his actions amounted to a breach of the Code of Conduct.

The Chairman adjourned the meeting at 7.56pm in order for Committee Members, the Independent Person and the Legal Advisor to the Committee, to retire and deliberate.

The meeting was reconvened at 8.54pm.

The views of the Independent Person, Simon Norris-Jones, were sought by the Chairman in accordance with stage 18 of the procedure for the hearing.

Mr Norris-Jones stated that he was not a lawyer, nor was he involved with politics and that none of the parties involved were known to him in any way. His role was to stand back and give independent views on information and evidence presented to him. He supported the principles of free speech but was not comfortable with free speech being an excuse.

Mr Norris-Jones stated that complaints were generally submitted by the opposition and the complaint in this case was for justifiable reasons. He was satisfied that the complaint was not politicking but to hold the Leader of the Council to account for his actions.

Mr Norris-Jones stated that he had given weight to the complaints from members of the public who had been of the opinion that the language used was disrespectful and who's background provided both personal and professional experience in relation to this matter.

Mr Norris-Jones stated that it had been a finely balanced conclusion by the II and he was of the opinion that the words used tipped just on the side of a breach of the Code of Conduct.

The LA provided advice to the Sub-Committee on the principles Members needed to consider when making a determination:

1. Was the SM acting in his official capacity?
2. Were the words alleged, actually said on the balance of probabilities?

Article 10 of the European Convention on Human Rights

This states that everyone has the right of freedom of expression and the right to hold opinions. For elected members, there are enhanced rights because of their special position in a representative democracy. However, Article 10.2 says that the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions as it may be necessary in a democratic society for the protection of the reputation or rights of others.

Therefore, there is a balancing act to be done and the adoption of the code of conduct back in 2012 has been recognised as being a fetter on that unfettered right of freedom of expression. So there is a degree of responsibility on the person making observations or actions.

3. On a scale of 1 to 10 where 1 is comments that are silly, unwise, throw away or careless, in the middle of the scale where Members may have said things recklessly and 10 where a Member intended hurt or intended to cause offence.
4. Whether or not the comments which were made come above the breach requirement for the three areas of the code which have been examined.
 - a. Has there been a breach of respect for others;
 - b. Has there been a breach of the Council's approach to equalities and especially the Council's public sector equality duty which is not to discriminate but also positively to promote equalities, especially the nine protected characteristics;
 - c. Has the Members actions or words brought his Council into disrepute by lowering the reputation of the Council, or in that of his office as Councillor and as Leader, or whether he has brought himself into disrepute (the Livingstone Test).

The sub-committee took a public vote on the alleged breach, as required under stage 19 of the procedure for the hearing.

Vote:- In Favour 1, Against 5, Abstentions 0

Resolved,

That the Joint Governance Sub-Committee found that an alleged breach of the Code of Conduct, by Cllr Parkin, was not proven.

It was stated by Councillor Kevin Boram that all sides wished to promote transparency in this instance and therefore he proposed that the papers relating to the matter be made public. The proposal was seconded by Councillor Roy Barraclough and supported by the SMR.

Resolved,

That the Joint Governance Sub-Committee agreed unanimously that the papers be made public alongside the published minutes.

The meeting was declared closed by the Chairman at 9.25pm, having commenced at 6.30pm.

Chairman



ADUR & WORTHING
COUNCILS

13 January 2021

Joint Governance Sub-Committee
6.30pm on 21 January 2021
Remote Meeting via Zoom

Committee Membership:

Adur District Council: Councillors; Kevin Boram, Ann Bridges and Liz Haywood

Worthing Borough Council: Councillors Roy Barraclough, Mike Barrett and Tim Wills

Part A

1. Election of a Chairman

To elect a Chairman for the duration of the meeting.

2. Declarations of Interest

Members and officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

3. Procedure for the Meeting (Pages 1 - 4)

To agree the procedure for the meeting, a copy of the proposed procedure is attached as item 3.

4. Exclusion of Press and Public

In the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of item 5. Therefore the meeting is asked to consider passing the following resolution:

'that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A to the Act indicated against the item'

Part B Exempt Reports - Not for Publication

5. Alleged Breach of the Adur District Council Code of Conduct - Cllr Neil Parkin (Pages 5 - 104)

To consider an exempt report by the Monitoring Officer, item 5.

Recording of this meeting

The Council will be live streaming the meeting, including public question time. A recording will be available on the Council's website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:

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For Legal Services enquiries relating to this meeting please contact:

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The agenda and reports are available on the Councils website, please visit www.adur-worthing.gov.uk



ADUR & WORTHING COUNCILS

Joint Governance Sub-Committee
21 January 2021
Agenda Item 3

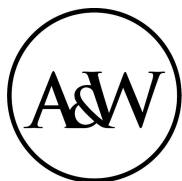
Joint Governance Sub-Committee – Procedure for Hearing

1. Chairperson to introduce everyone.
2. Chairperson to explain procedure.
3. The Sub-Committee to consider whether the press and public should be excluded from all or part of the meeting under s110(4)(b) Local Government Act 1972. Should Members wish to exclude the press and public due to exempt information, having considered the public interest test, they would need to vote upon such a motion and reach a resolution.
4. Monitoring Officer (MO) (or their representative) to outline the facts of the complaint and summary of the investigation.
5. Members to ascertain from the Subject Member whether the facts and the allegation of a breach of the Code is admitted. If a breach of the Code is admitted, the Committee may consider it is not necessary to hear evidence from witnesses and move straight to paragraph 21 below.
6. Monitoring Officer to call First Witness;
 - Monitoring Officer to ask questions of First Witness;
 - Subject Member (or representative) to ask any relevant questions of Witness, through the Chairperson;
 - Sub-Committee Members to ask any relevant questions of the Witness.
7. Monitoring Officer to call each other witness for the Council in turn and follow the same procedure at paragraph 6 above.
8. Subject Member (or representative) to ask questions of the Monitoring Officer, through the Chairperson.
9. Sub-Committee Members to ask questions of the Monitoring Officer.

10. Subject Member (or representative) to outline their defence to the allegation that they have breached the code of conduct.
11. Subject Member (or representative) to call First Witness;
 - Subject Member (or representative) to ask questions of First Witness
 - Monitoring Officer to ask any relevant questions of Witness, through the Chairperson
 - Sub-Committee Members to ask any relevant questions of the Witness.
12. Subject Member (or their representative) to call each other Witness for the Subject Member in turn and follow the same procedure at paragraph 11 above.
13. Monitoring Officer to ask questions of the Subject Member
14. Sub-Committee Members to ask questions of the Subject Member.
15. Monitoring Officer to be offered opportunity of final comment.
16. Subject Member (or representative) to be offered opportunity of final comment.
17. The Sub-Committee, including the Independent Person, shall retire to deliberate with the Legal Advisor, upon whether a breach of the code is proven or not.
18. All parties will reconvene and the Independent Person's views will be sought and will be given with the Monitoring Officer, Subject Member and any press and public present (unless excluded).
19. All parties will reconvene to take a vote in public, deliver their decision as to whether a breach of the code is proven or not proven, and provide reasons.
20. If it is determined that there is no breach of the Code of Conduct, the matter will be dismissed, and the meeting closed.
21. If a breach has been determined by the Sub Committee, the Legal Advisor will outline the possible sanctions available.
22. The Monitoring Officer has the opportunity to make representations to the Sub-Committee relating to mitigating or aggravating features and appropriate sanctions.
23. The Subject Member (or his representative) then has an opportunity to address the Sub-Committee on mitigation and sanctions.
24. The Sub-Committee will then retire into private session, with the Legal Advisor and the Independent Person, to come to a decision about sanctions.

25. All parties will reconvene. The views of the Independent Person (and the Parish Representative if appropriate) will be sought and given in the meeting.
26. The decision in respect of sanctions to be imposed, together with reasons, will then be announced in the meeting by the Chairperson of the Sub-Committee.
27. The decision of the Sub-Committee will be confirmed in writing within 5 working days.

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ADUR & WORTHING
COUNCILS

Joint Governance Sub-Committee
21 January 2021

Ward(s) Affected: All

Alleged Breach of the Adur District Council Code of Conduct - Cllr Neil Parkin

Report by the Monitoring Officer

Executive Summary

1. Purpose

- 1.1 To hear and determine a complaint from nine Complainants about the conduct of Councillor Neil Parkin, which it is alleged was in breach of the Adur District Council Code of Conduct for Members.
- 1.2 Having heard and determined the matter, to either dismiss the complaint if no breach is found by the Sub-Committee, or if a breach is upheld, to hear any representations as to mitigation and consider any further action that should be taken, or sanction imposed, upon the Subject Member.

2. Recommendations

- 2.1 The Joint Governance Sub-Committee is recommended to determine the complaint that Councillor Neil Parkin has breached the Adur District Council Code of Conduct and resolve either that a breach is proven or not proven.

2.2 Should the Joint Governance Sub-Committee determine that Councillor Parkin has breached the Adur District Code of Conduct, they are recommended to determine any further action that should be taken, including any sanction to be imposed.

3.0 Context

3.1 Adur District Council has a Code of Conduct for Members, in compliance with its statutory obligations. The Code of Conduct was adopted on 1st May 2015 and is reproduced at Appendix 1 to this report.

3.2 The Code of Conduct is engaged and applies to all Members of Adur District Council when they are conducting the business of Adur District Council or acting in their capacity as an Adur District Councillor.

3.3 The provisions of the Code that are particularly relevant to this matter include the following:

4.1.7 Leadership - Holders of public office should promote and support these principles by leadership and example, and

4.2 A Member must treat others with respect and not engage in conduct which amounts to harassment, intimidation or bullying.

4.3 A Member must not conduct themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of Members

4.7 A Member must not conduct themselves in a manner which is contrary to the Council's duty under the equalities legislation.

4.0 Matters to Consider

4.1 On 4th June 2020, the Councils' Monitoring Officer (MO), received a formal complaint from Adur District Councillors Cowen, Stainforth, O'Connor, Balfe, Arnold, Zeglam and Mear, alleging that Cllr Parkin (the Subject Member) had breached the Adur District Council Code of

Conduct for Members. Their complaint is attached as Appendix 2 to this report. It should be noted that they alleged that Cllr Parkin had breached paragraphs 4.3 and 4.1.7 of the Code of Conduct. However, the complaint also refers to the Public Sector Equality Duty, the Equality Act 2010 and the LGA Equality Framework and therefore paragraph 4.7 of the Code, relating to Equalities, should also be considered.

- 4.2 In summary, the complaint received from Cllrs Cowen, Stainforth, O'Connor, Balfe, Arnold, Zeglam and Mear, relates to comments allegedly made by Cllr Parkin during the Adur District Council Annual Meeting on 21st May 2020. It is alleged that during debate Cllr Parkin said *"I know Cllr Balfe has not liked this all along and we are going to have to put up with him telling us I told you so for the next 10 years, but at the time none of us knew about somebody eating undercooked bat soup in China, so there we go."*
- 4.3 These Complainants allege that the comment made by Cllr Parkin breached the provision of the Code relating to a Member not conducting themselves in a manner contrary to the Council's duty to promote and maintain high standards of conduct of Members (para 4.3). They also consider Cllr Parkin breached the principle of Leadership which provides that holders of public office should promote and support the Nolan principles by leadership and example (para 4.1.7). They further consider that Cllr Parkin has failed to comply with the Public Sector Equality Duty as set out in section 149 Equalities Act 2010 by portraying the people of China as being responsible for the current pandemic as a result of their eating habits. They further refer to paragraph 7.2 of the LGA Equality Framework relating to obligations upon senior leaders within local government (para 4.7 of the Code of Conduct).
- 4.4 The complainants called upon Cllr Parkin to retract his statement and take remedial action.
- 4.5 On 17th June 2020, the Councils' Chief Executive received a further complaint about this matter; from Mr Wayne Green, a member of the public. Mr Green's complaint can be found at Appendix 3 to this report. In summary Mr Green again refers to the comment allegedly made by Cllr Parkin at the Adur District Council Annual Meeting on 21st May 2020, which he considers to be a racist and highly inflammatory statement. Mr Green refers to Cllr Parkin's high public

profile and the fact that he is not new to his position, and considers the statement to be a “deep form of unconscious racist bias”. Whilst Mr Green does not specify which provisions of the Code he considers have been breached, from his complaint, it appears he is alleging that Cllr Parkin has breached paragraphs 4.2 and 4.3 and 4.7. Since Mr Green’s initial complaint, he has provided further evidence and documents in support of his complaint which can also be found at Appendix 3 to this report.

- 4.6 On 19th June 2020, the Monitoring Officer, received a further similar complaint about this matter from Mrs Creffied, a member of the public. Mrs Creffied’s complaint can be found at Appendix 4 to this report. In summary, Mrs Creffied complains that the language allegedly used by Cllr Parkin was not only disrespectful to her (para 4.2 and 4.3) and the local Chinese community but also fundamentally racist (para 4.7), that it lacks leadership (para 4.1.7) and is unbecoming of a Council Member, particularly in light of his position within the Community. This Complainant seeks that Cllr Parkin apologise for his comment and formally retract them at the next Council meeting.

5.0 Assessment and Investigation

- 5.1 The Councils’ Standards Procedure Rules, attached at Appendix 5, provide for the Monitoring Officer to undertake an assessment of complaints received, alleging a breach of the Members’ Code of Conduct. The purpose of assessment is twofold; to consider whether the Councillor was acting in their capacity as a Councillor at the relevant time and so the Code was engaged and secondly, to determine whether or not, on the basis of information supplied, if the matter were proven, it could amount to a breach of the Code.
- 5.2 On assessment of the complaint, the Monitoring Officer noted that all nine Complainants referred to Cllr Parkin’s comments made in the Adur District Council Annual Council meeting on 21st May 2020. This was a formal meeting of the Council, constituted under Local Government Act legislation and Cllr Parkin was acting in his capacity as Leader of Adur District Council throughout the meeting. The Monitoring Officer therefore concluded that Cllr Parkin was acting in his capacity as a Councillor at the relevant time and therefore the Adur District Council Code of Conduct was engaged and he was acting under its jurisdiction.

- 5.3 The Monitoring Officer further considered whether, if proven, the alleged conduct could amount to a breach of the Code, and considered that on balance it could.
- 5.4 In reaching the conclusion of the assessment stage, the Monitoring Officer took into account the criteria set out in the Standards Procedure Rules at paragraph 6.1, and in particular took account of:
- The extent to which the Subject Member is alleged to have failed to treat others with respect;
 - The extent to which the Subject Member is alleged to have acted in a way that may cause the Authority to breach an equality enactment;
 - The implications for public perception on the reputation of the Council;
 - The seniority or position of influence of the Member and public trust and confidence;
 - The consequences, or the likely consequences, of the Member's alleged actions;
 - The public benefit in directing an investigation or other steps and the costs and Officer and Member time which could be incurred on an investigation or other steps;
- 5.5 The Monitoring Officer was mindful of the fact that Cllr Parkin is a senior Member in a position of Leadership, that the alleged comments were made in a formal Annual Council meeting, and that they had the potential to relate to equalities issues, the potential to damage relationships with sectors of the community, the potential to adversely affect the reputation of the Council and that there was no retraction of the statement at the following Council meeting.

The Monitoring Officer considered whether there was any evidence of the complaints being politically motivated, malicious or vexatious and found there was none.

- 5.6 In carrying out the assessment of the complaint the Monitoring Officer consulted with Mr Simon Norris-Jones, the Independent Person allocated to this matter. Mr Norris-Jones considered that the Code was engaged and that the allegation was sufficiently serious that it was not appropriate for informal resolution and that an investigation into the complaint should be carried out.

- 5.7 The Monitoring Officer took account of the comments from Mr Norris-Jones and concluded to refer the complaints for investigation. As the Subject Member is well known to the Monitoring Officer, in a professional capacity, the Monitoring Officer felt it prudent, to avoid any perception of bias, to appoint an external independent Investigating Officer to prepare a report on her behalf and Mr Alex Oram of CH&I Associates was appointed.
- 5.8 Mr Oram provided an Investigator's report in early August 2020 and it can be found at Appendix 6 to this report. The Joint Governance Committee will note that the conclusion of Mr Oram is that although he raises some concerns about Cllr Parkin's conduct, and offers some advice, he concludes Cllr Parkin did not fail to comply with the Code of Conduct but stresses that this was a finely balanced decision.
- 5.9 Upon receipt of the Investigator's report, the Monitoring Officer consulted once again with the Council's Independent Person, Mr Simon Norris-Jones. Mr Norris-Jones' comments are set out at Appendix 7 to this report. Members of the Joint Governance Committee will note that the Independent Person's view was that to aid public transparency and support the principles of the Localism Act 2011, where an investigation has a finely balanced conclusion, the matter should properly be determined by an appropriate local Sub-Committee of the Council.
- 5.10 The Monitoring Officer carefully considered the Investigator's recommendation, together with the Independent Person's views. The Monitoring Officer was mindful of the fact that the Standards Procedure Rules provide her with the authority to simply dismiss the complaint at this stage, in light of the finding of no breach. However, the Monitoring Officer was mindful of the finely balanced conclusion of the investigator, and of the concerns raised about the investigation by the Independent Person. The Monitoring Officer was also mindful of section 27 of the Localism Act which places a statutory obligation on the Council to promote and maintain high standards of conduct by Members. At Adur & Worthing Councils, the body of the Councils have chosen to discharge this statutory function by delegating it to the Joint Governance Committee and the Constitutions provide in Part 3 that the terms of reference of the Joint Governance Committee include upholding high standards of conduct and ethics of Councillors. In circumstances where the investigation is a finely balanced decision, with contrary views and general concerns raised by the Council's

Independent Person, about a serious allegation, made by nine individuals, including members of the public, against a senior Member, with high public profile, involving complex issues, the Monitoring Officer considered it inappropriate to exercise her delegation. The Monitoring Officer's view is that the intention of the Localism Act is that Members' conduct is considered and dealt with transparently by their local peers, that there is a statutory obligation upon Members to uphold high standards and ethics amongst the Members of their Authorities, that the Council has delegated this function to Members of the Joint Governance Committee, and that the Joint Governance Committee is responsible for determining allegations that have been investigated and that it is appropriate for their Sub-Committee to determine this complaint and be accountable for their decision.

5.11 The Monitoring Officer has prepared a draft procedure for the hearing which is in compliance with the Standards Procedure Rules. The Determination Hearing must support the principles of natural justice and human rights legislation and must in particular ensure that the Subject Member has a fair hearing, has the right to be represented, and to consult appropriately and seek advice from his representative; it must ensure that all parties have the right to be heard, and that all parties have the opportunity to question each party's witnesses, as well as enabling the Sub-Committee to question any parties and their witnesses; the procedure must also provide for the Independent Person to have the opportunity to provide their views and indeed it is a statutory requirement for the Sub-Committee to take account of the Independent Person's views. Members of the Sub-Committee will be asked to consider the draft procedure at the beginning of the Committee meeting.

5.12 Members will also be asked to consider whether they wish to exclude the press and public from the meeting. They can only do so if firstly they consider exempt information will need to be discussed and secondly if they consider the public interest test and conclude that the public interest in maintaining the exemption outweighs the public interest in the Councillor's conduct. Members of the Joint Governance Committee are urged to consult with the Legal Advisor to the Committee on both exempt information and the public interest test before reaching a conclusion.

5.13 The Monitoring Officer only intends to call one witness on behalf of the Council; Mr Alex Oram, Investigating Officer. By way of his witness

statement Mr Oram submits his investigator's report at Appendix 6. It appears from the Investigator's report that the facts of this matter, in terms of the comments allegedly made by Cllr Parkin at the Adur District Council meeting on 21st May 2020, are not in dispute, and it is therefore considered that the Complainants cannot add anything by way of evidence were they to be called as witnesses to the matter.

- 5.14 The Subject Member, Cllr Parkin, has notified the Council that he will be represented by Mr Kevin Jenkins. The Subject Member has not notified the Council that he intends to call any witnesses.

6.0 Engagement and Communication

- 6.1 The Monitoring Officer has regularly consulted with the Council's Independent Person throughout this matter. Comments relating to this consultation can be found in paragraph 5 above and Appendix 7 to the report.

7.0 Financial Implications

- 7.1 There are no financial implications arising from this report. Costs were incurred in commissioning an Investigator's report but this was within budget.

8.0 Legal Implications

- 8.1 The Localism Act 2011 introduced new processes for maintaining high standards of conduct and ethics in local government.
- 8.2 Section 27 Localism Act 2011 places local authorities under a duty to promote and maintain high standards of conduct amongst their Members.
- 8.3 Section 27 Localism Act 2011 required local authorities to adopt a code of conduct. Adur District Council has adopted a Code of Conduct which forms part of its Constitution and is reproduced as Appendix 1 to this report.
- 8.4 Section 28 Localism Act 2011 requires that local authorities have in place arrangements for investigating allegations of breaches of the Code. Adur & Worthing Councils have adopted Standards Procedure Rules which govern the procedure for investigating such allegations;

they form part of each Council's Constitution and are attached as Appendix 5 to this report.

- 8.5 Section 28(7) provides that a local authority's arrangements must include the appointment of at least one Independent Person whose views must be sought, and taken into account, by the Authority before it makes its decision on an allegation that it has decided to investigate. The Joint Governance Sub-Committee is therefore statutorily obliged to take account of the views of the Independent Person present at the hearing.
- 8.6 The Local Authorities (Executive Arrangements)(Meeting and Access to Information)(England) Regulations 2012 provide some circumstances where information may be deemed to be exempt, and therefore potentially not disclosed to the public, subject to the public interest test. Consequently, some information in the appendices to the report may have been redacted where it contains exempt information, which is not material nor relevant to the Committee's decision.

Background Papers

Adur District Council Constitution
Equality Act 2010
Localism Act 2011

Officer Contact Details

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Sustainability & Risk Assessment

1. Economic

Matter considered and no issues identified.

2. Social

2.1 Social Value

Matter considered and no issues identified.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no issues identified.

2.4 Human Rights Issues

The Subject Member has the right to a fair hearing before the Standards Sub-Committee. The hearing will be conducted in accordance with the principles of natural justice.

3. Environmental

Matter considered and no issues identified.

4. Governance

The meeting of the Sub-Committee of the Joint Governance Committee will be held in accordance with the Councils' constitutional and governance arrangements.

THE CODE OF CONDUCT FOR MEMBERS

1.0 INTRODUCTION

- 1.1 Each Member is a representative of Adur District Council or Worthing Borough Council and the public will view that Member as such, and therefore, a Member's actions impact upon the Council as a whole and its reputation; a Member's actions can have both positive and negative impacts on the Councils.
- 1.2 This Code of Conduct is based upon the 'Nolan Principles: The Seven Principles of Public Life' and also encompasses the legislative framework of the Localism Act 2011.

2.0 INTERPRETATION

In this Code:

- 2.1 'Meeting' means any meeting of:

- The Full Council;
- The Executive of the Council;
- Any Committee, Sub-Committee, Joint Committee of the Council; and
- Any other meeting involving Members and/or Officers and/or the public,

whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.

- 2.2 'Member' includes:

- a Co-opted Member;
- an Elected Member;
- an appointed Member; and
- an Independent Person.

3.0 SCOPE OF THE CODE OF CONDUCT

- 3.1 This Code applies to all Members of Adur District Council and all Members of Worthing Borough Council.
- 3.2 It is each individual Member's responsibility to comply with the provisions of this Code.

3.3 The Code applies whenever a Member:

- Conducts the business of Adur District Council or Worthing Borough Council; or
- Acts, claims to act or gives the impression they are acting as a representative of Adur District Council or Worthing Borough Council; or
- Acts, claims to act or gives the impression they are acting in their official capacity as a Member of Adur District Council or Worthing Borough Council.

3.4 Where a Member acts as a representative of Adur District Council or Worthing Borough Council:

- on any other body, they must, when acting for that other body, comply with Adur District Council or Worthing Borough Council's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4.0 GENERAL OBLIGATIONS AS TO CONDUCT

4.1 All Members must act in accordance with the Nolan Principles: the Seven Principles of Public Life:

- 4.1.1 **Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- 4.1.2 **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- 4.1.3 **Objectivity:** In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- 4.1.4 **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- 4.1.5 **Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

- 4.1.6 **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- 4.1.7 **Leadership:** Holders of public office should promote and support these principles by leadership and example.
- 4.2 A Member must treat others with respect and not engage in conduct which amounts to harassment, intimidation or bullying.
- 4.3 A Member must not conduct themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of Members.
- 4.4 A Member must ensure that they are aware of and comply with the requirements that the Bribery Act 2010 places on a Member and on the Council as a whole.
- 4.5 A Member must not disclose the information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where:
- 4.5.1 they have the consent of a person authorised to give it; or
 - 4.5.2 they are required by law to do so; or
 - 4.5.3 the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - 4.5.4 the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (c) the Member consulted the Monitoring Officer prior to its release.
- 4.6 A Member must not prevent another person from gaining access to information to which that person is entitled by law.
- 4.7 A Member must not conduct themselves in a manner which is contrary to the Council's duty under the equalities legislation.
- 4.8 When using, or authorising the use by others, of the resources of Adur District Council or Worthing Borough Council, a Member must:
- 4.8.1 act in accordance with the Council's reasonable requirements, procedures, policy and Constitution, including the requirements of the Council's Internet and Email Policy; and
 - 4.8.2 make sure that such resources are not used improperly for political purposes (including party political purposes); and

- 4.8.3 have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986, and the Protocol on the Pre-Election period.
- 4.9 A Member must comply with the provisions of the adopted Adur District Council and Worthing Borough Council Protocol for Relationships within the Council.
- 4.10 A Member must comply with the provisions of the formally adopted Constitution of the Council of which they are a Member.
- 4.11 A Member must comply with the provisions of the Adur District Council and Worthing Borough Council Social Media Policy.
- 4.12 A Member must not do anything that brings the Council into disrepute.

5.0 OBLIGATIONS AS TO INTERESTS

All Members must comply with their obligations in respect of any interests in accordance with this Code; failure to do so will amount to a breach of the Code.

5.1 Scope

All interests, including those set out at 5.2, 5.3 & 5.4 below, relate to the interests of:

- 5.1.1 a Member; or
- 5.1.2 the partner of a Member, which includes:
- spouse or civil partner; or
 - a person with whom they are living as husband or wife; or
 - a person with whom they are living as if they are civil partners; or
- 5.1.3 a person who is a relevant person to a Member, which includes:
- a member of the Member's immediate family (child, parent, grandparent, sibling); or
 - any person with whom the Member has a close association; or
 - any person or body who employs or has appointed the Member, a member of their immediate family or any person with whom they have a close association; or
 - any Firm in which the Member, a member of their immediate family or any person with whom they have a close association are a Partner, or any Company of which they are Directors; or
 - any person or body in whom the Member, a member of their immediate family or any person with whom they have a close association, have a beneficial interest in a class of securities exceeding the nominal value of £25,000 or 1% of the total of that class of securities.

5.1.4 Obligations relating to interests of those other than the Member themselves, for example family or relevant persons, only apply where the Member is aware or ought reasonably to be aware of the existence of the interest.

5.1.5 Members obligations in respect of interests apply to those that arise in either the Borough of Worthing or the District of Adur regardless of whether the Member is a Member of Adur District Council or Worthing Borough Council.

5.2 Disclosable Pecuniary Interests

Disclosable Pecuniary Interests (DPI's) and their application are governed by the Localism Act 2011. Interests which fall within these provisions are reproduced at Appendix 1 to this Code.

5.3 Personal Interests

5.3.1 A Member has a personal interest in any business of the Council:

- (a) Where that business relates to, or is likely to affect, any body of which they are a Member or in a position of general control or management and to which they are appointed or nominated by the Council; or
- (b) Where that business relates to, or is likely to affect, any body of which they are a Member or in a position of general control or management that exercises functions of a public nature, is directed to charitable purposes or one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union).
- (c) Where a decision in relation to that business might reasonably be regarded as affecting their wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, rate payers or inhabitants of the Ward affected by the decision.

5.4 Prejudicial Interests

5.4.1 Where a Member has a personal interest in any business of the Council, they also have a prejudicial interest in that business where the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and where that business:

- (a) affects the Member's financial position or the financial position of a member of their immediate family or any person with whom they have a close association; or

- (b) relates to the determining of any approval, consent, licence, permission or registration in relation to them or a member of their immediate family or any person with whom they have a close association.

5.5 Notification

- 5.5.1 Within 28 days of their election or appointment to office (whichever is the later), each Member must notify the Monitoring Officer, in writing, of any disclosable pecuniary interests, personal interests or prejudicial interests they may have, for inclusion in the Register of Interests.
- 5.5.2 A Member must, within 28 days of becoming aware of any new interest or change of any interest, notify the Monitoring Officer, in writing, of the details of that new interest or change.

5.6 Register of Interests

- 5.6.1 Any interests notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection during normal office hours and will be published on the Council's website.

5.7 Sensitive Interests

- 5.7.1 Where a Member considers that disclosure of the details of a disclosable pecuniary, personal or prejudicial interest, on a copy of the Register made available for inspection and published, could lead to them, or a person connected with them, being subjected to violence or intimidation, they should make application in writing to the Monitoring Officer for the interest to be determined as being a sensitive interest.
- 5.7.2 Where a Member has an interest which has been determined as being sensitive, copies of the Register that are available for inspection and any published version of the Register will exclude details of the interest, but state that the Member has an interest, the details of which are withheld.
- 5.7.3 Where the interest is a disclosable pecuniary interest the details will be withheld under Section 32(2) of the Localism Act 2011, and where a personal or prejudicial interest the details will be withheld at the Monitoring Officer's discretion.

5.8 Disclosure

- 5.8.1 Subject to paragraph 5.8.2 below, if a Member is present at a meeting and has a disclosable pecuniary interest, a personal interest or a prejudicial interest, in any matter to be considered at that meeting, the Member must disclose to the meeting the existence and nature of that interest at the commencement of the meeting, or immediately the interest becomes apparent (whichever is the sooner).

5.8.2 Where a Member is present at a meeting and has a disclosable pecuniary, personal or prejudicial interest which has been determined as being sensitive in accordance with paragraph 5.7 above, in any matter to be considered at that meeting, the Member must disclose to the meeting the existence of the interest must not the nature of it.

5.9 Participation

5.9.1 Subject to paragraphs 5.9.2 and 5.9.3 below, if a Member is present at a Meeting and has a disclosable pecuniary interest or a prejudicial interest in any matter to be considered or being considered at the meeting:

- (a) the Member may not participate in any discussion of the matter at the meeting; and
- (b) the Member may not participate in any vote taken on the matter at the meeting.
- (c) the Member is required to leave the room where the meeting is held while any discussion or voting takes place.

5.9.2 Where a Member has a disclosable pecuniary interest or a prejudicial interest in any business of the Councils, they may attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and the Member leaves the room where the meeting is held immediately after making representations, answering questions or giving evidence, prior to any debate, discussion or vote on the matter.

5.9.3 Paragraph 5.9.1 above does not apply where a Member is present at a meeting and has a prejudicial interest in the business being considered at that meeting, where the business relates to the functions of the Council in respect of:

- (a) Housing, where they are a tenant of your Council, provided that those functions do not relate particularly to their tenancy or lease;
- (b) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where they are in receipt of, or are entitled to, the receipt of such pay;
- (c) An allowance, payment or indemnity given to Members;
- (d) Any ceremonial honour given to Members; and
- (e) Setting Council Tax or a precept under the Local Government Finance Act 1992.

5.9.4 Where an Individual Executive Member may discharge a function alone and becomes aware of a disclosable pecuniary interest or prejudicial interest in a matter being dealt with or to be dealt with by him/her, the Executive Member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, nor seek to improperly influence any decision about the matter. Where a Member has a personal interest in any business of the Council and they have made an Executive Decision in relation to that business, they must ensure that any written statement of that decision records the existence and nature of that interest.

5.10 Dispensations

The Monitoring Officer may grant a Member a dispensation, but only in limited circumstances, to enable them to participate and vote on a matter in which they have a disclosable pecuniary interest. Applications for dispensations should be made to the Monitoring Officer in writing at least 10 working days before any anticipated involvement in a decision in connection with which the Member has an interest.

5.11 Offences

5.11.1 It is a criminal offence, in accordance with the Localism Act 2011 to:

- (a) Fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of a Member's election;
- (b) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the Register;
- (c) Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the Register that they have disclosed to a meeting;
- (d) Participate in any discussion or vote on a matter in which a Member has a disclosable pecuniary interest;
- (e) As an Executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest; and
- (f) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

5.11.2 The criminal penalties available to a Court are to impose a fine and disqualification from being a Councillor for up to 5 years.

6.0 INTERESTS ARISING IN RELATION TO OVERVIEW AND SCRUTINY COMMITTEES

In any business before an Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee (or of a Sub-Committee or Panel of such a Committee), where:

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the Council's Committees, Sub-Committees or Joint Committees; and
- (b) at the time the decision was made or action was taken, a Member was a Member of the Executive, Committee, Sub-Committee or Joint Committee mentioned in paragraph (a) and was present when that decision was made or action was taken,

that Member may only attend a meeting of the Overview and Scrutiny Committee or Joint Overview and Scrutiny Committee for the purpose of answering questions or giving evidence relating to the business, and must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

7.0 PREDETERMINATION OR BIAS

- 7.1 Where a Member has been involved in campaigning in their political role on an issue which does not impact on their personal and/or professional life, they should not be prohibited from participating in a decision in their political role as a Member. However, they must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- 7.2 When making a decision, a Member must consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.
- 7.3 If a Member is not able to comply with paragraph 7.2 above, for example, because they have predetermined the decision or they are biased, they may not take part in the decision; they must leave the meeting room where the decision is being considered, not take part in the debate or vote, and not seek to improperly influence the decision in any way at all.

8.0 COMPLIANCE WITH CONSTITUTION, RULES, STANDARDS AND GUIDANCE

Failure to comply with the requirements of the Council's Constitution or any rule, protocol, corporate standards or guidance issued pursuant to this Constitution shall be deemed to be a breach of this Code.

9.0 REGISTRATION OF GIFTS AND HOSPITALITY

- 9.1 To preserve public confidence, Members are strongly encouraged not to accept any gifts from customers or contractors. It may constitute a serious criminal offence for a Member to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything, or showing favour or disfavour to any person, in their official capacity.
- 9.2 If a Member does accept any gift, hospitality or other benefit, by virtue of being a Member, with a value in excess of £50, or totalling £100 in any municipal year from a single source, they must comply with the Council's requirements to register and declare it, within 28 days of receipt. Such declaration and registration should be made to the Director for Communities for inclusion in the register held by Democratic Services Officers.
- 9.3 It is good practice for a Member to declare any offers of gifts, hospitality or other benefit, received, even if not accepted.

10. PUBLICATION, TRAINING AND REVIEW

- 10.1 This Code of Conduct is formally adopted by both Adur District Council and Worthing Borough Council; it forms part of each Council's Constitution and is made available to the public via the Councils' website.
- 10.2 The Code of Conduct for Members will be reviewed on an annual basis by the Council's Monitoring Officer, when minor and consequential changes may be made under delegated authority. Any significant proposed changes will be considered by the Council's Joint Governance Committee, who have standards and ethics within their terms of reference.
- 10.3 Annual training on the Code of Conduct for Members is provided and all Members must attend at least every 2 years.

Disclosable Pecuniary Interests under the Localism Act 2011

Interests	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant Council) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Council: <ul style="list-style-type: none"> (a) Under which goods or services are to be provided or works are to be executed; and (b) Which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Council for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): <ul style="list-style-type: none"> (a) The landlord is the relevant Council; and (b) The tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> (a) That body (to M's knowledge) has a place of business or land in the area of the relevant Council; and (b) Either: <ul style="list-style-type: none"> (i) The total nominal value of the securities exceeds £25,000 or 100th of the total issued share capital of that body; or (ii) If the share capital of that body is of more

	<p>than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds 100th of the total issue share capital of that class.</p>
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These descriptions on interests are subject to the following definitions:

- (a) 'Body in which the relevant person has a beneficial interest': means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (b) 'Director': includes a member of the committee of management of an industrial and provident society;
- (c) 'Land': includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (d) 'M': means the Member;
- (e) 'Member': includes a Co-opted Member;
- (f) 'Relevant Council': means the Council of which M is a Member;
- (g) 'Relevant Period': means the period of 12 months ending with the day on which M gives a notification for the purposes of Section 30(1) of the Localism Act 2011;
- (h) 'Relevant Person': means M or any other person referred to in Section 30(3)(b) of the Localism Act 2011; and
- (i) 'Securities': means shares, debentures, debenture stock, loans, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a Building Society.

Dear Susan,

We're writing to submit a formal complaint about an incident which took place at the full council meeting on the 21/5/2020. During an exchange Cllr Neil Parkin said,

"I know Councillor Balfe has not liked this all along and we are going to have to put up with him telling us I told you so for the next 10 years, **but at the time none of us knew about somebody eating undercooked bat soup in China, so there we go.** "

We believe there have been breaches of the code of conduct, namely;

4.1.7 Nolan Principles - Leadership: Holders of public office should promote and support these principles by leadership and example.

4.3 A Member must not conduct themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct of Members.

We draw your attention to the Equality Act 2010 sets out the relevant legal principles on what constitutes discrimination:

1) Discrimination :

Part 2, Chapter 1, Section 4 lists race as a protected characteristic

Part 2, Chapter 2, Section 13, Clause 5 states that "If the protected characteristic is race, less favourable treatment includes segregating B from others."

Part 2, Chapter 2, Section 19, Clause 1 states that indirect discrimination occurs when "A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's."

2) Obligations on public authorities :

Part 11, Chapter 1, Section 149, Clause 1 of the Equality Act 2010 states that:

"A public authority must, in the exercise of its functions, have due regard to the need to

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

3) Conclusion

As outlined above, the Equality Act 2010 sets out the relevant legal principles on what constitutes discrimination. It also sets out the obligations on public authorities.

We believe Cllr Parkin portrayed the people of China as being responsible for the current pandemic as a result of their eating habits (unproven), and has failed in his obligation to have due regard to the public sector equality duty contained at section 149 of the Act.

Find attached the LGA equality framework. Please note 7.2 and in particular **Senior leaders demonstrate knowledge and commitment to equality issues. They ‘walk the talk’.**

Cllr Zeglam’s complaint was genuine and legitimate, and therefore the contention from Cllr Parkin that it was politically motivated serves only to belittle Cllr Zeglam and his right to object on matters of equality.

We believe that this is not the kind of language appropriate at a public meeting. As members we are expected to be held to a higher standard. We have a responsibility to think about how others interpret our comments – sometimes, sadly, as a green light for abuse.

We need to consider the context of a significant spike in hate crime towards Asians in the UK since the pandemic began. We’ve seen examples locally with the anti-Chinese graffiti that appeared on Shoreham’s riverwalk recently, and reports about incidents at the Chinese wholesaler in Southwick Square.

The words spoken rely on stereotypes, and by perpetuating such rhetoric, Cllr Parkin is encouraging negative stereotyping, which at the very least won’t help the council to foster positive relationships between communities. We believe that it’s in the best interests of the council for Cllr Parkin to retract his statement and take remedial action.

Cllr Lee Cowen
Cllr Debs Stainforth
Cllr Lavinia O’Connor
Cllr David Balfe
Cllr Catherine Arnold
Cllr Sami Zeglam
Cllr Barry Mear



Equality Framework for Local Government (EFLG) 2020 Version



Introduction

The Equality Framework has been updated to reflect the latest legislation affecting equality such as Gender Pay Gap reporting, GDPR, the changing context of the local government sector and equality in Britain and in response to other significant issues that might affect equality including the UK's decision to leave the European Union.

The equality framework is intended to help Councils:

- deliver accessible and responsive services to customers and residents in their communities including those from protected characteristics
- employ a workforce that reflects the diversity of the area they are serving
- provide equality of opportunity for all staff
- Meet the requirements of the Public Sector Equality Duty

It seeks to do this by:

- Identifying the areas of activity that Councils need to be address to deliver good equality outcomes
- Helping Councils to understand how they can build equality into processes and practices
- supporting organisations to become inclusive employers
- Enabling Councils to informally self-assess their progress on the equality improvement journey and determine where and how they need to improve.
- Providing the framework for an LGA Equality peer challenge

Underlying Principles

- The EFLG is part of the LGA's sector led improvement offer to the local government sector and as such engagement with the Framework is voluntary.
- The Framework can help with compliance with the Public Sector Equality Duty which is a legal obligation of the Equality Act 2010.
- The Framework references the nine legally protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. It also encourages Councils to consider other issues that might be affecting their staff such as caring responsibilities as well issues affecting communities such as socio-economic inequality and isolation including rural isolation
- The EFLG is supportive of the EHRC's six selected domains of equality measurement which it has identified as the areas of life that are important to people and that enable them to flourish. They are: Education, Work, Living standards, Health, Justice and personal security, and Participation
- The modular design of the Framework reflects the fact that Councils come in all shapes and sizes with different resources, communities and priorities. It recognises that action on all equality issues at once is not always possible.
- The Framework supports the LGA's Equality Peer Challenge

The Framework sets out four modules for improvement underpinned by a range of criteria and practical guidance that can help a Council plan, implement and deliver real equality outcomes for employees and the community. The four modules are:

- **Understanding and working with your communities**
- **Leadership and Organisational Commitment**
- **Responsive Services and Customer Care**
- **Diverse and Engaged Workforce**

For each module there are three Levels. Developing; Achieving and Excellent. The levels are progressive and cumulative so an organisation can plan and chart its progression against different priorities. Councils can be at different levels of the framework for different modules.

Developing - The developing level criteria contain the basic building blocks for each priority. An organisation at the Developing level has made an organisational commitment to improving equality. It is putting in place processes to deliver on equality issues and is working towards meeting and exceeding the statutory requirements.

Achieving - An organisation at the Achieving level has policies, processes and procedures in place and is delivering some good equality outcomes. It is not only meeting, but can demonstrate exceeding statutory requirements.

Excellent - An organisation at the Excellent level has mainstreamed equality throughout the organisation and can demonstrate that it is delivering significant outcomes across its services that are making a difference in its communities. The organisation not only exceeds statutory requirements and it is an exemplar council for equality and diversity in the local government and wider public sector.

The modules contain a number of themes, each with short descriptor at each level of the framework. This is followed by a set of indicators or criteria that can be used to self-assess.

Understanding and Working with your Communities	Leadership and Organisational Commitment
Collecting and sharing information	Leadership
Analysing and using data and information	Priorities and working in partnership
Effective community engagement	Assessing equality impact in policy and decision taking
Fostering good community relations	Equality objectives and annual reporting
Participation in public life	Performance monitoring and scrutiny
Responsive Services and Customer Care	Diverse and Engaged Workforce
Commissioning and procuring services	Workforce diversity
Integration of equality objectives into service planning	Inclusive strategies and policies
Service delivery	Collecting, analysing and publishing workforce data
	Learning and development
	Health and wellbeing

Understanding and Working with your Communities		
Developing	Achieving	Excellent
Collecting and Sharing Information		
<p>1.1 The organisation has gathered and published information and data on the profile of its communities and the extent of inequality and disadvantage. Plans are in place to collect, share and use equality information with partners.</p>	<p>1.2 Relevant, proportionate and appropriate information about the local communities and their protected characteristics is being gathered. Information is shared across the organisation and with partners</p>	<p>1.3 A comprehensive set of information about local communities/protected characteristics needs and outcomes is regularly updated and published and used to identify priorities for the local area</p>
Criteria		
<p>The organisation is clear about what sources of information (both local and national) are relevant and useful.</p> <p>The organisation knows what information is already being collected – internally and by its partners, including voluntary and community sector stakeholders?</p> <p>Some information and data has been gathered and published.</p> <p>The organisation is working with its partners to ensure information is shared effectively.</p> <p>Partners ensure efficient collection of data that avoids duplication.</p> <p>The authority is compliant with GDPR legislation in its collection, analysis storage and use of data and information</p>	<p>Information is disaggregated and analysed on the basis of different communities, including those sharing protected characteristics.</p> <p>Quantitative and qualitative research methods are used to gather data and information</p> <p>National and regional data is used and analysed.</p> <p>Information from ward councillors is gathered in a systematic way.</p> <p>Data is easily accessed, shared and used by departments across the organisation.</p> <p>The organisation is working with partners to address identified gaps in information. Data is disaggregated using the same or similar categories.</p> <p>Information is being shared to identify and measure equality gaps and to inform outcomes for the area.</p> <p>There are robust and effective protocols in place for sharing information between partners and to ensure data protection</p>	<p>The Council is working with partners to continuously develop new and innovative data sharing platforms.</p> <p>The organisation has a sophisticated understanding of the difference between the equality profile of their local area and how that translates to inequalities for different groups.</p> <p>Changing needs are identified and prioritised across a wide range of services and outcomes by, for example, referring to the Equality and Human Rights Commission's Equality Measurement Framework</p> <p>Data is regularly updated and used to set priorities across the organisation and in different services, by geographical area and by protected characteristic.</p> <p>There is evidence of a continuous improvement of the quality of the data.</p> <p>The organisation is working with partners to ensure that changing needs are identified and met.</p> <p>Voluntary and community sector partners/health colleagues and stakeholders access and use the information.</p>

	Information is being captured about health inequality.	
Analysing and using data and information		
2.1 Systems are being developed to analyse soft and hard data/intelligence about communities, their needs and aspirations.	2.2 Information and data is disaggregated and analysed to support the assessment of local need, impacts of changes to services and priorities.	2.3 Up to date and comprehensive equality data is used regularly to plan and assess impacts of decisions.
Criteria		
<p>The organisation is developing and improving systems for collating and analysing the different sets of data being collected.</p> <p>Information is collected by front-line staff or key decision makers and taken account of.</p> <p>The authority is compliant with GDPR legislation, analysis and use of data and information</p>	<p>Data is used to inform the setting of relevant equality objectives, and these are regularly monitored.</p> <p>Data is used in service planning, commissioning and decision making.</p> <p>Data is continuously gathered and analysed.</p> <p>Information is disaggregated in a meaningful way, by relevant protected characteristic and other factors (such as deprivation or rurality) and analysed on a regular basis. Information is used to identify and prioritise on the basis of need.</p> <p>Information and data is used effectively as part of impact assessment/ risk assessment and giving due regard to the public sector equality duty.</p>	<p>The organisation and its partners are using data in the most innovative ways such as predictive analytics to target service interventions</p> <p>Data is being used to predict and measure demand for services</p> <p>Achievement of outcomes are measured and there is evidence of gaps being narrowed.</p> <p>Performance is monitored against equality objectives and outcomes including procured and commissioned services, and with key partners and other stakeholders.</p> <p>Equality outcomes for commissioned and procured services are monitored and reported on.</p>

Effective Community Engagement		
Developing	Achieving	Excellent
<p>3.1 Inclusive community engagement structures are being developed throughout the organisation. There are opportunities for communities to be involved in decision making.</p>	<p>3.2 Engagement mechanisms and structures are in place to involve equality stakeholders and scrutinise service delivery, decision-making and progress. The organisation engages with all its communities when making decisions, including those with protected characteristics</p>	<p>3.3 Formal and informal interactions takes place between the organisation and its diverse communities. Communities from across the protected groups are actively participating in and influencing decision making.</p>
Criteria		
<p>The organisation has an engagement strategy. It is clear about different levels of engagement (i.e. informing, consulting, participating, co-producing) and when these are appropriate.</p> <p>Engagement structures are in place</p> <p>There are opportunities for protected groups to be engaged with decision making.'</p> <p>The organisation can evidence examples of these opportunities.</p> <p>Shared engagement structures/mechanisms are in development with partners.</p> <p>There are some shared engagement activities with partners.</p>	<p>People from protected groups are encouraged and enabled to participate in decision making.</p> <p>A range of engagement methodologies are used.</p> <p>Priorities have been changed as a result of engagement with a clear and demonstrable evidence basis.</p> <p>The organisation and partners engage collectively/share information and results of engagement activities to ensure that particular groups are not being over consulted with.</p> <p>There is an increase in the involvement of underrepresented groups.</p> <p>Engagement with the community and voluntary sector and the wider community effectively inform decisions.</p> <p>There are processes and plans throughout the organisation and with partners to</p>	<p>There are a range of innovative approaches to involving communities and arrangements are made to meet specific or individual needs.</p> <p>Vulnerable people/ communities are participating including the hardest to reach in the community.</p> <p>There is evidence that mainstream engagement mechanisms are increasingly involving previously under-represented groups.</p> <p>Communities are encouraged or supported to influence or make decisions.</p> <p>Staff and stakeholders are able to describe levels of influence within the community and changes made as a result.</p> <p>Key decision makers are involved in the engagement process.</p> <p>There is evidence of partnership arrangements leading to improved outcomes in participation.</p>

	<p>increase stakeholder and voluntary and community sector involvement in informing priorities.</p> <p>Feedback is given and people in the community are able to challenge and have their views taken account of.</p>	<p>Partners are open to challenge and constructive criticism.</p> <p>Where there is very limited or no actual representation within a local demographic, the ability to cater for difference is in evidence.</p>
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Fostering good community relations		
<p>4.1 Structures are in place within the organisation and across partnerships to understand community relationships and map community tensions.</p>	<p>4.2 The organisation and its partners have a strong understanding of the quality of relations between different communities and collectively monitor relations and tensions. The organisation and its partners are actively engaged in planning and delivering activities that foster good relations.</p>	<p>4.3 The organisation takes a sophisticated approach to fostering good relations which has resulted in measurable improvements in relationships between diverse communities</p>
Criteria		
<p>There are joint partnerships responsible for monitoring community tensions.</p> <p>The Community Safety Strategy addresses the issue of community cohesiveness</p> <p>Council leaflets/ posters/ communications/ events promote positive relations.</p>	<p>Harassment and hate crimes are monitored and analysed regularly</p> <p>Appropriate action is taken to address the issues that have been identified.</p> <p>Members play a role in monitoring community relations and reporting intelligence</p> <p>Data is available, and is it disaggregated to cover the protected characteristics.</p> <p>Data is regularly analysed and acted upon.</p> <p>Stakeholders and communities are involved in the monitoring.</p>	<p>Information is available to show there has been an improvement in community relations.</p> <p>The organisation works with others to improve performance on good relations between diverse communities.</p> <p>The Council's leaders maintain a high profile on community relations. The Council makes use of Members' links with different communities depending on circumstances.</p> <p>The Council plays a leading role in bringing the partners and the community together if there are serious incidents of hate crime.</p> <p>There is obvious and demonstrable cross over between equality, diversity and community cohesion</p>

Participation in public life		
<p>6.1 The organisation has a clear understanding of the level of participation in public life by different communities/protected characteristics. This can include involvement in local democracy and representation e.g. school governors, councillors, board members of voluntary/statutory sector organisations.</p>	<p>6.2 Local people are encouraged to participate in public life or in other activities where they are under-represented. The Council uses a range of different methods and it is able to innovate and find new ways to extend participation in certain communities.</p>	<p>6.3 There is an improvement in the participation rates of under-represented groups in public life. The organisation can demonstrate that people across a range of protected characteristics are able to influence decisions</p>
Criteria		
<p>Information/data is gathered about the extent of involvement in public life</p>	<p>The organisation actively informs and involves local people, including under-represented groups, in opportunities for public participation.</p> <p>Outreach work or public campaigning has been undertaken to increase levels of participation by protected groups.</p>	<p>There is evidence that improvements have been achieved.</p> <p>More people from under-represented groups are participating across a wider range of activities.</p> <p>Decision makers are from a wider range of backgrounds.</p>

Leadership and Organisational Commitment		
Developing	Achieving	Excellent
Leadership		
<p>7.1 The political and executive leadership have publically committed to reducing inequality, fostering good relations and challenging discrimination.</p>	<p>7.2 Political and executive leaders demonstrate personal knowledge and understanding of local communities and continue to show commitment to reducing inequality.</p>	<p>7.3 Leaders have gained a reputation within the community and with all of its partners for championing equality, balancing competing interests and fostering good relations.</p>
Criteria		
<p>Senior leaders in the organisation have stated their commitment to a diverse workforce and have made clear what is expected from staff when delivering services to the community</p> <p>Leadership on equality is demonstrated in a way that is recognised and understood by the organisation and local communities.</p> <p>Leaders have publicly committed to improving equality in their area.</p> <p>The organisation has established and publicised a strong business case for its equality work.</p> <p>The organisation regularly communicates its commitment to promoting equality to staff and the community</p> <p>There is evidence that publications reflect the organisation's commitment to equality and fostering good relations.</p>	<p>Senior leaders can demonstrate their commitment to equality in decision making and how this informs the way the organisation responds to challenges</p> <p>Senior leaders demonstrate knowledge and commitment to equality issues. They 'walk the talk'</p> <p>There is evidence that equality considerations inform their decision making.</p> <p>Senior leaders understand the value and impact good communications can have and ensure that publications, websites and other communications channels are as diverse as possible</p> <p>The organisation promotes a positive narrative around equality and good relations across the whole community</p> <p>There are examples of where the organisation and its partners have had to take unpopular decisions but still managed to keep local communities on board.</p> <p>The organisation has taken steps to counter negative stereotypes or dispel myths.</p>	<p>The organisation is able to show that even when making difficult decisions it continues to demonstrate a clearly articulated and meaningful commitment to equality.</p> <p>Senior leaders have and own clear knowledge of local equality priorities and how and why they are being addressed.</p> <p>Senior leaders act as ambassadors for the equality agenda.</p> <p>Senior leaders personally challenge inequalities and drive an improvement agenda.</p> <p>Staff, the community or the voluntary and community sector can offer good examples of how effective communication and engagement with the Council has enabled the organisation to prevent or manage tensions between different equality groups.</p> <p>The organisation plays a role in ensuring that all stakeholders collectively manage the conflicting needs of their communities.</p>

Priorities and Partnership Working		
8.1 Partnership working arrangements are being reviewed with the voluntary and community sector and the wider community to ensure that local equality priorities are addressed	8.2 There is a coherent, shared vision of equality for the local area, with clear priorities which have been agreed and understood by all key stakeholders, including the voluntary and community sector.	8.3 The organisation can demonstrate success in working with partners in the public, private, community and voluntary sectors to address equality priorities, which are reviewed on a regular basis.
Criteria		
<p>Corporate and partnership documents capture the commitment of the organisation and partners to equality.</p> <p>Equality objectives are reflected in local strategic planning.</p>	<p>There are shared equality priorities, objectives and outcomes for the local area which are understood and acted on at all levels within the organisation.</p> <p>There is a clear shared vision for the area.</p> <p>The organisation and its partners monitor, review and evaluate performance against equality priorities, including inequality and health inequality</p> <p>The results of these activities contribute directly to the development of the organisation's objectives.</p>	<p>Staff, the community or the voluntary and community sector give good examples of improved outcomes/ reduced inequality/ improvements in health inequality</p> <p>Review mechanisms are in place.</p> <p>There is evidence that cross-organisational learning is taking place.</p> <p>The community and voluntary sector say that they are treated as equal partners by the Council.</p>

Assessing Equality Impact in Policy and Decision Making		
9.1 Due regard is taken to the aims of the general equality duty when making decisions and when setting policies	9.2 Equality analysis/ impact assessment is integrated systematically into planning and decision making across the organisation.	9.3 The organisation can demonstrate that improvements in equality outcomes are being delivered as a result of effective equality analysis/ impact assessment, and that negative impacts have been mitigated.
Criteria		
<p>The organisation has an agreed approach to conducting equality analysis/ impact assessment of policy and service decisions.</p> <p>Training and support on equality analysis/ impact assessment is available</p> <p>Impact assessments take account of the views of those affected by the policy or decision.</p> <p>There is a process for ensuring that equality impact assessments are sufficiently robust.</p>	<p>There is senior level commitment to using and understanding equality analysis/ impact assessment to inform planning and decision making.</p> <p>The organisation's assessments are accessible, robust and meaningful.</p> <p>There is evidence that Members routinely take account of equality analysis/ impact assessment when making decisions.</p> <p>Decisions around budget cuts and savings have taken account of cumulative impact.</p> <p>The findings, recommendations and conclusions are shared effectively to inform decisions and planning.</p> <p>Mitigating actions are identified where appropriate</p>	<p>The organisation can demonstrate how equality analysis/ impact assessment has been used to identify needs and improve outcomes/ reduce inequality.</p> <p>The organisation can provide evidence of how or where equality analysis/ impact assessment has informed decision-making and led to different, tailored services that have improved outcomes.</p> <p>The organisation captures information about what budget/service cuts mean to people's lives.</p>

Equality Objectives and Annual Reporting		
10.1 Equality objectives for the organisation have been set and published in accordance with the requirements to support the public sector Equality Duty.	10.2 Specific and measurable equality objectives have been integrated into organisational strategies and plans and action is being taken to achieve them. Outcomes are measured and monitored regularly by senior leaders.	10.3 The organisation can demonstrate a clear link between meeting their equality objectives and positive outcomes for its communities
Criteria		
<p>The specific duty to publish equality objectives has been met</p> <p>Objectives are underpinned by robust equality analysis.</p> <p>Objectives are SMART (Specific, Measurable Realistic, Achievable and Timely)</p>	<p>Equality objectives are integrated into organisational strategies and plans.</p> <p>There is evidence of a link between equality objectives, business planning and performance management.</p> <p>Progress is regularly monitored and reviewed.</p> <p>Members are kept informed of progress against equality objectives</p>	<p>There is evidence that equality objectives have led to improved outcomes for people with protected characteristics</p> <p>Actions to achieve priority outcomes are reviewed and regularly updated.</p> <p>Steps are taken if deficiencies are identified.</p> <p>Stakeholders and staff are involved in the monitoring of objectives.</p> <p>An Annual Equality report is published and shared</p>

Performance Monitoring and Scrutiny		
<p>11.1 Appropriate structures are in place to ensure delivery and review of equality objectives.</p>	<p>11.2 The setting and monitoring of equality objectives is subject to challenge, including through any organisational bodies or groups and the political Overview and Scrutiny process.</p>	<p>11.3 The organisation uses the scrutiny process as a driver for change. The organisation benchmarks its achievements against comparable others and shares its experience in developing good practice.</p>
Criteria		
<p>There is an appropriate and accountable leadership group/ board/ forum who have responsibility for the equality agenda.</p> <p>There are resources for supporting equality work.</p>	<p>The Overview and Scrutiny function is used to scrutinise and challenge equality analysis/ impact assessment objective setting and monitoring?</p> <p>The public are enabled to monitor progress</p> <p>Progress and responses are reported regularly to the leadership of the organisation</p>	<p>The organisation assesses its performance and outcomes against comparable organisations.</p> <p>Review mechanisms are in place.</p> <p>Some outcomes and priorities have changed as a result of Scrutiny review.</p> <p>The organisation is approached on a regular basis to provide examples of, or showcase good practice.</p>

Responsive Services and Customer Care		
Commissioning and Procuring Services		
Developing	Achieving	Excellent
<p>12.1 The organisation ensures that procurement and commissioning processes and practice take account of the diverse needs of clients, and that providers understand the requirements of the public sector Equality Duty.</p>	<p>12.2 Mechanisms are in place to ensure that equality standards are embedded throughout the procurement cycle.</p>	<p>12.3 The organisation can demonstrate that commissioned/ procured services are helping it achieve its equality priorities.</p>
Criteria		
<p>Guidance is available for suppliers on the equality requirements for the procurement and commissioning process.</p> <p>There are standard equality clauses for contracts.</p>	<p>The organisation considers how the public pound is spent in regards to local procurement and influence on the local economy.</p> <p>Specifications take account of the different needs of users, for example through equality analysis/ impact assessments.</p> <p>Monitoring requirements are built into contracts to ensure equality issues are addressed.</p> <p>The organisation has an established Social Value Framework. The Social value of contracts is measured.</p> <p>The performance of sub- contracting arrangements is measured.</p>	<p>There is evidence that contracts are being monitored using quantitative and qualitative analysis. The results are considered by both the supplier and client.</p> <p>There is evidence of providers meeting the organisations equality objectives.</p> <p>Providers understand and can articulate a commitment to equality.</p> <p>The organisation achieves considerable social value from its contracts</p> <p>Local procurement is positively influencing the local economy</p>

Integration of equality objectives into service planning		
<p>13.1 Structures are in place to ensure equality outcomes are integrated into business objectives.</p>	<p>13.2 Equality objectives are integrated into service plans across the organisation, with progress towards them performance managed by key decision makers.</p>	<p>13.3 The organisation can demonstrate that improvements and equality outcomes are being delivered across the business.</p>
Criteria		
<p>Service plans are monitored regularly to ensure that equality objectives are being met.</p> <p>Equality analysis is fed into planning and assessment of service plans.</p> <p>Customer care policies highlight the needs of protected groups.</p>	<p>Objectives address inequality and equality gaps.</p> <p>The needs of protected groups are taken account of.</p> <p>Service users have opportunities to comment on how services are planned.</p> <p>Objectives have specific timescales.</p> <p>Resource implications have been properly assessed.</p> <p>Key decision makers demonstrate that they continuously monitor, review and evaluate performance for equality objectives.</p> <p>Equality integrated into the performance management.</p>	<p>Service Plans are designed and written with equality objectives in mind.</p> <p>Business plans review past performance, demonstrate how past objectives have been achieved, review performance and set new objectives.</p> <p>Gaps have been identified in terms of who may not be using the service and why. Action has been taken to change services in response.</p> <p>There is evidence of improved or improving outcomes, disaggregated where appropriate to demonstrate the effects on different communities/ protected groups.</p> <p>There is evidence that Services are being co-produced with service users.</p>

Service Delivery		
<p>14.1 The organisation has systems to collect, analyse and measure how satisfied all sections of the community are with services.</p>	<p>14.2 There is evidence that services are meeting the needs of a diverse community, and that take up of services is representative of the wider community.</p>	<p>14.3 The organisation has systems in place to use monitoring data and citizen feedback to redesign or adapt services to ensure equity of access, and can demonstrate where this has been done.</p>
Criteria		
<p>There are mechanisms in place for service users to be consulted about service development and delivery</p> <p>Social Value and Collaborative Principles are reflected in the organisations practical service delivery.</p> <p>The organisation is able to analyse and measure whether all sections of the community are able to access services.</p> <p>It is clear who Service users are. Services carry out mapping exercises to identify and review current participation and to highlight gaps.</p> <p>The organisation collects data about user satisfaction with its services. The mapping and satisfaction data collected is disaggregated by different equality groups or vulnerable communities.</p> <p>Complaints are disaggregated by protected groups. There are mechanisms in place to enable staff to introduce business improvements.</p> <p>Appropriate mechanisms are in place to ensure that Human Rights considerations are identified when planning services and that customers and citizens are treated with dignity and respect.</p>	<p>Service users are consulted effectively before services are developed.</p> <p>Issues such as Social Prescription and Social Value are used to measure outcomes which are not delivered by the organisation.</p> <p>Access to and appropriateness of services is monitored regularly by senior leaders and decision makers.</p> <p>Senior leaders and decision makers demonstrate that they continuously review and evaluate access to services.</p> <p>Data about access to services and user satisfaction is used in equality analyses/ equality impacts assessment</p> <p>A scrutiny/ evaluation process of services is in place.</p> <p>Human Rights issues are understood and considered when delivering services to customers and clients.</p> <p>Human Rights guidance is available for staff and decision makers have up to date knowledge.</p>	<p>Services are co-produced with service users wherever possible and service users are able to influence changes</p> <p>Initiatives such as Community Asset Transfers and Community Right to Challenge are in evidence as delivered by local communities instead of the local authority.</p> <p>There is evidence of how levels of customer satisfaction with services have improved over time.</p> <p>Take up of services is representative of the community in proportions that would be expected.</p> <p>There are examples of how different customers' experiences are analysed and acted upon.</p> <p>The organisation has taken steps to safeguard the human rights of individuals where these have been threatened.</p>

Diverse and Engaged Workforce		
Workforce Diversity		
Developing	Achieving	Excellent
<p>15.1 The organisation understands its local labour market, and has mechanisms in place to monitor its workforce against protected characteristics.</p>	<p>15.2 The organisation can demonstrate movement towards greater diversity in its workforce profile compared with previous years, including increasing the levels of previously under- represented groups at all levels of the organisation.</p>	<p>15.3 The organisation actively ensures that the profile of its workforce (including the profile of major providers of commissioned services) broadly reflects the community it serves/local labour market</p>
Criteria		
<p>The organisation is clear about its local labour market.</p> <p>It has begun to identify the steps it needs to take to achieve a diverse workforce. These are reflected in recruitment policies and procedures.</p> <p>The progress of protected groups through the organisational hierarchy is monitored.</p> <p>Equality mapping data is used as part of the analysis</p> <p>Recruitment and selection is monitored at all stages of the process by protected characteristics</p>	<p>Where there is evidence of disproportionality, action is being taken to reverse the trends.</p> <p>Succession plans and recruitment processes address under-representation.</p> <p>Specific and measureable employment targets been set to improve workforce diversity.</p> <p>Selection panels are trained in Unconscious Bias. This includes senior recruitment panels where Members are involved.</p>	<p>There are appropriate examples of positive action to improve diversity.</p> <p>There is evidence that the workforce profile at all levels broadly matches the local labour market/community profile. This is continually monitored.</p> <p>There are reasonable explanations for gaps (e.g. the community profile is constantly changing or largely retired population) and what the organisation is doing about it.</p> <p>Good use is made of flexible working arrangements and career pathway initiatives to address potential barriers and under representation.</p>

Inclusive Strategies and Policies		
<p>16.1 The organisation's workforce strategies and policies include equality considerations and objectives.</p>	<p>16.2 The equality objectives contained within workforce strategies are implemented and monitored.</p>	<p>16.3 Prioritised equality outcomes for the whole workforce are being achieved.</p>
Criteria		
<p>All employment policies and procedures comply with equality legislation and employment codes of practice The organisation's workforce strategy identifies equality issues. Targets and objectives are based on internal monitoring, staff consultation and the assessment of the local labour market and barriers to employment. New/changing employment policies and procedures are assessed for their impact on people with protected characteristics.</p> <p>All employment and training related policies are regularly reviewed.</p> <p>The council is using its workforce data to develop training and development strategies that can support a wider equalities agenda for employees.</p> <p>A range of inclusive structures are in place to engage and involve staff</p>	<p>The organisation has a basic set of policies and practices to enhance workforce equality and diversity including reasonable adjustments, equal pay, flexible working and family friendly policies</p> <p>The equality aspects of the organisation's workforce strategy are being implemented and tracked.</p> <p>When necessary, changes have been made as a result of equality analysis findings.</p> <p>Managers apply policies and practices across the authority in a consistent manner for all staff.</p> <p>Staff are engaged positively in employment and service transformation and in developing new roles and ways of working. Trade unions and partners are involved.</p> <p>The training and development offer supports a wider equalities agenda for the organisation.</p> <p>Training courses and development interventions are meeting the needs of</p>	<p>The organisation has an excellent set of policies and procedures in place which are actively promoted to staff from all protected groups and used by managers to promote equality. Strategic, innovative and holistic approaches have been considered to improve outcomes.</p> <p>Staff are involved in developing and monitoring these policies.</p> <p>Positive and tangible outcomes have been delivered as a result of the implementation of a wide range of policies and practices. The organisation compares well with others.</p> <p>Outcomes are communicated to staff with protected characteristics.</p> <p>The organisation has high satisfaction levels across all staff groups in respect of staff engagement.</p> <p>Training and development strategies are proven to be making a significant difference to the wider equality agenda for employees and for workforce diversity.</p>

	different groups, and are making a difference in getting underrepresented groups of staff up the leadership ladder.	
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Collecting, Analysing and Publishing Workforce Data		
17.1 Systems are in place to collect and analyse employment data across a range of practices (recruitment, training, leavers, grievance and disciplinaries etc).	17.2 The organisation regularly monitors, analyses and publishes employment data in accordance with its statutory duties.	17.3 The authority has a robust and comprehensive set of employment data and uses this to inform its workforce strategy and management practice.
Criteria		
<p>The organisation reports annually on its Gender Pay Gap.</p> <p>People are encouraged to provide data and there are initiatives in place to increase the disclosure of equality information by staff.</p> <p>Diversity monitoring information is separated from recruitment decisions and held securely.</p> <p>GDPR processes are in place and regulations are being met.</p>	<p>Data on applicants, people shortlisted and the composition of the workforce is systematically collected. This can be disaggregated by the protected characteristics.</p> <p>The organisation's Gender Pay Gap is reducing and it is addressing any race pay gap.</p> <p>There is evidence that workforce data is analysed and reported to senior leaders regularly.</p> <p>Workforce information is published to cover basic legal requirements and includes analysis of pay/job evaluation outcomes.</p> <p>There is evidence that the organisation is actively working on reducing its Gender Pay Gap.</p> <p>Action has been taken as a result of monitoring, trends are being identified and used to help establish objectives.</p>	<p>Workforce data includes a wide range of information and protected characteristic profiles including pay levels, training opportunities, appraisal ratings.</p> <p>The organisation considers pay gaps across other areas of inequality such as religion and belief/ race- ethnicity/ age, disability etc.</p> <p>The organisation understand the effects of employment policy and practice on its workforce.</p> <p>The organisation has sufficient information about staff to inform robust equality analysis.</p> <p>The workforce profile is updated regularly.</p> <p>Data is looked at organisationally and service by service.</p> <p>It is possible to analyse data by all the protected characteristics.</p>

Learning and Development		
<p>18.1 The organisation carries out regular assessments of the training and learning and development needs required to ensure its councillors and officers are equipped to understand their equality duties and take action to deliver equality outcomes.</p>	<p>18.2 The organisation provides a range of accessible learning and development opportunities to support councillors and officers in achieving equality objectives and outcomes.</p>	<p>18.3 Decision makers understand the importance of equality when making decisions and in how they use resources. Services are provided by knowledgeable and well-trained staff who are equipped to meet the diverse needs of local communities.</p>
<p>Criteria</p> <p>An assessment has been made as to what equality-related training, learning or development is required</p> <p>Appropriate behavioural competencies have been identified for the workforce.</p> <p>The learning and development plan/strategy take account of equality issues.</p> <p>Induction training for new Members includes equality and all Members are offered Equality training.</p> <p>Appraisal processes ensure staff and managers are aware of their equality-related responsibilities and accountabilities</p>	<p>Equality and diversity forms part of the training and development for key decision makers.</p> <p>There is evidence that equality issues are mainstreamed into all training (e.g. training on customer care</p> <p>Employees are confident that they can deliver services to diverse customers. They are made aware of equality objectives or any changes or improvements.</p> <p>Different methods are used to promote learning to a wide audience (e.g. standard courses, coaching, mentoring)?</p> <p>Management and individual appraisals include specific equality objectives for the service area</p>	<p>Managers and staff are accountable for ensuring equality outcomes. They can give examples of improved equality outcomes they have contributed to.</p> <p>Good performance is recognised in the appraisal process and more generally.</p> <p>Issues relating to protected characteristics and equality practice are challenged confidently and effectively by managers.</p> <p>Staff feel their skills have improved and that they are able to relate effectively with a range of clients.</p> <p>Staff can answer questions about the council's equality priorities.</p> <p>Feedback from service users in protected groups is positive about the skills of staff in dealing with their issues.</p>

Health and Wellbeing		
<p>18.1 The organisation has begun to consider how it can address the key employee health and wellbeing issues</p>	<p>18.2 The organisation promotes the health and well-being of staff in its workforce and other policies</p>	<p>18.3 There is a positive health and wellbeing culture throughout all levels and areas of the service</p>
Criteria		
<p>The organisation uses workforce data and other information from staff to determine what its health and wellbeing priorities are</p> <p>The organisation has assessed all aspects of the working environment to ensure that the needs of all its employees are met</p> <p>A range of inclusive mechanisms are in place to engage and involve staff</p> <p>Policies and systems are in place to identify, prevent and deal effectively with harassment and bullying at work.</p> <p>The organisation has a policy for Reasonable Adjustments for staff and Members and managers are trained to implement it.</p> <p>Occupational health services are provided</p> <p>The organisation has started to address mental health issues in the workplace</p>	<p>There is a coherent Health and Wellbeing Strategy that addresses a range of related issues.</p> <p>Improvements have been made to the working environment.</p> <p>Staff are engaged positively in employment and service transformation and in developing new roles and ways of working.</p> <p>Reasonable Adjustments are provided in a timely fashion consistently across the organisation</p> <p>Occupational health works closely with HR to identify and address absence trends.</p> <p>Managers have received training on mental health awareness and say they are equipped to address staff issues</p> <p>Harassment and bullying incidents are monitored and analysed regularly. Appropriate action is taken to address the issues that have been identified.</p>	<p>Approaches to health and wellbeing are innovative.</p> <p>The organisation has adopted the Social model of disability</p> <p>There have been significant outcomes in the health and wellbeing of all staff including those with protected characteristics.</p> <p>There are high satisfaction levels with the working environment across all staff groups particularly those with protected characteristics.</p> <p>The organisation has high satisfaction levels across all staff groups in respect of staff engagement.</p> <p>Harassment and bullying at work is dealt with effectively and staff say that they are treated with dignity and respect.</p>

RESTRICTED

To Mr. A. Bailey: Chief executive officer of Adur District Council.

I feel I must write to you to make an open complaint with regards to the outrageous, racist and highly inflammatory statement by Neil Parkin, leader of Adur District Council.

It was quoted in the Evening Argus, 1st June online, regarding a council meeting Thursday 21st May with regards to Covid 19 "Chinese eating bat soup".

What we see here clearly is the new forms of racism narrative that cuts across all areas of life from gender to politics coming alive, grafted on different words of different meaning rather than overt.

It was stated by another Cllr at the council meeting that this was a form of casual racism.

Looking into the sub text of what Neil Parkin was saying, is actually a deep form of unconscious racist bias, leading to a conscious racist statement/comment against a particular culture and BAME group seeking to conflate them with the British pandemic. This should not be tolerated in anyway.

Neil Parkin as the Leader of ADC has a high public profile and also is not new in this position. He should know how to speak in the correct tone and political manner, especially in this highly sensitive and highly charged political environment. The Black Lives Matter movement is supported by many residents of our community- be they BAME or White. Such inflammatory comments/statements could lead to acts of violence. We have seen recently in the UK an increase in attacks on Asian and members of the Chinese community as the Evening Argus states, "This month, the Home Office reported a 21 per cent rise in hate crimes against south and east Asian communities, and there have been reports of Chinese people being spat on, verbally abused and assaulted. attacks up by 21%.

It is beyond belief and not true as he suggests "he was not aware of what he said". Only a few weeks ago similar racist slogan was painted on a wall in Shoreham (Covid made in China) was reported by the Shoreham Herald.

I have informed the Chinese Cultural Centre in Brighton who do so much good for the local community and for free who have attended events in Shoreham over time to seek to make a complaint to ADC and the police

We cannot allow racism in any form to be projected on society in this day and age. Silence is not acceptable.

Wayne Green

Thu 09/07/2020 11:38

Dear Ms Sale,

May I gently offer you some background back up evidence that might help all with my complaint regarding Cllr N. Parkin and his racist statement. The evidence is statistical data via the BBC radio 4 podcast with a deep examination of the facts of how the virus entered the UK where where from. DNA Evidence suggests from Europe. Please do view attachment timeline 3.00 to 5.600..

 [_MoreOrLessBehindTheStats-20200701-WhyDidTheUKHa...](#)

Yours Kindly

Wayne Green

Wayne F J Green

A Response to The Independent Report by CH & I Ass 2020

On

Cllr & Leader of Adur District Council

Neil Parkin.

Dear Ms. S. Sale,

May I thank you very much for sending me this confidential Report commissioned by ADC regarding Cllr Neil Parkin, researched and written by CH & I Associates.

I have carefully reviewed the report and there are a few points I would like to gently raise, as well as ask a few questions.

I think it would be interesting to offer a little background of my experience. I have lived in West Sussex for over 56 years and was one of the first ethnic Black, Afro Caribbean to live in the area of Rustington and Littlehampton attending the local schools and growing up as a teenager. I am fully aware of the forms of racisms that exist within the area of West Sussex from the 60s onwards. After much world travel, I settled in Adur area some 20 years ago. I hold a degree in International relations from the School of African & Asian Studies (2002) at the University of Sussex. I focused on Global Political Economy. I have written papers on politics, race and racism from Imperialism to post colonialism to new forms of racisms. My work has led to working as an independent political adviser to the South African High Commission on UK foreign policy on Africa, attending the United Nations General Assembly in New York on the development of Africa Millennium Development Goals. I have been invited to Wilton Park as part of the Commission for Africa and attended international conferences at Oxford University, USA, Middle East and Africa on Interfaith Dialogue which including delivering a paper on globalisation, China Asia and the West. This paper was also used as background evidence to the Lords Committee on Foreign Affairs. I have engaged in Peace talks with EU and Somalia with the then Alliance for The Liberation of Somalia, members included Al-Shabbab leaders, against the TFG. Attendance and advising NATO Political Affairs Division in Brussels on the frozen war with Armenia and Azerbaijan in with the promotion of new gas pipelines to Western Europe to bypass Russia with attendance at meetings at the House of Representatives, Nancy Pelosi office, then speaker of the House of representatives in Washington that also included talks on Human Rights and one million IDPs in Azerbaijan.

Locally in Adur, I have sponsored, planned and put on the first ever conference on Asia China and the West inviting all ASEAN Nations, The ASEAN UK business Forum, and other Asian bodies and ASEAN EU bodies seeking trade & business with Adur. The Event was attended by all embassies and by the Ambassador of Indonesia. The event was held at the Shoreham Centre and St. Mary's Church. I have attended the Chinese Embassy in meetings and have met the former Chinese Ambassador and work locally has led to working with the Chinese Centre in Brighton introducing Chinese cultural training courses to an Adur School. I also have sought to promote business with China, Asean within Adur with For example, regarding Adur/Worthing council some time ago seeking £2billion investment over 25 years for the regeneration of the Harbour area. I met with then ADC, CEO, Ian Lowie and others with SK Lingham President of AEAN UK Business Forum who offered to bring investors subject to key agreement.

For further information on my experience and professional work please do view linkedin [redacted]

After reading the report and examining its context and facts, I do find the report to be flawed and fundamentally lacking a deep examination of key areas raised. Some areas have not even been touched upon by the authors of this report. For example;

1.1). The report consists of 12 pages with much copied and pasted text of verbatim statements, letters and also text copied directly from the ECHR. It comes across as padding out of a report with no real balance of analysis of key areas raised. For example; the report lifts key paragraphs and cites key legal text. Yet any legal expert on Human Rights, will note that the ECHR as a whole document, flows with legal obligations like a stream throughout all the text and all paragraphs not isolated to a paragraph or phrase. In a sense cherry picking the text the authors see fits in their remit for the drafting of this report as directed. The report has over five pages or so of copied text or verbatim like a police investigative statement and in a sense this worries me the style and analysis seems very narrow.

1.2). I have an issue with the citing or summing up of legal precedence that directs the reader only to cases that have been dropped. There are no citations of legal precedence by judges of cases that have been upheld and won against councils or Cllrs in the UK to add balance towards any examination or analysis. One could suggest an unbalanced approach to support Cllr Neil Parkin.

1.3). I also gently highlight as noted in the report the authors are not legal or human rights experts or experts on sociology, race and racism, thus; raising an issue to the credibility of their findings.

2). Interview and key statements by Cllr Neil Parkin.

2.1). I note that Cllr Parkin seeks to use political motivation as a possible cause for complaint against him as he states that "*Wayne Green is a member of the Labour Group*". This has not been taken into account at all or investigated. It is not relevant to the behaviour of Cllr Parkin and should thus have been discarded explicitly.

2.2). In addition to not being relevant, attempting to slur me in this way is also factually wrong. I am not part of the local labour group and have not been for over 18 months. I have not attended any labour meetings or events or local events or group meetings. I am just an ordinary member of the national party. Like thousands of others locally. It should be struck from the report and taken note of how Cllr Parkin has tried to use this false claim in this case to his advantage. The question in point is his behaviour.

2.3). I highlight as a matter of deep concern it seems no complainant has been interviewed by the independent Authors investigators of the report but base their opinions, facts on statements or what was said on textual matter or verbatim on Zoom or press media. Yet, only interview Cllr Parkin, no one else had chance to offer an insight to why as the Authors of the report state, complainants "perceive or have a perception", which they consider wrong with no high level expertise in human rights law or on cultural sociology or the psychology of communication on new forms of race or racism. But just quote key area of reports.

2.4). I also would like to argue that Cllr Parkin's statement is indeed racist, coming under the definition of casual racism or subconscious racist bias. Since 9/11 and the war on terror and the issue of immigration in the UK, we have seen these new forms of racism emerging. As I have briefly explained in my complaint. Today this new form of racism has been refined within the context of the arguments taking place in the academic and political debates with regards to the racialisation of politics since 1945. Casual racism is something that we must take seriously and be seen to be taking seriously. This is not behaviour that we expect or accept from our elected representatives.

2.5). Further to this, if we look at the specific area of race and racism we can see clearly that today as noted in my complaint, I stated.... *“What we see here clearly is the new forms of racism narrative that cuts across all areas of life from gender to politics coming alive, grafted on different words of different meaning rather than overt. Thus; seeking to conflate all with the British pandemic and its affects”*.

2.6). To further fully support this statement, Professor Paul Gilroy a leading British Historian and academic writer on race and racism on British culture, a member of the Royal Academy, specifically states the newness of racism and how it has been developed from a distinct form of its own, into a fluid continuation with other discourses such as *‘Gender, Englishness, Britishness Patriotism and Nationalism’* (P Gilroy: 1997:248) sophisticated system.

2.7). May I also note Subconscious Racist Bias as a question to be taken account of within this report. The University of Sussex’s *Centre for Higher Education and Equity Research (CHEER)* has a focus on unconscious bias and implicit bias and the authors may wish to interview experts there.

2.8). Again this area of scientific expertise has also published into main stream culture, key books and articles worth reading to support what I have stated. For example: , looking at the local government lawyer website race, case law *Nagarajan v London Regional Transport*, highlights the issue of Unconscious Racist Bias as noted on the website; [The “Equality and Human Rights Commission \(EHRC\) Code of Practice](#) *also emphasises that the relevant protected characteristic does not have to be the only or even the main cause, of any alleged unfavourable treatment. A perception or misconception, which contributes only incidentally to a decision, can still taint that decision with discrimination”*. I take note, very seriously the supreme fact that the decision was as stated **“finely balanced”** by non-experts who state he made an off the cuff remark. It was not off the cuff. Cllr. Neil Parkin, was making reference back to the voting process and question made by another Cllr with regards to Covid 19 pandemic. And to suggest politicians should have “thick skins” is a red herring regarding racism. Cllr Neil Parkin has been in this job for over 15 years. He knows exactly what he was doing. Again the Authors of the report fail to examine the issue of hidden transmission or the semiotics of the words stated. For example; the words “eating undercooked Bat soup in China”, thus, offering a semiotic process at work transmitting or signifying all Chinese people. Do view Saussure and semiology.

2.9). I also would like to question if what Cllr Neil Parkin stated with reference to China and implicitly referring to the people and their culture and seeking to conflate with British Pandemic is not wrong in any way with regards to a freedom of expression, why then did the local council decide to remove the following statement on a wall: “Covid Made in China”. This was removed because it was seen as racist and offensive by the public. Should not the same level of tolerance be viewed towards what Cllrs Neil Parkin in public via zoom? I must stress I do support freedom of the press and speech, but racism is the other side of the same coin and freedom of expression goes both ways.

2.10). I also highlight, I have asked key leading British world academics, experts in sociology, international relations, Physiology linguistics and communications can they consider the statement made by Cllr Niel Parkin as a form of casual racism or subconscious Racist Bias. Whilst keeping the report confidential.

2.11). At SOAS a world renowned University on race and culture, A Professor PhD (Psychology), Emeritus of Language & Communication, SOAS, University of London, UK stated to me in an email that indeed, the *“quote attributed to the cclr is undoubtedly controversial with racist over & undertones. Taken out of context, it may not appear to be derogatory. But given the current climate, such words are poorly chosen...”*

2.12. May I also highlight that another world leading independent academic from a different University in sociology and international relations also supported the above, noting that Cllr Neil Parkin's statement can be seen as a form of causal racism.

2.13. I am astounded by the acceptance of the Authors that firstly Cllr Neil Parkin states he was not aware of what he said. But then goes on in the report to say that he did not say Chinese. This is a clear contradiction, the latter statement revealing that he was aware and tactically choosing his wording.

Conclusion.

It does seem to me that what is required is a second opinion from a leading independent NGO, such as the leading UK charity on race and racism in the UK such as the "Runnymede Trust" and or an independent Human Rights law firm specialising in this area of racism for a more balanced approach.

I believe that Cllr Neil Parkin should not have the whip taken away from him or be charged with a criminal offense but should be relieved of his duty as leader of the council. For example, his comment about Brighton being a dump was deeply offensive to many who work in Brighton from Adur and to the people of Adur. He is well known for very rude and offensive comments. Today society is very fragile as democracy itself is now in question, huge divisions in society exist. How long before one inflammatory statement by a local or national politician pushes the UK, EU the USA into violent conflict in this very highly pressured political environment at all levels?

Wayne F J Green. BA Hons International Relations.

Mon 12/10/2020 15:32

Dear Ms. Sale,

Regarding the report and statement made by Adur district council Cllr. Niel Parkin, I wanted to seek independent expert advice as noted in my response paper to the report. I also gently asked the national, Covid19 Anti Racism group what they think of the statement made by Cllr Niel Parkin? This group is made up of British Chinese, South and east Asians who have reputable positions in the UK. The expert response was indeed they viewed the comment as "racist" and that he has fed into "the Sinophobia generated for political geo-purposes that is generating a rise in hate crimes against British Chinese, South and East Asians".

This also, it seems, led in a small way to the launching today of a national statement to all national media, and national newspapers, and to 10 Downing Street I believe. I have attached the Press Release for your perusal which was sent to me.

Yours kindly

Wayne Green

COVID-19 ANTI-RACISM GROUP PRESS STATEMENT

#COVID19AntiRacism

NATIONAL HATE CRIME AWARENESS WEEK BRINGS COMMUNITIES TOGETHER TO CONDEMN RACISM IN ALL ITS FORMS

October 2020

Community groups across the UK are urging the public to show solidarity and support for people who have experienced hate crime during National Hate Crime Awareness Week.

In a webinar 'Standing in Solidarity', at 6.30 pm on Tuesday 13th October, hosted by COVID-19 Anti-Racism Group (CARG) in conjunction with Tell MAMA, community leaders will call for solidarity with all communities facing racism. The webinar will also explore practical steps that could be taken and will continue to highlight prejudices faced by people of East and Southeast Asian heritage in the UK.

Incidents of hate crime against people of East and Southeast Asian heritage have increased by 300% in 2020. CARG is garnering support through a public petition that calls the UK Government to move from merely condemning racism to taking concrete action. Almost 5,000 people have signed the petition which calls for the Government to unequivocally condemn all COVID19-related racism.

This unique national webinar and petition are part of CARG's programme, which includes enhanced collaboration with Police Forces from multiple areas, the Crown Prosecution Service, community leaders and politicians across Britain and within diverse community groups. Besides addressing the rise in racism and hate crime directed towards people of East and Southeast Asian heritage, CARG stands in solidarity with people from all backgrounds to recognise, report and condemn racism in all its forms.

EDITOR'S NOTES

ABOUT CARG: initiated by concerned citizens, CARG addresses the increase in racism and hate crime towards British East Asians (i.e. Chinese, East and Southeast Asian) and international students arising from the Covid-19 pandemic. The group works to raise awareness, encourage positive action and build capacity. Further information is available here: www.carg.info

WEBINAR: Standing in Solidarity – please register here
<https://www.eventbrite.co.uk/e/standing-in-solidarity-tickets-122583208677>

THE PETITION: The public petition was created in June and has gathered almost 5,000 signatures to date. Further details are available here:
<https://www.change.org/covid19racism>

[The Petition has been removed as it contains personal information identifying over 100 people]

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Wayne F J Green Statement of Evidence to the AWDC Joint Governance Sub Committee
November 10th 2020

Firstly, I would like to stress how much I support freedom of the press and speech, but all forms of racism is the other side of the same coin and freedom of expression goes both ways. My patriotism for my country is as strong as any person and I have risked my life for my country. I am of African Caribbean decent, My Father is a naturalised Black American originally from Barbados & Trinidad now at rest in Florida. For interest my foster sister who I grew up with is of Chinese decent. We have also seen Nigel Farage launch his political party and campaign in Shoreham, peddling his very racist and inflammatory language. I took him head on as a member of the local public in the town centre as he tried to use St Marys Church, our War Memorial and local pub to promote his type of very dangerous form of racist, politics.

I hold a degree in International relations from the School of African & Asian Studies Sussex University.

I have carefully scrutinised the report by CH & I Ass. It was disappointed to note that it is flawed in that it is fundamentally lacking a deep examination of key areas raised. Some areas have not even been touched upon by the authors, as I noted in my response paper to the report. For example;

At article.1.2. I raised that there are no citations of legal precedence by judges of cases that have been upheld and won against councils or Cllrs in the UK. This would have added balance towards any examination or analysis. Further to this,

Article. 1.3. I noted the case law *Nagarajan v London Regional Transport*, which highlights the issue of Unconscious Racist Bias and is summarised on the local government lawyers' website; <https://www.localgovernmentlawyer.co.uk/> *The "Equality and Human Rights Commission (EHRC) Code of Practice also emphasises that the relevant protected characteristic does not have to be the only or even the main cause, of any alleged unfavourable treatment. A perception or misconception, which contributes only incidentally to a decision, can still taint that decision with discrimination".* I further highlight; this reflects to the decision of Cllr Parkin making such a statement which also counters and dissolves what the Authors of the report state regarding the complainant's perception as being wrong according to case law.

Article. 2.1 and 2.2. I raised Cllr Parkin seeks to use political motivation as a possible cause for complaint against him as he states that *"Wayne Green is a member of the Labour Group"*. The attempting to slur me in this way is also factually wrong. I am not part of the local labour group and have not been for over 18 months. It should be noted how Cllr Parkin has tried to use this false claim in this case to his advantage.

Article.2.3. I highlighted as a matter of deep concern, that no complainant has been interviewed by the independent Authors. Yet they have interviewed Cllr Parkin.

Article.2.4. I also would like to argue that Cllr Parkin's statement is indeed racist, coming under the definition of casual racism or subconscious racist bias.

Article. 2.7. I also noted Subconscious Racist Bias as a question to be taken account of within this report. The University of Sussex's *Centre for Higher Education and Equity Research (CHEER)* has a focus on unconscious bias and implicit bias in with other universities such as the University of California.

Article 2.5. Further to this, I stated.... *"What we see here clearly is the new forms of racism narrative that cuts across all areas of life from gender to politics coming alive, grafted on different words of*

different meaning rather than overt. Thus; seeking to conflate all with the British pandemic and its affects”.

Article 2.6. fully support this statement as Professor Paul Gilroy a leading British Historian and academic writer on race and racism on British culture, a member of the Royal Academy, specifically states the newness of racism and how it has been developed from a distinct form of its own, into a fluid continuation with other discourses such as ‘*Gender, Englishness, Britishness Patriotism and Nationalism*’ (P Gilroy: 1997:248) sophisticated system.

Article.2.8. takes note, very seriously the supreme fact that the conclusion in the report was as stated “**finely balanced**” by non-experts who state he made an “off the cuff remark”. It was not off the cuff. **It was statement.** Cllr. Neil Parkin, was making reference back to the voting process and question made by another Cllr with regards to Covid 19 pandemic. The Authors of the report fail to examine the issue of hidden transmission or the semiotics of the words stated. For example; the words “Eating undercooked Bat soup in China”, thus, offering a semiotic process at work transmitting or signifying all Chinese people, race, culture. I note by the UN advised all not to use geographical regions.

Article 2.9. I questioned if what Cllr Neil Parkin stated was not wrong. why then did the local council decide to remove the following statement on a wall: “Covid Made in China”? This was removed because it was seen as racist and offensive by the public. In the same way that Cllr’s Parkin’s comment was racist and offensive to the public. I also raise such a statement offending a person’s ethnicity, race or identity can be seen also an attack on all BAME who all have a historic shared experience, identity across the diasporas.

At article 2.13. I highlighted, Cllr Neil Parkin, states he was not aware of what he said. But he then goes on in the report to say that “he did not say Chinese”. And further stated “If I knew this was going to cause so much trouble I would not have said this” This is a clear contradiction, the latter statements revealing that he was aware and tactically choosing his wording.

At article 2.10. 2.11 & 12, As noted in my paper, I sought expert advice asking leading British academics, experts in sociology, international relations, Physiology linguistics and communications whether they consider the statement made by Cllr Niel Parkin as a form of casual racism or subconscious racist bias.

2.11). At SOAS a world renowned University on race and culture, A Professor PhD (Psychology), Emeritus of Language & Communication, SOAS, University of London, UK stated that indeed, the “*quote attributed to the cclr is undoubtedly controversial with racist over & undertones.*”

Another world leading independent Professor from a different University in sociology and international relations also supported the above and can be seen as a form of casual racism.

I also sought expert opinion from the national COVID-19 Anti-Racism Group (CARG) regarding the statement made by Cllr. Parkin. They replied and regard the statement as racism or, giving him the benefit of doubt, unconscious prejudice. Bat soup is not a normal dish amongst Chinese people and saying it is advertently, or inadvertently, adds to the xenophobia generated for geo-political purposes, which spills out into rising hate crime against British people of Chinese heritage. According to CARG in their pubic statement, which I offered as evidence, Hate crimes against East Asians & Chinse have increased by 300%.

Most recently, I have sought expert advice on this case with the EHRC and referred to their advisory service. They have replied advised and identified that the case and statement could relate to

harassment under the Equality Act 2010. And have located and identified the areas within the four gate process it could fall under.

G1. identified: that this may fall under race. G2. Sector: Public functions. G3. An exception/ No exception identified. G4. Prohibited conduct/Could fall under Harassment.

Violating dignity. Creating an intimidating, hostile, degrading, humiliating or offensive environment. Lastly, the perception of the individual and the circumstances of the issue. Is it reasonable for this conduct to have an effect or could it be seen as an overreaction? As noted by the EHRC, this could relate to the comments made by the councillor.

The EHRC advisory service recommend I raise a grievance under the Act with them. I believe that this committee should be able to deal with this finely balanced issue and will make the right and correct decision.

I finally note that recently the legal Professional raised the issue of inflammatory language from the PM and Home Office Minister, 800 members of the legal profession signed an open letter to the PM and National Press.

We have recently seen the resignation of the chairman of the football Association regarding words used similar context.

I therefore, suggest that this “finely balanced” recommendation clearly swings in against Cllr. Parkin, taking into account the above evidence. It is in the public interest, as any decision made will reflect deeply on Adur Council and the people of Adur. As I suggest, it would be wise for Cllr. Parkin to gently step down or be removed as leader of the Council.

Fri 04/12/2020 10:54

Dear Ms. Susan Sale,

Regarding the issue of Cllr, Nel Parkin, leader of Adur Council and as a matter of importance for further knowledge to all possible sub committee members I offer you a committee debate held in Parliament sent to me by CARG.

At this committee debate at Parliament, at the opening speech by a Sarhra Own MP she quotes the leader of the adur district council within this most important parliamentary debate.

Please do view your records.

<https://www.carg.info/post/debate-in-parliament-video-recording-13th-october-2020>

Yours Kindly

Wayne Green

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I've been resident in Shoreham-by-Sea for 30 years, moving here from Hong Kong in 1990. I work locally as a designer in Media and Learning, have family living on the beach and in Lancing and enjoy my life here very much. I have always felt welcome in the community and try to keep up with local news and community matters, with particular interests in local environmental issues and the proposals for new cycle lanes in the area, so I watched a recording of the May 21st council meeting on YouTube – and this is the focus of my grievance.

Specifically, I would like to register a complaint with regards to the conduct and language of Councillor Neil Parkin which I believe infringes on your code of conduct and sets a bad example to the community. I attach a link to the meeting and draw your attention to the discussion about Council property investments strategy at 1hr 53minutes.

<https://www.youtube.com/watch?v=wxp1H6rDIQc>

At this point Mr Parkin clearly states his belief that the COVID-19 pandemic was caused by “someone eating undercooked Bat Soup in China” – a statement which stunned me so much I had to ‘rewind’ several times to be certain I’d heard him correctly. My initial shock soon gave way to dismay and although I have tried to put his behaviour behind me, I cannot shake the sense of frustration and hurt.

When spurious statements like that used by Mr Parkin go unchallenged they tend to perpetuate racial stereotypes. I believe the language he used is not only disrespectful to me and the local Chinese community but fundamentally racist, and I feel compelled to make a formal complaint to this effect. His behaviour lacks leadership is unbecoming of a council member, and after consulting your Code of Conduct I suggest sections 4.1.7 and 4.3 apply.

While I have become accustomed to such ‘casual xenophobia’ over the years, Mr Parkin’s position within our community makes it incumbent upon him to be particularly mindful of the feelings of minority groups. Moreover, his claims about the origins of the virus being in uncooked foods are patently untrue and roundly disproven some time ago (the BBC link below dates from late January). It concerns me that by parroting unverified information circulating on the internet Mr Parkin has used an official, public platform to peddle ‘fake news’. Anyone watching would be forgiven for assuming he knows what he’s talking about, further perpetuating false information about the virus.

My own research suggests the claims about ‘bat soup’ originated in The Sun newspaper (later also in The Daily Mail and Russia Today YouTube channel). A photo caption used sometimes infers that the image originates in Wuhan, but fact checking confirms the true source is an episode of a Chinese Travel & Food programme, shot in Palau (an island in western Pacific) where bat soup

is apparently considered a delicacy. Please note this program was broadcast in 2016, and makes no reference to the Coronavirus at all.

I trust this complaint is given due consideration and dealt with accordingly, I suggest that Mr Parkin should not only apologise for his comments but formally retract them at the next meeting.

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STANDARDS PROCEDURE RULES

1.0 INTRODUCTION

- 1.1 It is expected that Elected and Co-opted Members of the Borough, District and Parish Councils will uphold the highest standards of conduct expected of holders of public office. However, in the event that there is a complaint, it is important that this is handled effectively to ensure public confidence is maintained.
- 1.2 Section 28(6) and (7) of the Localism Act 2011 requires the Councils to put in place 'arrangements' under which allegations that a Member or Co-opted Member of the Borough, District or Parish Council has failed to comply with the relevant Authority's Code of Member Conduct when they are acting in that capacity:
- (a) can be investigated; and
 - (b) decisions made on such allegations.
- 1.3 These 'arrangements' must provide for the Authority to appoint at least one Independent Person whose views:
- (a) must be sought, and taken into account by the Authority before it takes a decision on an allegation which it has decided shall be investigated, (i.e. at the assessment stage);
 - (b) may be sought by the Authority at any other stage, including the Committee or Sub-Committee hearing the matter; and
 - (c) may be sought by a Member or Co-opted Member of the Borough/District/Parish Council if that person's behaviour is the subject of an allegation (i.e. by the Subject Member).
- 1.4 The purpose of these arrangements is to comply with the requirements of the Localism Act 2011 in relation to complaints about an Elected or Co-opted Member of Adur District Council / Worthing Borough Council / Sompting Parish Council or Lancing Parish Council and what happens if someone makes a complaint.

2.0 INTERPRETATION

- 2.1 'Subject Member' means the Elected or Co-opted Member of the Authority who is the subject of the allegation made by the complainant, unless otherwise stated.
- 2.2 'Complainant' means the person who has submitted the complaint.
- 2.3 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake an investigation and may include the Monitoring Officer and/or his or her Deputy or representative.
- 2.4 'The matter' is the subject matter of the allegation.
- 2.5 'The Standards Sub-Committee' refers to the Sub-Committee of the Joint Governance Committee, to which it has delegated the conduct of the hearing. It comprises of an equal number of Elected Members from Worthing Borough Council and from Adur District Council.
- 2.6 'Independent Person' means a person appointed by the Councils under the Localism Act 2011, Sections 28(1) to advise the Joint Governance Committee and its Sub-Committee and who has the functions set out in the Localism Act Section 28(7).
- 2.7 'Parish Representative' means a Parish Councillor appointed by the Council to advise the Joint Governance Committee and its Sub-Committee in relation to cases involving Parish Councillors. A Parish Representative will not give advice or sit in relation to a complaint about the conduct of a Parish Councillor of their own Authority.
- 2.8 'Monitoring Officer' means a statutory officer appointed by the Councils under the Local Government and Housing Act, Sections 5 and 5A, who has a role in the promotion and maintenance of high standards of conduct within Local Authorities and includes his or her deputy or representative.

3.0 COMPLAINTS IN WRITING

- 3.1 A complaint must be in writing and must allege a breach by the Member or Co-opted Member, of the relevant Council's Code of Conduct for Members, when the Member was acting in his/her capacity as a Councillor. The Monitoring Officer will be permitted to seek additional information from the complainant and/or the Subject Member.
- 3.2 A complaint should be made on the official complaint form, which can be found on the Councils' website.
- 3.3 A complaint must relate to an individual who was a Member or Co-opted Member of the Council at the time of the matter complained of. The Monitoring Officer cannot deal with complaints about the Borough, District or Parish

generally, or their staff or services; the Council's complaints procedure should be used for such issues. The Monitoring Officer cannot deal with complaints about an individual's conduct before he or she was Elected, Co-opted or appointed, nor after he or she ceased to be a Member.

4.0 ACKNOWLEDGEMENT AND NOTIFICATION

- 4.1 Within seven working days of receipt of the complaint, the Monitoring Officer will acknowledge receipt of the complaint and notify the Subject Member as to the existence of the complaint, the name of the complainant (unless it is not in the public interest to do so) and provide them with a copy of the complaint.
- 4.2 It is likely that the Monitoring Officer will also notify the Subject Member's Group Leader and the Councils' Chief Executive of the complaint and a summary of it.

5.0 ASSESSMENT OF COMPLAINTS

- 5.1 The Monitoring Officer has initial responsibility for considering written complaints by way of allegations against Members for breach of the relevant Code of Members' Conduct. This is known as assessment. The purpose of assessment is to determine whether or not, on the basis of information supplied by the Complainant, if the matter were proved, it would amount to a breach of the Code of Members' Conduct. No investigation or hearings are conducted at this stage.
- 5.2 The Monitoring Officer will consult with one of the Independent Persons on each complaint received, as to whether in their view it could amount to a breach of the Code of Conduct. The Parish Representative will also be consulted in relation to complaints concerning Parish Councillors, and their views will be sought as to whether the complaint merits formal investigation. Their views will be included in the Monitoring Officer's decision report.
- 5.3 If the Monitoring Officer requires further information in order to reach a decision, they may come back to the complainant for such information and may also request information from the Subject Member.
- 5.4 If the Subject Member was not acting in their capacity as a Member at the time of the matter complained of, or if the complaint does not disclose a potential breach of the Code of Members' Conduct, then the complaint will be rejected.
- 5.5 Complaints which in the opinion of the Monitoring Officer are trivial, simply malicious, vexatious, politically motivated or tit-for-tat are also likely to be rejected.
- 5.6 If the complaint does disclose a possible breach of the Code of Members' Conduct and has not been rejected under paragraphs 5.4 or 5.5 above, the Monitoring Officer will consider whether or not the complaint can be more

appropriately dealt with by way of informal resolution. If satisfied that this is the appropriate way forward then the Monitoring Officer will contact the complainant and the Subject Member and seek to arrive at an informal resolution of the complaint. Such informal resolution may involve the Member accepting that his or her conduct was unacceptable and offering an apology or other remedial action. Where the Subject Member makes a reasonable offer of local resolution but the complainant is not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

- 5.7 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies. If the complaint identifies a safeguarding issue the Monitoring Officer has the power to refer it to other appropriate agencies.

6.0 HOW THE MONITORING OFFICER ASSESSES THE COMPLAINT

- 6.1 In reaching a decision on the complaint, the Monitoring Officer will take into account the following considerations, depending on the nature of the complaint and the need to adopt a proportionate response:

- (a) The extent to which the Subject Member is alleged to have failed to treat others with respect;
- (b) The extent to which the Subject Member is alleged to have acted in a way that may cause the Authority to breach an equality enactment;
- (c) Whether the allegation relates to bullying, intimidating or attempting to intimidate a person involved in an allegation against a Member;
- (d) Whether in disclosing confidential information, the Subject Member failed to take on or heed advice;
- (e) The implications for public perception on the reputation of the Council;
- (f) The implication for staff relations;
- (g) The seniority or position of influence of the Member and public trust and confidence;
- (h) The consequences, or the likely consequences, of the Member's alleged actions;
- (i) The extent to which the Subject Member is alleged to have used his or her position as a Member improperly to confer or secure an advantage or disadvantage;
- (j) The extent to which the Subject Member is alleged to have misused or abused the resources of the Council;
- (k) The detriment caused by acting against advice when reaching decisions;
- (l) The extent to which a failure to register or declare interests results from a failure or refusal to seek or to follow advice;
- (m) Whether the matter of complaint has already been the subject of a previous investigation, or an investigation by another regulator, e.g. the Local Government Ombudsman or the District Auditor or the subject of proceedings in Court;

- (n) Whether the complaint is about something that happened so long ago that there would be little public benefit in taking action now;
- (o) Whether the complaint is too trivial to warrant further action;
- (p) Whether the complaint appears to be simply malicious, vexatious, politically motivated or tit-for-tat;
- (q) The public benefit in directing an investigation or other steps and the costs and Officer and Member time which could be incurred on an investigation or other steps;
- (s) Whether there is enough information currently available to justify a decision to refer the matter for investigation or to seek an informal resolution;
- (t) Whether the complaint is about someone who has died, resigned, is seriously ill or is no longer a Member of the Council concerned and it is not in the public interest to pursue;
- (u) Whether the complaint is such that it is unlikely that an investigation will come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain;
- (v) Whether the Subject Member has already provided a satisfactory remedy (e.g. apologising);
- (w) Whether the matter is suitable for informal resolution and the Member complained of is amenable to such an approach.

7.0 WHAT THE MONITORING OFFICER CAN DO

7.1 When the Monitoring Officer has considered the complaint, he/she can:

- (a) Decide to take no further action in respect of the complaint, whilst providing reasons for such a decision;
- (b) Ask the complainant for additional information, with reasons;
- (c) Refer your complaint for investigation;
- (d) Determine to use other steps rather than investigation, i.e. to resolve the complaint informally without the need for a formal investigation; or
- (e) Refer the complaint to the Police or other regulatory agency if the complaint identifies criminal conduct or a breach of other regulations by any person.

7.2 There is no right of appeal against the Monitoring Officer's decision on assessment.

8.0 A DECISION TO TAKE NO FURTHER ACTION

8.1 Reasons for taking no further action include:

- (a) That the subject matter of the allegation is outside the jurisdiction of the Joint Governance Committee;
- (b) That the allegation does not appear to disclose a failure by the Member to comply with the Code of Members' Conduct when acting in that capacity;

- (c) The information submitted by the complainant is insufficient to enable the Monitoring Officer to reach a decision;
- (d) The matter of the complaint has already been the subject of a previous investigation or of an investigation by another regulator or the subject of proceedings in Court;
- (e) The complaint is about something that happened so long ago, that there would be little public benefit in taking action now;
- (f) The complaint is too trivial to warrant further action;
- (g) The complaint appears to be simply malicious, vexatious, politically motivated or tit-for-tat.

9.0 INFORMAL RESOLUTION

- 9.1 If the Monitoring Officer decides to take steps other than dismissing the complaint or referring it for investigation, they will notify the Complainant, the Subject Member and the Independent Person. A decision to take other steps precludes an investigation or other disciplinary action.
- 9.2 If the Subject Member makes a reasonable offer of resolution but the Complainant is not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits a formal investigation.

10.0 INVESTIGATIONS

- 10.1 Should the Monitoring Officer, after having consulted with the Independent Person, and having concluded their assessment and considered informal resolution, decide that the matter should be investigated, they may conduct that investigation themselves, or delegate to another Investigating Officer, to investigate the matter on behalf of the Monitoring Officer. Such Investigating Officer may be a Deputy Monitoring Officer, another Officer of the Council, or an external appointment.
- 10.2 The investigation will be concluded in private and will result in an Investigator's Report, which will be shared with the Complainant, the Subject Member and the Independent Person. If the investigation identifies, in the view of the Monitoring Officer, that there is evidence that it is more likely than not, that the Subject Member has breached the Code of Conduct, then a meeting will be called of the Standards Sub-Committee of the Joint Governance Committee, to hear and determine the matter.
- 10.3 The Subject Member will be informed of the decision of the Monitoring Officer to call such a meeting. The Subject Member has the right to consult with the Independent Member who the Monitoring Officer has assigned to the case, and who has been involved in the assessment stage. The outcome of the investigation is reported to the Standards Sub-Committee, and may result in a hearing before that Sub-Committee, which is likely to be held in public.

11.0 THE STANDARDS SUB-COMMITTEE OF THE JOINT GOVERNANCE COMMITTEE

11.1 The Joint Governance Committee operates in accordance with the Joint Committee Agreement between Adur District Council and Worthing Borough Council. The terms of reference of the Joint Governance Committee are set out in Part 3 of each Council's Constitution.

11.2 A Sub-Committee of the Joint Governance Committee will be convened to hear and determine any individual complaints that a Member has breached the Code of Conduct, which are referred to it by the Monitoring Officer.

11.3 The Sub-Committee will consist of 6 Members: 3 Members of each of Adur District Council and Worthing Borough Council reflecting the political balance of each of the Councils. It is permissible to have a maximum of 1 Member of each Authority's Executive on the Sub-Committee.

11.4 The Sub-Committee may co-opt 1 Independent Person for each matter, to advise the Sub-Committee on Standards matters. Usual practice is for the Independent Person who was involved in the assessment of the complaint to be co-opted onto the Committee for that particular meeting where the complaint will be heard and determined.

The Independent Person co-opted onto the Sub-Committee will not be entitled to vote at the meeting.

The Independent Person will be entitled to retire to the adjournment room when the Sub-Committee consider and determine their decision.

The views of the Independent Person should be given in front of the Monitoring Officer and the Subject Member, and the public and press if present.

11.5 The Sub-Committee will co-opt one Member of the Parish Council to the Sub-Committee when meeting to hear and determine a complaint that a Parish Councillor has breached the Parish Code of Conduct. The Co-opted Parish Councillor will not be from the same Parish Council as the Parish Councillor subject to the complaint.

The Co-opted Parish Councillor will not be entitled to vote at the meeting.

The Parish Councillor will be entitled to retire to the adjournment room when the Sub-Committee consider and determine their decision.

The views of the Parish Councillor should be given in front of the Monitoring Officer and the Subject Members, and the public and press if present.

11.6 The Sub-Committee has the power to co-opt, in an advisory capacity only, any person who is an Independent Person at another Local Authority to advise the Sub-Committee on such terms as the Joint Governance Committee may

determine and agree with the person concerned and the Local Authority and in accordance with the Localism Act 2011 and any relevant regulations.

- 11.7 Decisions made at a Sub-Committee of the Joint Governance Committee shall be by way of a show of hands. Where the Sub-Committee is determining, following an investigation, whether or not the Code of Members' Conduct has been breached, the decision shall be made by a simple majority, subject to paragraph 11.8 and 11.9 below.
- 11.8 Where the Sub-Committee is determining, following an investigation, whether or not a breach of the Code has occurred and they fail to reach a decision upon the matter by a majority of their votes, this is an unresolved decision. An unresolved decision shall be referred to the Joint Governance Committee for a decision.
- 11.9 Where the Sub-Committee is determining, following an investigation, whether or not a breach of the Code has occurred and there is a simple majority vote which indicated that there has been a breach of the Code, then if the majority of those Members who are Members of the same Council as the Subject Member voted against such a resolution, the matter shall not be determined but shall stand deferred to a meeting of the Joint Governance Committee for a decision. Should the Joint Governance Committee considering such a referred decision be unable to reach a majority decision which includes the majority of those representatives of the relevant Council, then the breach will stand as 'not proven'.

12.0 PROCEDURE FOR MEETING OF THE SUB-COMMITTEE OF THE JOINT GOVERNANCE COMMITTEE SITTING TO HEAR AND DETERMINE AN ALLEGATION OF A BREACH OF THE CODE OF CONDUCT

- 12.1 Firstly the Chairperson will introduce all parties and Members and Co-opted Members of the Committee and will explain the procedure for the meeting.
- 12.2 The Committee will give consideration to excluding the press and public from the meeting but only do so in exceptional circumstances. It is generally considered that the public interest in the matter will outweigh the interests of the individual, bearing in mind the individual is a holder of public office. Advice will be taken from the Legal Advisor to the Committee on this point.
- 12.3 The Subject Member is entitled to be represented at the hearing.
- 12.4 The Monitoring Officer, or their representative, will outline the Council's case and call witnesses, who are likely to include the Investigating Officer (if different from the Monitoring Officer) and the complainant. After each witness is called they should come forwards to give their evidence and return to the gallery once they have given their evidence and answered any questions.
- 12.5 After each individual witness gives evidence for the Council, the Subject Member (or their representative) may ask questions of the Monitoring Officer or the Witness, through the Chairperson, immediately after they have given

evidence. Following which, Committee Members may ask any questions of the Monitoring Officer or the Councils' witnesses immediately after the Subject Member has done so.

- 12.6 The Subject Member or their representative will then outline their case and call witnesses. After each witness is called they should come forwards to give their evidence and return to the gallery once they have given their evidence and answered any questions.
- 12.7 The Monitoring Officer (or their representative) may ask any questions of the Subject Member and their witnesses, through the Chairperson, immediately after they have given evidence. Following which, the Committee Members may ask questions of the Subject Member or their witnesses immediately after the Monitoring Officer has done so.
- 12.8 The Monitoring Officer will then be offered an opportunity of a final comment and summing up. Then the Subject Member will be offered an opportunity of a final comment and summing up.
- 12.9 The views of the Independent Person (and the Parish Representative when considering a Parish complaint) will be sought and will be given with the Monitoring Officer, Subject Member and any press and public present.
- 12.10 Members of the Sub-Committee will adjourn into private session to determine the matter. The Legal Advisor to the Committee will be present throughout any discussion, as will the Independent Person (and the Parish Representative when considering a Parish complaint).
- 12.11 The Sub-Committee will reconvene to take a vote in public, deliver their decision and provide reasons.
- 12.12 There is no right of appeal against the decision of the Sub-Committee.
- 12.13 It should be noted that if the Subject Member accepts that there has been a breach of the Code of Conduct as alleged and evidenced in the Investigating Officer's report then the Sub-Committee may determine that the procedure above is not appropriate; they may dispense with the calling of witnesses, formally find a breach of the Code of Conduct and deal with the issues set out at paragraph 13 below.

13.0 MITIGATION

- 13.1 Having heard the Sub-Committee's decision, if a breach has been found, the Legal Advisor to the Sub-Committee will outline the possible sanctions available.
- 13.2 The Monitoring Officer or their Representative has the opportunity to make representations relating to appropriate sanctions, to the Sub-Committee. The

Subject Member or his Representative then have an opportunity to address the Sub-Committee on mitigation and sanctions.

- 13.3 The views of the Independent Person and the Parish Representative (if a Parish matter) will be sought and given in the meeting.
- 13.4 The Sub-Committee will then retire into private session, with the Legal Advisor, to come to a decision about sanctions. The decision together with reasons will then be announced in the meeting by the Chairperson of the Sub-Committee.
- 13.5 The decision of the Sub-Committee will be confirmed in writing within 5 working days.
- 13.6 The rules of natural justice apply to the hearing and determination of the Sub-Committee.

14.0 SANCTIONS

- 14.1 The Sub-Committee has no power to suspend or disqualify a Member.
- 14.2 Any sanction imposed must be proportionate and reasonable to the circumstances of the matter.
- 14.3 Any sanction imposed may not prevent the Member from being able to perform their duties as a Member.
- 14.4 Any sanctions imposed in respect of a Parish Councillor can only be recommendations from the Sub-Committee to the Parish Council. The District and Borough has no power to impose sanctions on a Parish Councillor and any recommendation would need to be agreed by the Parish.
- 14.5 Sanctions may include:
 - Censure
 - Publishing a decision that the Member has been found to have breached the Code of Conduct
 - Recommending to the Group Leader or the Council that the Member be removed from any or all Committees or Sub-Committees.
 - Instructing the Monitoring Officer to arrange training
 - Recommending to the Group Leader or the Council that the Member be removed from outside body appointments
 - Withdrawal of facilities.

15.0 WITHDRAWAL OF A COMPLAINT

- 15.1 Once a valid complaint has been submitted it can only be withdrawn before assessment by the Monitoring Officer. Withdrawal requires the consent of the

Monitoring Officer in consultation with the Independent Person and the Parish Representation, as appropriate. Consent will normally be given. However, in considering a request from the complainant to withdraw the complaint, the Monitoring Officer will consider:

- (a) The reasons for the requests;
- (b) Whether the public interest in pursuing action outweighs the request;
- (c) If the public interest suggests the matter should proceed, the extent to which it can proceed without the complainant's involvement;
- (d) Whether there is an identifiable reason for the request, e.g. improper pressure that has been brought to bear.

After assessment by the Monitoring Officer, a complaint cannot formally be withdrawn without the Monitoring Officer or the Standards Sub-Committee, in consultation with the Independent Person and Parish Representative, as appropriate, depending upon the stage to which the action has reached, taking into account the request for the matter not to proceed further.

16.0 VARIATION

- 16.1 The Monitoring Officer may vary this procedure in any particular instance where he or she is of the opinion that such variation is desirable and does not conflict with the statutory requirements, nor the principles of natural justice.

RESTRICTED



**Independent investigation into
allegations concerning**

**Councillor Neil Parkin
of
Adur District Council**

Report into complaints by

**Councillor Stainforth
Councillor Zeglam
Councillor O'Connor
Councillor Mear
Councillor Arnold
Councillor Balfe
Councillor Cowen
Camy Creffield
Wayne Green**

27 July 2020

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1: Executive Summary

- 1.1 On 2 June 2020, seven members of Adur District Council (the Council) submitted a Code of Conduct complaint to the Council's Monitoring Officer against Councillor Neil Parkin. Councillors Stainforth, Zeglam, O'Connor, Mear, Arnold, Balfe and Cowen all alleged that Councillor Parkin, who is the Leader of the Council, made an inappropriate comment about the origins of the Covid pandemic during the Council meeting of 21 May 2020; words to the effect: *'at the time none of us knew about somebody eating undercooked bat soup in China'*.
- 1.2 On 17 June 2020, Mr Wayne Green, submitted a complaint to the Monitoring Officer about the same comment; as did Ms Camy Creffield on 19 June 2020.
- 1.3 During this investigation we have considered whether, by his conduct, Councillor Parkin has breached the Adur District Council Code of Conduct for Members ('the Code') by failing to treat others with respect; doing anything which is contrary to the Council's duty under the equalities legislation; or that brings the Council into disrepute.
- 1.4 In a finely balanced decision, it is our recommendation that the Monitoring Officer concludes that Councillor Parkin did not fail to comply with the Code of Conduct with regards this matter.
- 1.5 That said, we would encourage Councillor Parkin to reflect on the concerns raised and think carefully about the potential impact comments such as the one he made can have on his local community. Councillor Parkin's actions and behaviours are subject to greater scrutiny than that of ordinary members of the public; as such he should try to ensure that the language he uses cannot be perceived to contradict the Council's aim of promoting inclusivity and preventing negative perceptions about differences in race and culture.

2: Councillor Parkin's official details

2.1 Councillor Parkin has served as a member of Adur District Council continuously since 1988, representing St Nicolas Ward; Councillor Parkin he has been the Leader of the Council since 2000; he is also Leader of the Conservative Group.

2.2 Councillor Parkin currently sits on the following committees:

- Joint Senior Staff (Chair)
- Joint Strategic (Chair)
- Adur Executive

3: Relevant legislation and protocols

The Localism Act 2011

- 3.1 Section 27 of the Localism Act 2011 (the Act) provides that a relevant Authority must promote and maintain high standards of conduct by members and co-opted members of the Authority. In discharging this duty, the Authority must adopt a code dealing with the conduct that is expected of members when they are acting in that capacity. For the purposes of this investigation, the relevant Authority is Adur District Council.
- 3.2 Section 28 of the Act provides that the Authority must secure that its Code of Conduct is, when viewed as a whole, consistent with the following principles:-
- (a) Selflessness;
 - (b) Integrity;
 - (c) Objectivity;
 - (d) Accountability;
 - (e) Openness;
 - (f) Honesty;
 - (g) Leadership.
- 3.3 Under 28(6) of the Act, Local Authorities must have in place (a) arrangements under which allegations can be investigated and (b) arrangements under which decisions on allegations can be made. By section 27(7), arrangements put in place under subsection (6)(b) must include provision by the appointment of the Authority of at least one “independent person” whose views are to be sought, and taken into account, by the Authority before it makes its decision on an allegation that it has decided to investigate. For the purposes of this investigation, the relevant Authority is Adur District Council.
- 3.4 Section 28(11) of the Act provides that if a relevant Authority finds that a member or a co-opted member of the Authority has failed to comply with its Code of Conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.

Adur District Council's Code of Conduct

- 3.5 Under Section 27(2) of the Localism Act the Parish Council established a Code of Conduct for members (the Code).
- 3.6 The Code adopted by the Council which is based on the ‘Nolan principles’ including ‘Leadership’, includes the following paragraph:

4.2 *A Member must treat others with respect and not engage in conduct which amounts to harassment, intimidation or bullying.*

4.7 *A Member must not conduct themselves in a manner which is contrary to the Council's duty under the equalities legislation.*

4.12 *A Member must not do anything that brings the Council into disrepute.*

European Convention on Human Rights (ECHR)

3.7 Section 3 of the Human Rights Act 1998 (HRA) requires that primary and subordinate legislation must, as far as possible, be read and given effect in a way which is compatible with the Convention rights. By virtue of section 6, it is unlawful for a public authority to act in a way that is incompatible with Human Rights.

3.8 Article 10 of the ECHR provides:

Freedom of expression

(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent states from requiring the licensing of broadcasting, television or cinema enterprises.

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interest of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

3.9 In considering these matters it is important to note the words of Collins J in the standards case of *Livingstone v The Adjudication Panel for England* [2006] EWHC 2533 (Admin) [at para.39]:

"The burden is on [the Adjudication Panel for England] to justify interference with freedom of speech. However offensive and undeserving of protection the appellant's outburst may have appeared to some, it is important that any individual knows that he can say what he likes, provided it is not unlawful, unless there are clear and satisfactory reasons within the terms of Article 10(2) to render him liable to sanctions."

3.10 In *Heesom v Public Service Ombudsman for Wales* Mr Justice Hickinbottom considered a councillor's right to free speech in some detail. His considerations drew attention to several earlier cases in which the following propositions could be derived:

While freedom of expression is important for everyone, it is especially so for an elected representative of the people. He represents his electorate, draws attention to their preoccupations and defends their interests.

- a. The enhanced protection applies to all levels of politics, including local.
- b. Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated
- c. Whilst, in a political context, article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false.
- d. The protection goes to “political expression”; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views, but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others.
- e. Past cases draw a distinction between fact on the one hand, and comment on matters of public interest involving value judgment on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgments are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgment as opposed to fact will be generously construed in favour of the former; and, even where something expressed is not a value judgment but a statement of fact (e.g. that a council has not consulted on a project), that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it, “reasonableness” here taking account of the political context in which the thing was said.
- f. As article 10(2) expressly recognises the right to freedom of speech brings with it duties and responsibilities. However, any restriction must respond a “pressing social need”.
- g. Politicians are required to have a thick skin and be tolerant of criticism and other adverse comment. Civil servants are, like politicians, subject to the wider limits of acceptable criticism. However, unlike politicians they are involved in assisting with and implementing policies, not making them. As such they must enjoy public confidence in conditions free from perturbation if they are to be successful in performing their tasks and it may therefore prove necessary to protect them from offensive and abusive attacks when on duty.

4: The Evidence Gathered

Our appointment

- 4.1 The Council's Monitoring Officer appointed ch&i associates to conduct this investigation on 15 June 2020. This investigation was conducted by Alex Oram¹, and Mark Hedges. Alex has been conducting member conduct investigations since 2003; he previously employed by Standards for England as its principal investigator, responsible for conducting many of their most complex, politically sensitive and high-profile investigations into member conduct. Mark has worked for ch&i associates since 2017; prior to this he was a Detective in the Police Service for 21 years. He has considerable experience in investigation, interviewing, report writing and dealing with confidential/sensitive information.

The complaints

- 4.2 On 5 June 2020, the Monitoring Officer received a joint complaint from seven councillors (all Labour Party members) about a comment made by Councillor Parkin at a meeting of the Council of 21 May 2020. During an exchange with one of the complainants (Councillor David Balfe), Councillor Parkin made the comment '*...at the time none of us knew about somebody eating undercooked bat soup in China...*'. The complainants alleged that the comment was wholly inappropriate, referencing the Equality Duty obligations placed on the Council and its members.
- 4.3 On 17 June 2020, Mr Wayne Green submitted a complaint about Councillor Parkin's comment, as did Ms Camy Creffield two days later.

The investigation

- 4.4 During this investigation we have reviewed the documents provided by the various complainants along with relevant local media articles and any additional documentation provided by the Council. We also watched the video recorded footage of the relevant Council meeting and interviewed Councillor Neil Parkin about the matter.

Background

- 4.5 Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-CoV-2) is the name given to the 2019 novel coronavirus. COVID-19 is the name given to the disease associated with the virus. SARS-CoV-2 is a new strain of coronavirus that has not been previously identified in humans.
- 4.6 Coronaviruses are viruses that circulate among animals with some of them also known to infect humans. Bats are considered natural hosts of these viruses, yet several other species of animals are also known to act as sources. The origin of COVID-19 has been the subject of much speculation and debate. National

¹ It should be noted that Alex and Mark are not lawyers and nothing in this report should be considered legal advice

newspapers in the UK were reporting on the possible source of the virus well before the full effects had been felt in the country. Although, at the time of writing, the origin of the virus has not been confirmed with absolute certainty, the Chinese Government have reported that it was likely first transmitted from animals into humans at Wuhan's seafood market.

- 4.7 On 23 January 2020, the Daily Mail's website published an article about the origins of COVID-19 under the headline *'Revolting footage shows Chinese woman eating a whole bat at a fancy restaurant as scientists link the deadly coronavirus to the flying mammals'*. The Daily Mail website showed two videos alongside the article; one showing a young woman eating a cooked bat and another showing diners preparing to eat a soup made with the animal. This footage and associated story were published by numerous media outlets and circulated widely on social media platforms such as Facebook, Twitter and YouTube.
- 4.8 On 27 January 2020, Foreign Press reported that the video of the woman eating bat soup had become emblematic of COVID-19's claimed origin. The article went on to point out that the video had been filmed in Palau, a Pacific Island nation, and that the eating of bats is culturally unacceptable in Chinese culture. The article stated: *"At a time of heightened fear over a viral pandemic, the Palau video has been deployed in the United States and Europe to renew an old narrative about the supposedly disgusting eating habits of foreigners, especially Asians. Images of Chinese people or other Asians eating insects, snakes, or mice frequently circulate on social media or in clickbait news stories. This time, that was mixed with another old racist idea: that the "dirty" Chinese are carriers of disease... These prejudices can fuel fear and racism. As the virus spreads, the Chinese as a group are more and more likely to be blamed for its incubation and spread."*
- 4.9 Subsequently, several media outlets (including the BBC on 30 January 2020) listed 'Bat soup' as one of the 'conspiracy theories' / pieces of misinformation about COVID-19' being widely circulated on social media.
- 4.10 On 3 February 2020, various media outlets reported the findings of two scientific studies that had concluded that COVID-19 had likely originated in bats. Dr Michael Skinner, reader in virology at Imperial College London, was reported as stating: *'The discovery definitely places the origin of nCoV in bats in China. We still do not know whether another species served as an intermediate host to amplify the virus, and possibly even to bring it to the market, nor what species that host might have been.'*
- 4.11 Despite the findings of both studies stating that the virus was almost certainly not transmitted directly from bats to humans (with snakes thought to be the most likely intermediary), certain newspapers reported the findings under headlines such as *'Coronavirus outbreak could be linked to bat soup say scientists.'*
- 4.12 As stated previously, the exact origins of COVID-19 are currently unclear and in the intervening period, numerous other theories have circulated in the media. Whilst the theory that the virus was spread from contaminated bat soup was

quickly debunked by scientists, it continued to be referred to by certain media outlets and on social media. On 18 March 2020 it was reported that Senator John Cornyn, in response to criticism of President Trump referring to COVID-19 as ‘*the Chinese virus*’, echoed the ‘bat soup’ myth when stating: “*China is to blame... because the culture where people eat bats and snakes and dogs and things like that*”. Various articles referred to the fact that his comments went against the advice of the World Health Organisation, who since 2015 have been warning against using geographic or national terms to describe disease outbreaks in order “*to minimize unnecessary negative effects on nations, economies and people*”.

Council meeting, 21 May 2020

- 4.13 The Council meeting on 21 May 2020 was held virtually via Zoom because of the restrictions that had been introduced due to the Covid-19 pandemic. The meeting was broadcast online by the Council and recorded in full.
- 4.14 Agenda item 12c related to the Strategic Property Fund and recommendations made by the Strategic Joint Committee at their meeting of **10 March 2020**. Councillor Parkin presented the recommendations and invited questions from other members.
- 4.15 Councillor David Balfe asked Councillor Parkin if there had been any sort of survey done on the impact the Covid-19 pandemic would have on the Council’s strategic investments and if so, whether the information could be shared with the rest of the Council.
- 4.16 Councillor Parkin replied that the Strategic Joint Committee’s recommendations had been made before the full impact of the pandemic had been realised. Councillor Parkin confirmed that that a report would be completed on the effects of the pandemic in due course.
- 4.17 Councillor Balfe asked why the Council was being asked to vote on recommendations about Council investments that had no doubt now been superseded by the effects of the current pandemic. He argued that that most members would agree the decisions that had made on 10 March 2020 were now redundant.
- 4.18 Councillor Parkin acknowledged that the recommendations before members should have been voted on before this point; he explained though that the effects of the pandemic had meant this had not been able to happen. Councillor Parkin stressed that the recommendations from the Strategic Joint Committee were being discussed in line with normal Council procedure. Councillor Parkin then stated:

‘At that time, in March, this was making up about fifteen percent of our budget. That’s why we are voting on it. I know Councillor Balfe hasn’t liked it all along and I’m probably going to have to put up with him saying ‘I told you so’ for the next 10 years, but, at the time, none of us knew about somebody eating undercooked bat soup in China. So, there we go.’

- 4.19 There was no initial visible or audio reaction to Councillor Parkin's comment, as councillors continued to discuss the relevant agenda item. Councillor Balfe then pointed out his original question had not yet been answered and asked again whether a survey had been carried out on the likely effect the pandemic may have on the Council's strategic investments. Councillor Parkin stated that this was not what the Council was being asked to vote on and proposed that the recommendations were accepted; the motion was carried.
- 4.20 Item 16 on the agenda was 'Motions on notice'. Councillor Cowen presented a motion that the Council adopt the IHRA (International Holocaust Remembrance Alliance) definition of anti-Semitism.
- 4.21 Councillor Zeglam spoke in support of the motion. When doing so, he stated:
- ‘.it would be hypocritical of us to support this motion when we still have people like Councillor Neil Parkin, who earlier on today, in this meeting, suggested about the Chinese eating bat soup and stuff. And obviously we don't have the scientific evidence to prove any of that yet. And yet we're still making casual racism in a Council meeting and at the same time we are all going to vote in favour of this motion against anti-Semitism. So, I just think it's a bit hypocritical, but of course I fully support this motion.’*
- 4.22 Councillor Parkin then spoke, stating that he fully supported Councillor Cowen's motion. Other members also indicated their support. When Councillor Arnold spoke, she stated that she fully supported the motion and added that a similar comment to that made by Councillor Parkin (about bat soup) had been daubed on a wall (in Shoreham) and had to be removed by the Council.²
- 4.23 Councillor Parkin did speak again, stating that he was disappointed the Labour members had seen fit to make the proposal into a political issue and as an opportunity to have a dig at him. After some debate, the motion was passed unanimously.

Events after the meeting of 21 May 2020

- 4.24 After the meeting Councillor Parkin spoke to the newly appointed Chair of the Council, Councillor McGregor, about what had happened. Councillor Parkin told us:

‘We were both concerned that during the meeting the Labour group had accused me of saying ‘we didn't know that a Chinese would eat undercooked bat soup in China’ as opposed to ‘somebody would eat undercooked bat soup in China’. We discussed whether me saying ‘somebody’ could be perceived as racist. As a result, the Chair went to the Monitoring Officer and asked her about the incident: whether my statement was racist and whether the fact that the words attributed to me by the Labour group could make them at fault.’

² Wayne Green states in his complaint that the graffiti referred to read 'Covid. Made in China'

The next day the Local Press rang me about the incident. I responded to them by saying that I had reported the incident and the Labour response to the Monitoring Officer, and I was awaiting her verdict. It was not until two weeks after this that the Labour Group put in the complaint against me. I did wonder if the Labour Group were entering the complaint because they thought I was making a complaint about them, which I did not in the end as I was advised it wasn't worth doing.'

- 4.25 On 26 May 2020, the Worthing Herald ran an article under the headline: “**Bat soup’ comments made by Tory council leader criticised.** The leader of Adur District Council has been accused of ‘casual racism’ after linking Covid-19 to ‘somebody eating under-cooked bat soup in China’ “. The article reported that when asked about the accusation after the meeting, Councillor Parkin said:

‘I do not think I was telling the public anything they did not already know. Nor do I think I was being racist. I also did not say what I am accused of saying. Either I have been inadvertently racist in a public meeting- a very serious matter. Or those two Labour Councillors have wrongly accused me of being racist – again a very serious matter. It may have to go to the council’s standards committee’

The article also made the point that the Home Office had recently reported a 21 per cent rise in hate crime against south and east Asian communities, and there have been reports of Chinese people being spat on, verbally abused and assaulted.

- 4.26 On 1 June 2020, the Argus ran exactly the same story under the headline: “Adur council leader accused of ‘casual racism’”. Councillor Parkin’s comment was also referenced by many on Twitter. Sarah Owen, Labour MP for Luton North posted the Zoom footage of Councillor Parkin’s comment to her twitter feed, along with the comment:

‘Tory leader of @adurandworthing council Neil Parkin, racially stereotyping East Asians as “eating undercooked bat soup in China,” during a council meeting. No one called him out. It sadly seems that stereotyping like this is increasingly accepted and that we are just fair game.’

Her tweet was much commented on, including by the former Shadow Home Secretary Diane Abbott MP, who stated: “Horrible, racist anti-Chinese rhetoric by @adurandworthing council leader Neil Parkin. Disgraceful.”

It is fair to say though that in general the response to the comment on Twitter was divided; while some deemed it unacceptable and racist, others could see nothing wrong with the comment (with many suggesting that he was being factually accurate) and criticised Sarah Owen for referring to ‘East Asians’ given that Councillor Parkin had made no reference to that group.

Complaints

- 4.27 On 2 June 2020, the seven Labour councillors referred to above submitted their complaint to the Monitoring Officer. In their complaint, they alleged that Councillor Parkin, when portraying the people of China as being responsible for the Covid-19 pandemic because of their eating habits, failed to demonstrate leadership and conducted himself in a manner contrary to the Council's duty to maintain high standards for members. They stated:

'We believe that this is not the kind of language appropriate at a public meeting. As members we are expected to be held to a higher standard. We have a responsibility to think about how others interpret our comments – sometimes, sadly, as a green light for abuse. We need to consider the context of a significant spike in hate crime towards Asians in the UK since the pandemic began. We've seen examples locally with the anti-Chinese graffiti that appeared on Shoreham riverwalk recently, and reports about incidents at the Chinese wholesaler in Southwick Square. The words spoken rely on stereotypes, and by perpetuating such rhetoric, Cllr Parkin is encouraging negative stereotyping, which at the very least won't help the council to foster positive relationships between communities. We believe that it's in the best interests of the council for Cllr Parkin to retract his statement and take remedial action.'

Their complaint referenced paragraphs from the 2010 Equality Act regarding discrimination and the obligation the Act placed on public authorities. The complaint also quoted the Local Government Associations equality framework, which states that Senior Leaders should demonstrate knowledge and commitment to equality issues.

- 4.28 On 17 June 2020, Mr Wayne Green submitted a complaint to the Council in which he described Councillor Parkin's comment as a *'highly inflammatory racial comment against our Asian UK community.... Neil Parkin as the Leader of ADC has a high public profile and also is not new in this position. He should know how to speak in the correct tone and political manner, especially in this highly sensitive and highly charged political environment.'* Referring to the issue of racism, Mr Green wrote: *'What we see here clearly is the new forms of racism narrative that cuts across all areas of life from gender to politics coming alive, grafted on different words of different meaning rather than overt. It was stated by another Cllr at the council meeting that this was a form of casual racism. Looking into the sub text of what Neil Parkin was saying, is actually a deep form of unconscious racist bias, leading to a conscious racist statement/comment against a particular culture and BAME group seeking to conflate them with the British pandemic. This should not be tolerated in anyway.'*

- 4.29 On 19 June 2020, Ms Camy Creffield submitted a complaint to the Council about Councillor Parkin's comment. Ms Creffield wrote of how she had moved to Shoreham from Hong Kong 30 years earlier and explained the impact of such comment: *"When spurious statements like that used by Mr Parkin go unchallenged they tend to perpetuate racial stereotypes. I believe the language he used is not only disrespectful to me and the local Chinese community but fundamentally racist, and I feel compelled to make a formal complaint to this effect. His behaviour lacks leadership is unbecoming of a council member, and*

after consulting your Code of Conduct I suggest sections 4.1.7 and 4.3 apply. While I have become accustomed to such ‘casual xenophobia’ over the years, Mr Parkin’s position within our community makes it incumbent upon him to be particularly mindful of the feelings of minority groups. Moreover, his claims about the origins of the virus being in uncooked foods are patently untrue and roundly disproven some time ago... It concerns me that by parroting unverified information circulating on the internet Mr Parkin has used an official, public platform to peddle ‘fake news’. Anyone watching would be forgiven for assuming he knows what he’s talking about, further perpetuating false information about the virus.’

Councillor Parkin’s response to the complaints

- 4.30 At interview, Councillor Parkin fully accepted making the comment attributed to him in the complaints. Councillor Parkin explained that his initial denials related to the fact that during the Council Zeglam has accused him of saying that the ‘Chinese’ had eaten undercooked bat soup, rather than that ‘somebody’ had eaten bat soup in China.
- 4.31 In response to the allegation that his comment was racist, Councillor Parkin told us: *‘I don’t believe that what I said could be considered racist and I note that in the complaint the Labour group stopped short of accusing me of such. My understanding is that it is believed by scientists that the Coronavirus was started in a wet market in China and that the virus is to be found in bats. Bats are sold at this market and that it had to have been passed from a bat to a human somehow. The easiest way for this to happen is that it is ingested, and that the Virus would only survive if the bat was under cooked. I note that whilst the exact origin of the Virus is unclear, the Chinese Government themselves are saying that it stemmed from bats in the wet market in Wuhan. Since I made these comments, I have had numerous communications of support from members of the public along with communications telling me conspiracy theories about where the virus has actually come from. Some of these theories are quite bizarre. If I had known the comment was going to make so much fuss, I would not have said it. But the Labour group³ have for some time been trying to make everything politically correct and have been trying to portray members of other groups as either sexist or racist.’*

³ Councillor Parkin told us that all of the complainants are members of the local Labour Party, including both Mr Green and Ms Creffield.

5: Reasoning as to whether there have been failures to comply with the Code of Conduct?

Capacity

- 5.1 Before we make a recommendation as to whether Councillor Parkin's conduct amounts to a failure to comply with the Code of Conduct, we need to decide if he was acting as a councillor (i.e. acting in his official capacity) at the relevant time.
- 5.2 Section 27(2) of the Localism Act 2011 requires all relevant authorities to adopt a code of conduct "dealing with the conduct that is expected of members ... when they are acting in that capacity" (my emphasis). The Council has reiterated this in its own Code:

'3.3 The Code applies whenever a Member:

- *Conducts the business of Adur District Council...; or*
- *Acts, claims to act or gives the impression they are acting as a representative of Adur District Council ...; or*
- *Acts, claims to act or gives the impression they are acting in their official capacity as a Member of Adur District Council.'*

- 5.3 In this case there can be no doubt that Councillor Parkin was acting in his official capacity because the offending comment was made during a Council meeting.

Has Councillor Parkin failed to comply with the Code of Conduct?

- 5.4 The intention of the Code is to ensure that the conduct of public life at the local government level does not fall below a minimum level which engenders public confidence in democracy. In adhering to the principles set out in the Code there is an expectation that members will always treat others with respect, ensure that the Council complies with its duty under the equalities legislation and not say anything that might bring their office or authority into disrepute.

Code principles

- 5.1 Paragraph 4.2: Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurred are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurred, who observed the behaviour, the character and relationship of the people involved and any provoking factors.
- 5.2 Paragraph 4.7: The general equality duty requires organisations to consider how they could positively contribute to the advancement of equality and eliminate discrimination. The equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It requires equality considerations to be reflected into

the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review. Further information can be found in annex a.

- 5.3 Paragraph 4.12: In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a member's behaviour in office will bring that member's office into disrepute if the conduct could reasonably be regarded as either reducing the public's confidence in the Council being able to fulfil its role; or adversely affecting the reputation of members generally, in being able to fulfil their role.

Councillor Parkin's conduct

- 5.5 The investigation has found that during a debate about the Council's investments at their meeting of 21 May 2020, and more specifically about why members were discussing recommendations that were made before the impact of the Covid-19 pandemic was known, Councillor Parkin stated:

"At that time, in March, this was making up about fifteen percent of our budget. That's why we are voting on it. I know Councillor Balfe hasn't liked it all along and I'm probably going to have to put up with him saying 'I told you so' for the next 10 years, but, at the time, none of us knew about somebody eating undercooked bat soup in China. So, there we go."

- 5.6 All our considerations must have regard to Article 10 of the ECHR, with relevant points set out in paragraphs 3.7 – 3.10 above. As stated by Collins J in *Livingstone v The Adjudication Panel for England* [2006] EWHC 2533, the right to freedom of expression is a crucially important right in a democratic society and it is clear that it may only be interfered with where there are convincing and compelling reasons within the terms of Article 10(2) justifying that interference.
- 5.7 When considering whether Councillor Parkin's conduct amounts to a failure to comply with the Code, it is firstly relevant that the matter under discussion was unrelated to the origins of Covid-19. Councillor Parkin made the reference as an alternative way of referring to the outbreak of the pandemic as part of a relatively minor 'dig' directed at Councillor Balfe. We understand that his comment was not rehearsed or recited but 'off the cuff'; and the investigation has seen no evidence that it was made with the intention of attacking or even blaming the consequences of the pandemic on any individual or group. Indeed, Councillor Parkin has been keen to stress that he never referred to the ethnicity of the person eating the soup. He also correctly pointed to the fact that the Chinese Government has itself identified Wuhan market as the place where the virus was most likely first transmitted to humans; and that the relevant strain most likely developed in bats.
- 5.8 That said, we do share many of the concerns expressed by the complainants. In the first instance, while Councillor Parkin has attempted to justify his comment as being largely accurate, by May 2020 the idea that the pandemic had been caused by a person eating bats in any form had been exposed as untrue. While I recognise that this was not the matter under consideration, the principle of

Leadership means that the duty of councillors is not merely to give voice to any information they receive; they should think carefully about the accuracy of it and the underlying evidence for their assertions (whether their own or others’).

- 5.9 The complainants have all argued that the words spoken by Councillor Parkin were echoing negative stereotypes, and that by perpetuating such rhetoric, Councillor Parkin was feeding into the anti-Chinese feeling around Covid-19. Again, we share this concern. While Councillor Parkin might consider his comment to be a fairly benign repetition of a Daily Mail headline, as Leader of a Council his actions and behaviour are subject to greater scrutiny than that of both ordinary members of the public and even other members of the Council. As a result, it is vital that he is careful in his use of language and, when choosing what to say, mindful of the wider context.
- 5.10 The relevant context here would include the reported increase in hate crimes directed towards the local Chinese community, linked no doubt to the phenomenon of ‘collective blame’. In the months preceding Councillor Parkin’s comment, certain media outlets and prominent figures (who could reasonably be regarded as having a racist agenda) were actively promoting the spread of misinformation, such as that COVID-19 was started by the eating of ‘bat soup’ in China, in order to support the narrative that China should be blamed for the outbreak of the virus. By referring to ‘somebody eating undercooked bat soup in China’, Councillor Parkin fed into this narrative and risked aligning himself with them. We would suggest that adherence to the advice from WHO - to avoid using geographic or national terms to describe disease outbreaks in order to minimize unnecessary negative effects on nations, economies and people – is particularly important for those who have a public platform from which to comment.
- 5.11 Turning then to whether we consider that Councillor Parkin’s comment amounts to a failure to comply with the Code:

Paragraph 4.2: Some general principles which have emerged through previous cases / tribunal hearings that can assist our considerations in this regard, including that a finding that a councillor failed to treat others with respect normally requires conduct / comments aimed at or about an identifiable person and their individual characteristics. Disrespect is harder to find when comments are made about an organisation or distinguishable group and impossible when directed at a general group (though other aspects of the Code may well be engaged). As an example, insults aimed at ‘Travellers’ would not engage this aspect of the Code, however insults aimed at an identifiable group of Travellers would.

In this case I recognise that Councillor Parkin did not even refer to a general group as being responsible for the outbreak, but rather a geographical location. While our concerns about this have already been expressed, we do not consider that Councillor Parkin failed to comply with paragraph 4(2) of the Code.

Paragraph 4.7: I have set out in detail at annex A our considerations with regards this aspect of the Code. I am confident, especially after having read the passionate response to Councillor Parkin’s comments as set out in the complaints, that his almost throwaway line referencing the eating of bat soup in

China did little to improve community cohesion within the area. I am equally confident though that his conduct would not have put the Council at risk of breaching its equality responsibilities.

Paragraph 4.9. There is no doubt that Councillor Parkin’s comment resulted in a fairly critical response in the press. Given that he is Leader of the Council, there is a very real risk that any damage caused to his own reputation will seep across and damage the reputation of the Council. In the High Court decision referred to above though, Collins J set a fairly high bar when it came to considerations of a councillor bringing their authority into disrepute.

Collins J was considering a case involving a complaint against Ken Livingstone (while Mayor of London) and comments he made towards a journalist, which the Adjudication Panel for England had found to be disrespectful⁴. When considering Mayor Livingstone’s appeal, Judge Collins stressed the importance of separating the ‘man’ from his ‘office’, finding that while Mayor Livingstone’s comments may have tarnished his own personal reputation, they did not tarnish the reputation of either his office or authority. In our view Councillor Parkin’s conduct must be viewed in the similar manner; while we can understand how some might view his comment with concern, we do not think that it has affected the public’s confidence in either the Council or its members generally being able to fulfil their duties.

- 5.12 To conclude; we consider that that Councillor Parkin’s reference to ‘somebody eating undercooked bat soup in China’ was unnecessary and somewhat crass, particularly bearing in mind the advice from WHO and in the context of an increase in anti-Chinese feeling locally. That said, we recognise that this was an ‘off-the-cuff’ remark that was not disrespectful towards any identifiable person or group. For the reasons set out in this report, we consider that a breach finding in would be a disproportionate restriction on Councillor Parkin’s freedom of speech.

⁴ Mayor Livingstone said to the Evening Standard journalist “*Have you thought of getting treatment? What did you do before? Were you a German war criminal?*”. When the journalist said that he was Jewish and quite offended by his comment, Mayor Livingstone stated: ‘*You are just like a concentration camp guard. You’re just doing it cause you’re paid to do it. Your paper is a load of scumbags... reactionary bigots who supported facism*’.

6. Recommendation

- 6.1 In a finely balanced decision, it is our recommendation that the Monitoring Officer concludes that Councillor Parkin did not fail to comply with the Code of Conduct with regards this matter.
- 6.2 That said, we would encourage Councillor Parkin to reflect on the concerns raised and think carefully about the potential impact comments such as the one he made can have on his local community. Councillor Parkin's actions and behaviours are subject to greater scrutiny than that of ordinary members of the public; as such he should try to ensure that the language he uses cannot be perceived to contradict the Council's aim of promoting inclusivity and preventing negative perceptions about differences in race and culture.

Annex A

Public Sector Equality Duty⁵Background

On 5 April 2011, the public sector equality duty (the equality duty) came into force. The equality duty was created under the Equality Act 2010.

The equality duty replaced the race, disability and gender equality duties. The first of these duties, the race equality duty in 2001, came out of the Macpherson Report on the murder of the black teenager, Stephen Lawrence. Following failures of the investigation of Lawrence's murder, the report revealed institutional racism in the Metropolitan Police. It was clear that a radical rethink was needed in the approach that public sector organisations were taking towards addressing discrimination and racism.

Prior to the introduction of the race equality duty, the emphasis of equality legislation was on rectifying cases of discrimination and harassment after they occurred, not preventing them happening in the first place. The race equality duty was designed to shift the onus from individuals to organisations, placing for the first time an obligation on public authorities to positively promote equality, not merely to avoid discrimination.

Following the introduction of the race duty, it was clear that progress could also be made on other areas of equality through the introduction of similar duties. The disability equality duty came into force in 2006, followed by the gender equality duty in 2007.

The equality duty

The equality duty was developed to harmonise the equality duties and to extend it across the protected characteristics. It consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.

⁵ As set out by the Equality and Human Rights Commission

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

The equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status. This means that the first aim of the duty applies to this characteristic but that the other aims (advancing equality and fostering good relations) do not apply.

Purpose of the duty

The broad purpose of the equality duty is to integrate consideration of equality and good relations into the day-to-day business of public authorities. If you do not consider how a function can affect different groups in different ways, it is unlikely to have the intended effect. This can contribute to greater inequality and poor outcomes. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services, including internal policies, and for these issues to be kept under review.

Compliance with the general equality duty is a legal obligation, but it also makes good business sense. An organisation that is able to provide services to meet the diverse needs of its users should find that it carries out its core business more efficiently. A workforce that has a supportive working environment is more productive. Many organisations have also found it beneficial to draw on a broader range of talent and to better represent the community that they serve. It should also result in better informed decision-making and policy development. Overall, it can lead to services that are more appropriate to the user, and services that are more effective and cost-effective. This can lead to increased satisfaction with public services.

What would be a breach of those laws?

Breaches of the various areas of anti-discrimination laws can occur in four main ways. These are:

Direct discrimination

Direct discrimination occurs when someone is treated less favourably on the grounds of his or her race, sex or disability.

For example, if a woman was not called for an interview for a chief executive post despite the fact that she fulfilled the person specification better than any of the men short-listed, it is likely that direct discrimination occurred.

Indirect discrimination

Indirect discrimination may occur where a requirement or condition has a disadvantageous and disproportionate impact on members of particular groups that are defined by race, sex or disability.

Consider a situation where members decide that all applicants for council employment must be 6ft tall. This requirement would have a disproportionate impact on women and members of many racial groups. It would also be unjustified.

Victimisation

Victimisation occurs if a person is treated less favourably because they have complained about unlawful discrimination or supported someone else who has.

Victimisation would occur where a member sought to undermine the employment prospects of an officer who supported somebody who made an allegation of discrimination against the member.

Harassment

Harassment occurs where there is unwanted conduct which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment on grounds of their race, sex, etc.

This may occur, for example, if an officer is subjected to unwanted banter or teasing about his sexual orientation or beliefs.

How can a member cause their authority to be in breach of those laws?

The Code is not intended to stifle democratic debate. Members should always remember that Article 10 of the Human Rights Act 1998 gives a high level of protection to even offensive comments, if genuinely made in the course of political debate.

Thus merely arguing, or even voting, against a proposal which is aimed at complying with a positive anti-discriminatory duty would not be enough, by itself, to cause this paragraph to be engaged.

However, under the equality enactments, an authority is made liable for any discriminatory acts which a member does commit. This will apply where a member says or does something in their official capacity in a discriminatory manner. Members must therefore be careful not to conduct themselves in a way which may amount to any of the prohibited forms of discrimination or to do anything which hinders the fulfilment by the authority of its positive duties under the equality enactments. Such conduct may cause the authority to breach an equality enactment and the member may find themselves subject to a complaint that they have breached this paragraph of the Code.

In a case before the Adjudication Panel for England, the Tribunal considered how the general duty imposed by s.71 of the Race Relations Act 1976 impacted on the behaviour of a councillor at a training session. They held that the duty was an important one, which

“...reflects what a multicultural society expects of a local authority, namely that in exercising its functions, it should have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The Tribunal considers that an objective observer would regard it as essential to the good reputation of a local authority that it is seen to be embracing the implications of that duty when acting corporately and also through the individual actions of Members and officers.

As the Council’s adopted [racial equality scheme] stresses, it provides the means of leading by example, by raising the awareness of the problems and discrimination that ethnic minorities may face; its success is recognised as being dependant on the commitment to making it work. The [racial equality scheme] was adopted shortly before the training session and it was clearly important to the Council that the commitment of Members and officers was displayed at this early stage.”

Members should be aware therefore that even if this paragraph is not engaged, issues of the reputation of the authority or office of councillor might well arise.

RESTRICTED

Extract of email from Independent Person – Mr Simon Norris-Jones – Dated 25th August 2020

“Having received the experts report, I think, at this stage, my comments and conclusions should be focused on whether the matter should be dismissed or referred to a sub committee for determination, rather than whether I think there has been a breach of the code of conduct.

1. In considering this I am aware of the fact that the standard of proof required in these matters is that of ‘Balance of Probabilities’ (ie more than 50%). The fact that the report refers to a ‘finely balanced’ conclusion of no breach implies to me a figure under but close to 50%.
2. If my understanding of the Localism Act is correct then I think it is intended that there should be public transparency at local level of as many decisions as possible so that ultimately the voter can make informed decisions at the ballot box.
3. On this basis I believe that it would not be correct to dismiss the matter at this stage based on a ‘finely balanced’ conclusion in a highly technical experts report, and that the matter should be determined by an appropriate ‘local’ sub committee.

For you general information I have listed below (in no particular order) specific factors that I have considered in coming to the above conclusion.

1. My approach to this complaint has been to stand back from the details covered by the experts report and consider the matter as an independent member of the general public.
2. The fact that complaints were received about such a comment being made by a high profile elected public figure speaking at one of the main full meetings of the Council is in my opinion understandable because, irrespective of the detailed wording used, the comment(s) clearly have the potential of being interpreted as having racial implications.
3. The fact that Cllr Parkin spoke to the Chair of the Council about the matter immediately after the meeting (and before any formal complaints had been received) and that this resulted in the Chair discussing the matter with the Monitoring Officer indicates to me that Cllr Parkin may have had concerns about his comments at that early stage.
4. I have noted that in 4.31 of the report Cllr Parkin is reported as saying ‘*If I had known the comment was going to make so much fuss, I would not have said it.*’
5. Cllr Parkin places particular emphasis on the fact that the complainants are either Labour Councillors, or in the case of Wayne Green and Camy Creffield members of the Labour Party. The implication here is that the complaints are politically motivated. I do not give significant weight to this point as it is unlikely that Conservative Councillors would lodge a complaint against their Leader and I think that, without any evidence to the contrary, the complaints (particularly those from the members of the public) should be taken as genuine. I also note that both Wayne Green and

particularly Camy Creffield have particular knowledge of, shall I say, the local Chinese / Asian situation.

6. The fact that there has been a local issue with graffiti on the subject increases the sensitive nature of the matter.
7. As a Shoreham resident I am also aware that it has been necessary to put notices in Chinese on the Adur riverbank because of problems with illegal cockle picking.
8. The fact that the matter has been covered in the local press is significant and I expect the press will cover the matter however it is concluded. Therefore I think full public transparency on how the final decision is made will be important.
9. I have concerns that the report does not give sufficient weight to the complaints by the members of the public. In particular the complaint by Camy Creffield is relevant, well thought through and presented and should be given more careful consideration.

I hope you find these comments useful. Do not hesitate to get back to me if you would like to discuss anything in more detail or require clarification.”