



ADUR & WORTHING COUNCILS

Joint Governance Committee
23 March 2021
Agenda item 10

Ward(s) Affected: All

LGA Model Code of Conduct and arrangements for dealing with breaches of the Members' Code of Conduct

Report by the Monitoring Officer

Executive Summary

1.0 Purpose

- 1.1. Members of the Joint Governance Committee will recall on the 24th November last year, a report was presented giving an update on the progress of the work on the Committee on Standards in Public Life and the Local Government Association, following earlier consultation in July 2020, when Members of the Joint Governance Committee engaged in the consultation process.
- 1.2. This report seeks to provide Members of the Joint Governance Committee, with the outcome of the governance and ethics Joint Member Officer Working Group in relation to the Code of Conduct, a new procedure for assessing Code of Conduct Complaints, investigations and hearings procedure.
- 1.3. The Appendices attached to this report are:
Appendix 1 Local Government Association Model Code of Conduct
Appendix 2 Arrangements for dealing with Members' Code of Conduct Complaints, how to complain, the procedures For the initial assessment, dealing with investigations And the hearings procedure

2.0 Recommendations

- 2.1. Members of the Joint Governance Committee are asked to note the contents of this report and appendices.
- 2.2. The Joint Governance Committee is recommended to:
 - a. Agree the LGA Model Code of Conduct should be adopted as set out in Appendix 1
 - b. Agree the arrangements for dealing with Member Code of Conduct Complaints as indicated in Appendix 2,
 - c. That the Member Code of Conduct and arrangements for dealing with Code of Conduct complaints should be reviewed by the Monitoring Officer every two years including any related Policies
 - d. Agree to have two separate sub-committees for Adur & Worthing Councils
 - e. To decide on whether the word chairman needs to be changed as chair or chairperson.
- 2.3. Recommend to each Council to:
 - a. To adopt the LGA Model Code of Conduct; and
 - b. To accept the procedures set out in Appendices 2, 3 and 4;
 - c. Agree the Member Code of Conduct and arrangements for dealing with complaints under that Code should be reviewed by the Monitoring Officer, every two years including any related policies;
 - d. To have two separate sub-committees for Adur & Worthing Councils

3.0 SUMMARY

Background

- 3.1. All (elected and co-opted) Members of the Borough, District and Parish Councils are expected to uphold the highest standards of conduct as holders of public office, and at the very least uphold the Nolan 7 principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

- 3.2. S.28 of the Localism Act requires Councils to adopt a Code of Conduct for its Members. Furthermore, s. 28 (6) and s. 28 (7) of the Localism Act 2011 requires Councils to put in place “arrangements” to deal with allegations of misconduct in failing to comply with the Adopted Code of Conduct for Members.

The reports before the Joint Governance Committee

- 3.3. Members will recall various reports brought to them:
- **November 2019** - “Standards in Public Life” updating Members of the Joint Governance Committee with the work undertaken by the Committee on Standards in Public Life and their recommendations in respect of ethical standards, particularly creating an updated Model Code of Conduct by the Local Government Association, in consultation with the representative bodies of councillors and officers of all tiers of local government.
 - **July 2020** - Members of the Joint Governance Committee considered the draft Model Code of Conduct and engaged with the consultation process.
 - **24th November 2020** - Members of the Joint Governance Committee received a report from the Monitoring Officer updating the Committee on the progress of the work of the Committee on Standards in Public Life and the Local Government Association, setting out in some detail, the implications for the Councils of Adur and Worthing. As a result of that report it was recommended that a Joint Member Officer Working Group should be formed for the purpose of looking at the LGA Model Code of Conduct in more detail, with a view to reviewing the arrangements for dealing with Code of Conduct Complaints.

The Joint Member Officer Working Group

- 3.4. The Joint Member Officer Working Group has met four times. All three Independent Persons have participated in the meetings, along with the Members, the Monitoring Officer and the two deputy Monitoring Officers. All three Independent Persons have had the benefit of the Independent Persons Conference in early March, and observed a Code of conduct hearing following an investigation.

Deliberations of the Joint Working Group

3.5. A number of issues were raised during the work of the Member Officer Working Group and a consensus reached in respect of the following:

- The LGA Model Code of Conduct should be adopted - because essentially this has the fundamental aim to create and maintain public confidence in the role of the Member and local government.
- The Working Group felt the Model Code is more comprehensive and gave more clarity to certain conduct such as bullying, harassment and discrimination, making particular reference to the Equality Act 2010 which Members were keen to emphasise. Members discussed the need for examples, and wanted to include reference to unconscious bias. Members were referred to the ACAS provisions as suitable definitions for harassment and bullying.
- There is clarity as to confidentiality and access to information.
- The use of the first person made the Code of Conduct more personal to the Member.
- “Respect” was better defined in the Model Code of Conduct.
- When to speak and when not to participate in relation to disclosable pecuniary interests is clearer in the Model Code of Conduct. Members wanted to ensure the same approach is adopted in the Planning Protocol. The Monitoring Officer is to make the appropriate amendments where necessary.
- As a result of discussions within the Working Group, the Planning Protocol, Member Officer Relations Protocol, Social Media Policy and Licensing Procedure were examined. Members would like to see the Planning Protocol aligned with the new LGA Model Code of Conduct, and the Social Media Policy to be updated too, not least because it refers to the old Data Protection Act.
- The Social Media Policy to be updated and modernised, subject to the discussions between the Monitoring Officer and the Surveillance Inspector, in relation to the impending RIPA Inspection. The Monitoring Officer to amend as appropriate. Members were keen for there to be a clearer distinction between personal use and Member use, with examples where possible.

There was a particular concern regarding retweeting and sharing and whether this was an endorsement of a view or not. It was agreed the Monitoring Officer would seek out examples as to Member “Capacity” to give greater clarity to Members.

- Members, having examined the Protocol for Relationships Between Members and Officers, required slight tweaking to include the up-to-date GDPR as opposed to Data Protection, and clause 6.3 relating to bullying and/or intimidation required a fuller explanation and to include reference to the Equalities Act 2010. The Monitoring Officer to make the appropriate changes.
- As to the Licensing Committee, it was noted that Members had to be trained in the preceding two years before becoming Members of that Committee; and a party may be assisted or represented by their Ward Member, but Ward Member should take no part in the determination of the matter before the Licensing Committee.
- Members wanted greater clarity on “substitutions” particularly with regard to predetermination/bias/predisposition.
- Members are keen for Group Leaders to be told when a Code of Conduct complaint has been made against one of their Members. Provision has been made in the procedure.
- Members were concerned that the Member complained of, should have support throughout the process. This has been addressed in the procedure.
- Finally the Working Group went through all the 15 best practice recommendations in the guidance accompanying the Model Code of Conduct, and accepted all, but best practice no. 3. This states the Code of Conduct should be reviewed every year. The Working Group felt this was too onerous and agreed that the Code of Conduct should be reviewed every two years, unless an earlier review is required by the Monitoring Officer.
- Although the LGA Model Code of Conduct has been widely published and consulted upon, Members were of the opinion the Code of Conduct should be included on the Councils’ websites once the Joint Governance Committee has approved the Code, and to be published in the local newspapers prior to adoption by the two Councils; the Monitoring Officer/Democratic Services Manager to liaise with the Communications Team in this regard.

Matters of principle

- 3.6. As a matter of principle, the Working Group were of the opinion that the Code of Conduct Complaints should be dealt with locally, wherever possible, namely, by the Monitoring Officer in consultation with one of the Independent Persons to have a local resolution.
- 3.7. The Working Group felt that the current role of the Monitoring Officer feels like one of prosecutor. The current procedure for dealing with Code of Conduct complaints is complex and difficult to follow. It was essential to have a new procedure that was much simpler to follow.
- 3.8. That trivial, vexatious, politically motivated, “tit for tat” matters, or not in the public interest, will not be investigated, nor even reported. Nor matters which took place more than 6 months (unless there are exceptional circumstances) The Monitoring Officer to dismiss these, if appropriate, at an early stage, in consultation with one of the Independent Persons. However, the Members felt that it was important for such matters to be recorded in case a pattern emerged and which can be used as evidence for vexatious or bullying behaviour. Members preferred a much lighter and swifter touch, hence why they preferred the Model Code of Conduct in this respect.
- 3.9. Members were keen for genuine complaints to be resolved quickly, and to put time limits in the new procedure, within reason.
- 3.10. Members are aware the Model Code of Conduct refers to “Councillor”. The definition in the Model Code of Conduct states that “Councillor” means a Member or Co-opted Member of a Local Authority.
- 3.11. Members are keen for the arrangements for dealing with Code of Conduct Complaints should be easily sign-posted on the Website with an indication of the roles of the Monitoring Officer in relation to the Code of Conduct, the Independent Person and the Investigator.
- 3.12. There was a strong feeling that a sub-committee should be set up for each Council dealing with their own Members’ Code of Conduct Complaints, because they felt Members should be judged “by their own peers”. The Monitoring Officer and the Democratic Services Manager to create two separate sub-committees for this purpose.

- 3.13. The arrangements for dealing with the Members Code of Conduct is set out in Appendix 2, which have been simplified with the use of flowcharts. The Appendix 2 deals with how to deal with the Code of Conduct Complaints, the initial assessment by the Monitoring Officer in consultation with the Independent Person, the procedure when the complaint is referred for investigation and the Hearings procedure, including any sanctions to be imposed.
- 3.14 Members were divided about the name/description of the person presiding over the meetings. Discussions took place as to whether the Word “Chairman” was still appropriate. There were differing views as to whether the new terminology should include “Chair” or “Chairperson” but No consensus was reached.

4.0 Engagement and Communication

- 4.1. The LGA have already consulted widely with Officers, Members and others before producing the Model Code of Conduct issued on the 23rd December 2020
- 4.2. The Joint Member Officer Working Group are of the opinion the Code of Conduct, once approved by the Joint Governance Committee, should be placed on the Councils’ website for any comments, and in the local press subject to consultation with the Communications Officer of the Councils.

5.0 Financial Implications

- 5.1. There are no financial implications arising from this report

6.0 Legal Implications

- 6.1. S. 28 of the Localism Act requires Councils to adopt a Code of Conduct for its Members.
- 6.2. s. 28 (6) and s. 28 (7) of the Localism Act 2011 requires Councils to put in place “arrangements” to deal with allegations of misconduct in failing to comply with the Adopted Code of Conduct for Members.

Appendix 1 Local Government Association Model Code of Conduct, as slightly amended by referring to “Member” as opposed to “Councillor” for consistency of the Code of Conduct purposes and review bi-annually instead of annually.

Appendix 2 Arrangements for Member Code of Conduct Complaints, covering how to complain, the initial assessment process, and Investigations and Hearings Procedure

Officer Contact Details:-

*Maria Memoli,
Monitoring Officer and Head of Legal Services
01903 221119
Maria.Memoli@adur-worthing.gov.uk*

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

Any hearing before the Standards Sub-Committee would be based on the principles of natural justice and comply with the Human Rights legislation, particularly the right to a fair hearing.

3. Environmental

Matter considered and no issues identified.

4. Governance

Failure to uphold high standards of conduct and ethics amongst Members and/or to fail to deal with allegations of misconduct can lead to reputational damage and a lack of confidence in the democratic process.

Local Government Association

Model Councillor Code of Conduct 2020

NB: The Model Code for Adur & Worthing Councils will be based on this Code and all references to “Councillor” have been changed to “Member” throughout

Joint statement

The role of Member across all tiers of local government is a vital part of our country's system of democracy. It is important that as Members we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual Member affects the reputation of all Members. We want the role of Member to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become Members.

As Members, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a Member without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Member Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and Members on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “Member” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Member and local government.

General principles of Member conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Member.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Member.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Member or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Member.

This Code of Conduct applies to you when you are acting in your capacity as a Member which may include when:

- you misuse your position as a Member
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish Members are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Member conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Member:

1.1 I treat other Members and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's Member-Officer protocol.

2. Bullying, harassment and discrimination

As a Member:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a Member:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Member:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. 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**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Member:

5.1 I do not bring my role or local authority into disrepute.

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Member:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a Member:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8 . Complying with the Code of Conduct

As a Member:

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9 . Interests

As a Member:

- 9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a Member:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B

Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it

is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a Member, or towards his/her election expenses. 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 made between the Member or his/her spouse or civil partner or the person with whom the

	<p>Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the Member’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the Member, or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the Member’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Member, or his/ her spouse or civil partner or the person with whom the Member is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	---

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, 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.

Table 2: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring Members to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Members.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

NB: The Councils' Working Group has agreed to renew every two years unless an earlier review is requested by the Monitoring Officer.

Best practice 4: An authority's code should be readily accessible to both Members and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish Member towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Procedure for Assessment, Investigation and hearings of Complaints that Councillors have breached the Adur District Council / Worthing Borough Council Code of Conduct for Members

1. Introduction

This procedure is only to be used for the assessment and investigation of complaints of alleged failures by Members to comply with the Council's Code of Conduct for Members.

2. Making a complaint

Complaints should be made in writing to the Monitoring Officer.

3. Initial assessment of complaint

On receipt of a complaint, the Monitoring Officer will notify the Subject Member that a complaint has been received (unless the Monitoring Officer considers that it would be contrary to the public interest or would prejudice the consideration of the complaint to do so).

The Monitoring Officer will make an initial assessment of the complaint within 20 working days of receipt of all relevant information to enable an initial assessment to be made. In making an initial assessment, the Monitoring Officer shall consult with an Independent Person, and inform the Group Leader.

Having carried out an initial assessment of a complaint, the Monitoring Officer will decide on one of the following courses of action:

- Decide to take no action
- Decide that the Monitoring Officer shall resolve the complaint informally
- Decide to refer the complaint for investigation

4. Decision to take no action

Where the Monitoring Officer decides to take no further action in respect of the complaint, the Complainant and the Subject Member shall be advised of that decision in writing. The Monitoring officer may decide to take no action if for example, the Code of Conduct was not engaged (The Member was not acting as a Member at the time of the alleged breach of Conduct took place), or where matter took place more than six months ago (except in exceptional circumstances, or where the allegations are anonymous, or the complaint appears to be malicious, vexatious, politically motivated, tit for tat, or is so minor, that there is no overriding public benefit in carrying out an investigation. Also whilst framed as a code of conduct matter, a challenge to an expression of fact or opinion made during a debate at a council meeting or is fundamentally a challenge to the underlying merits of a Council determination (e.g. a planning application). These are just some examples, but the list is not exhaustive. The Monitoring Officer in consultation with the Independent Person may decide that a complaint does not merit further consideration for any other reason which appears to them to be relevant.

Parish Council Members

If you are a Parish Council Member and the subject Member (or one of them) is a Member of the same Parish Council, the Monitoring Officer may, in consultation with the Independent Person, refer the entire complaint to the Sussex Association of Local Councils (SALC) if appropriate. SALC will appoint a Panel to hear your complaint and decide whether it is sufficiently serious to be put through the procedure set out below or whether it should be settled in some other way within the Parish Council.

Where the Monitoring Officer has taken the decision that the complaint does not merit further consideration or is to be referred to SALC, if appropriate, for mediation/conciliation the Monitoring Officer will inform the Complainant of that decision and the reasons for that decision.

In the alternative, any formal complaints about the conduct of a Parish Council member towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

5. Decision to resolve complaint informally

Where the Monitoring Officer decides to resolve the complaint informally, the Complainant and the Subject Member shall be advised of that decision in writing. In deciding to resolve the complaint informally, the Monitoring Officer may pursue any of the following courses of action:

- Provide further training and guidance to the Subject Member
- Mediate between the Complainant and the Subject Member
- Require the Subject Member to write a personal apology to the Complainant
- Write an advisory letter to the Member

or such other action agreed between the Monitoring Officer and the Independent Person

If informal resolution is able to resolve the complaint, then no further action is required.

Where informal resolution does not resolve the complaint, the Monitoring Officer may, following consultation with the Independent Person, decide to refer the complaint for investigation.

6. Decision to investigate complaint

Where the Monitoring Officer decides to refer the complaint for investigation, the Complainant and the Subject Member shall be advised of that decision in writing. The Monitoring Officer shall also advise the Chairman Joint Governance Committee that a complaint has been referred for investigation.

Where the Monitoring Officer decides to refer the complaint for investigation, the Subject Member shall be provided with the details of an Independent Person should they require guidance on the process for investigation of the complaint. The Independent Person shall be a different Independent Person to the one that the Monitoring Officer has previously consulted with.

Within 14 days of deciding to refer the complaint for investigation, the Monitoring Officer shall appoint an Investigating Officer to investigate the complaint. The Investigating Officer may be an officer of the Council, an officer of another local authority, or an external person.

7. Investigation of complaint

The Investigating Officer shall be instructed to investigate the complaint and to report to the Monitoring Officer. The Investigating Officer shall carry out an investigation. The purpose of the investigation is to establish the facts of the case and to form a view on whether there has been a breach of the Members Code of Conduct.

The Complainant and the Subject Member shall cooperate fully with the Investigating Officer, including attending any meetings or interviews and providing all relevant information and documents to the Investigating Officer.

The Subject Member may be accompanied by a friend or an adviser when attending any meeting or interview as part of the investigation of the complaint.

The Investigating Officer may pursue any of the following actions as part of the investigation:

- Interviewing the Complainant
- Interviewing the Subject Member
- Interviewing other relevant witnesses
- Requesting copies of any documents relevant to the investigation

The Investigating Officer shall produce a draft report of their findings and send a copy to the Monitoring Officer, the Complainant and the Subject Member. The Investigating Officer shall allow 14 days for comments on the draft report and shall take any comments into consideration when producing the final report.

If during the course of the investigation, the Investigating Officer identifies other breaches of the Code of Conduct the Monitoring Officer shall be advised accordingly.

The Investigating Officer shall endeavour to complete the investigation within 2 months of appointment.

The Investigating Officer shall send a copy of the final report to the Monitoring Officer. The report shall include copies of any statements or documents obtained during the course of the investigation.

8. Post investigation procedures

Where the Investigating Officer concludes that there has not been a breach of the Code of Conduct, the Monitoring Officer shall take no further action and the Complainant and the Subject Member shall be advised of that decision in writing.

Where the Investigating Officer concludes that there has been a breach of the Code of Conduct, the Monitoring Officer shall refer the report to the Hearings Sub-Committee for consideration.

9. Hearings Sub-Committee

Where a Hearings Sub-Committee is required the procedure for the hearing set out in the Appendix to this procedure shall apply.

The Hearings Sub-Committee shall have the power to decide whether or not to impose a sanction where there has been a finding of a breach of the Code of Conduct for Members.

The Hearings Sub-Committee may decide not to impose a sanction or it may impose one or more of the following sanctions:

- The Monitoring Officer to send a formal letter to the Subject Member
- The Subject Member to make a public apology at Full Council. In the event of an apology not being made, the Subject Member may be censured at a meeting of the Full Council.
- The Monitoring Officer to provide further training and guidance to the Subject Councillor.
- The Subject Member to write a personal apology to the Complainant.
- A recommendation to the relevant Group Leader that the Subject Member should not sit on a particular Committee (or Sub-Committee or Working Group) for a period of time and for the relevant Group Leader to appoint a temporary replacement to the relevant committee.

The Hearings Sub-committee will have the benefit of any advice from the Independent Person.

Appendix

Hearings Sub-Committee procedure

1. Terms of Reference

The Hearings Sub-Committee is responsible for considering reports of an investigating Officer into complaints that there has been a breach of the The Council's Code of Conduct. The hearing shall be conducted in public whenever possible, unless circumstances require the hearing to be in private, such as personal details, or not in the public interest.

Membership

A Hearings Sub-Committee shall consist of three District / Borough Councillors (wherever possible from different political groups). The Hearings Sub-Committee shall be advised by the Monitoring Officer, who will be accompanied by the Independent Person. The Independent Person will be present to give independent advice to the Monitoring Officer, or to the sub-committee.

2. Procedure

Pre-hearing process

The Monitoring Officer will liaise with Democratic Services to arrange for the Hearing sub-committee to meet to hear the complaint within three months of receiving the Investigating Officer's report. Sufficient notice will be given to all parties to the Sub-committee hearing regarding the date fixed for the hearing.

The Monitoring Officer will require the subject Member to give their response to the Investigating Officer's report as to what facts are agreed or facts likely to be in contention at the Hearing Sub-committee

If the subject Member wishes to rely on evidence at the Hearing sub-committee, then that information should be provided to the Monitoring Officer, in writing.

The Hearing Sub-committee will not allow new arguments or evidence to be presented at the hearing.

If there are two complaints that relate to the same Member or to the same incident/occasion, then the Monitoring Officer may decide for them to be considered together.

The subject Member should be provided with the Investigating Officer's report and any evidence which will be heard at the hearing.

The Monitoring Officer should provide the Members of the Hearing Sub-committee with a report that summarises the allegation. This should include a list of agreed facts, and disputed issues should be outlined.

The Hearing sub-committee

The Hearing Sub-committee will generally take place in public. If the subject Member is a parish member, a parish Member who is a co-opted member of the Joint Governance Committee will attend in an advisory capacity, in addition to the three voting Members of the Sub-Committee.

One of the Independent Persons will be invited to attend the hearing and will be asked to comment on whether there has been a breach of the Code of Conduct and on appropriate sanctions.

If the subject member does not attend the hearing, the Hearing sub-committee may adjourn the hearing or may continue to reach a decision on the basis of the Investigating Officer's report, and if it decides to do so, any evidence that it hears.

Whilst the Hearing Sub-Committee is a meeting of the Council, it is not a court of law. It does not hear evidence under oath. The rules of natural justice should nevertheless be carefully followed and the Hearing sub-committee will have due regard to the seriousness of the proceedings for those involved, the Council and the public, and will adhere at all times to the Equalities Act 2010.

The Hearing Sub-committee will decide disputed issues and whether the subject member has breached the Code of Conduct on the "balance of probabilities".

Representation

The subject Member may choose to be represented, at their own cost. The Hearing sub-committee may refuse to allow any person to remain at the hearing if they are disruptive. The Hearing sub-committee will have the discretion to hear opening or closing arguments from the subject Member and the Investigating Officer, if they feel this will assist them in reaching a decision.

Evidence

The Hearing sub-committee will control the procedure and evidence presented at a hearing, including the number of witnesses and the way they are questioned. All matters relating to the evidence and procedure are within its discretion.

Generally, the subject Member is entitled to present their case as they see fit.

Witnesses of facts that are disputed would normally be expected to attend to be questioned. Character witnesses, if appropriate, will provide written evidence which will be read at the hearing.

Witnesses may be questioned by the Hearing Sub-committee, the Independent Person, the Investigating Officer and the subject Member.

The onus is on the subject Member to ensure the attendance of the witnesses whom they rely on to give evidence to assist them. The Hearing Sub-committee can limit the number of witnesses or the issues which can be covered by them.

Neither the Hearing sub-committee nor the subject Member will have any power

to compel witnesses to give evidence.

Making Findings of Fact

- The Chairperson introduces the Sub-Committee and any other persons present, including the Monitoring Officer, the Independent Person, the Investigating Officer and a Committee Officer.
- The Subject Member introduces any person who is acting as their representative and any witnesses to be called on their behalf.
- The Chairperson shall explain the procedure that shall be followed
- The Investigating Officer is invited to present their report and to call any witnesses.
- The Subject Member may ask questions of the Investigating Officer and/or any witnesses which are to be put through the Chairperson.
- The Members of the Sub-committee may ask questions of the Investigating Officer.
- The Subject Member is invited to respond to the Investigating Officer's report and to call any witnesses.
- The Investigating Officer may ask questions of the Subject Member or any witnesses which are to be put through the Chairperson.
- The Members of the Sub-Committee may ask questions of the Subject Member.
- The Chairperson may request advice from the Monitoring Officer, and/or the Independent Person.

Decision

- The Sub-Committee shall adjourn to consider whether there has been a breach of the Members Code of Conduct. The Sub-Committee may request the presence of the Committee Officer during their deliberations. The Monitoring Officer may assist in settling out the reasons for their decisions.
- The Sub-Committee shall reconvene to deliver its decision verbally.
- If the Sub-Committee decides that there has been a breach of the Code of Conduct then the Sub-Committee shall consider whether a sanction should be imposed.

Sanctions

- The Chairperson shall invite representations from the Investigating Officer as to whether a sanction should be imposed.
- The Chairperson shall invite representations from the Subject Member as to whether a sanction should be imposed.

- The Chairperson shall ask the Monitoring Officer if they wish to express an opinion as to whether a sanction should be imposed, and whether to comment on the appropriate sanctions
- The Chairperson shall ask the Independent Person if they wish to express an opinion as to whether a sanction should be imposed, and whether to comment on the appropriate sanctions.
- The Sub-Committee shall adjourn to consider whether to impose a sanction.
- The Sub-Committee may request the presence of the Committee Officer during their deliberations.

Sanctions- mitigating/aggravating circumstances

- The hearing sub-committee should consider all the mitigating and aggravating circumstances that appear to be relevant. For example, it may wish to consider:
 - What were the actual and potential consequences of the breach?
 - How serious was the breach?
 - What is the attitude of the subject Member now? Have they apologised?
 - Has the subject Member previously been dealt with or a breach of the Code of Conduct?
- The following are examples of mitigating and aggravating factors, (but these are not exhaustive):

Mitigating Factors

- An honest but mistaken belief that the action was not a breach of the Code of Conduct
- A previous record of good service
- Evidence that they were suffering from ill health at the time of the breach

Aggravating Factors

- Dishonesty
- Continuing to deny the factors or blaming other people
- Evidence of a failure to follow advice or warnings.

The priority of the Hearing Sub-Committee should be to ensure there are no further breaches of the Code of Conduct and that public confidence is maintained.

The Decision

- The Sub-Committee shall reconvene to deliver its decision in respect of a sanction verbally.
- The Chairperson will explain that written notice of the decision and the reasons for it shall be sent to all parties within 14 days of the date of the hearing, including the Parish Council, if the subject member is a parish council Member.

- The Chairperson will formally close the hearing.

Appeals

There is no right of appeal for you as the complainant, or for the Subject Member against a decision of the Monitoring Officer, or the Hearing Sub-Committee.

Withdrawal of a complaint

In the event that a complainant withdraws a complaint at any time prior to a decision having been made by the Hearing sub-committee, the Monitoring officer may, following consultation with the Independent Person, decide that no further steps to be taken in respect of that complaint but shall, in taking such decision take into account any issues which may arise under paragraph 2.1 of the Code of Conduct, particularly any intimidation.

Explanation of the roles

Monitoring Officer

The Monitoring Officer is a statutory role appointed by Council under s. 5 of the Local Government and Housing Act 1989, and in relation to the Code of conduct for Members, is the responsible person. The Monitoring officer is also responsible for the operation of the Council's Constitution. When a complaint is received, it is the Monitoring Officer's to check the form is completed correctly and will decide whether the complaint can move forward or not, in accordance with this Code of Conduct Complaints procedure.

References to the Monitoring Officer should be red to include any representative of the Monitoring Officer. The Monitoring Officer has a key role in ensuring the smooth running of the pre-hearing and hearing process; who will remain neutral throughout and will provide independent advice to the Hearing Sub-committee.

Independent Person

The Independent Person is a statutory role under s. 28 of the Localism Act 2011 and appointed by Council. The role of the Independent Person is to advise the Hearings sub-committee as to whether in their opinion there has been a breach of the Code of Conduct and whether, and what sanctions could be imposed. The Independent Person is consulted by the Monitoring Officer at the initial assessment stage of the complaint. Please note there will be a different Independent Member at the Hearing Sub-committee. The role also includes giving advice to the Subject Member as to procedural points in the process.

Investigating Officer

May be a Council Officer, an officer from another council or an external investigator. Following the initial assessment, The Monitoring Officer, may appoint an Investigating Officer to carry out an investigation into the

complaints made by the Complainant against the Subject Member in respect of misconduct by a council Member.

Hearing sub-committee

The role of the Hearing Sub-committee is to hear the code of conduct complaints that have been referred to them by the Monitoring Officer. Decide on whether or not there has been a breach of the Code of Conduct, and then decide on if and what sanction/sanctions should be imposed.

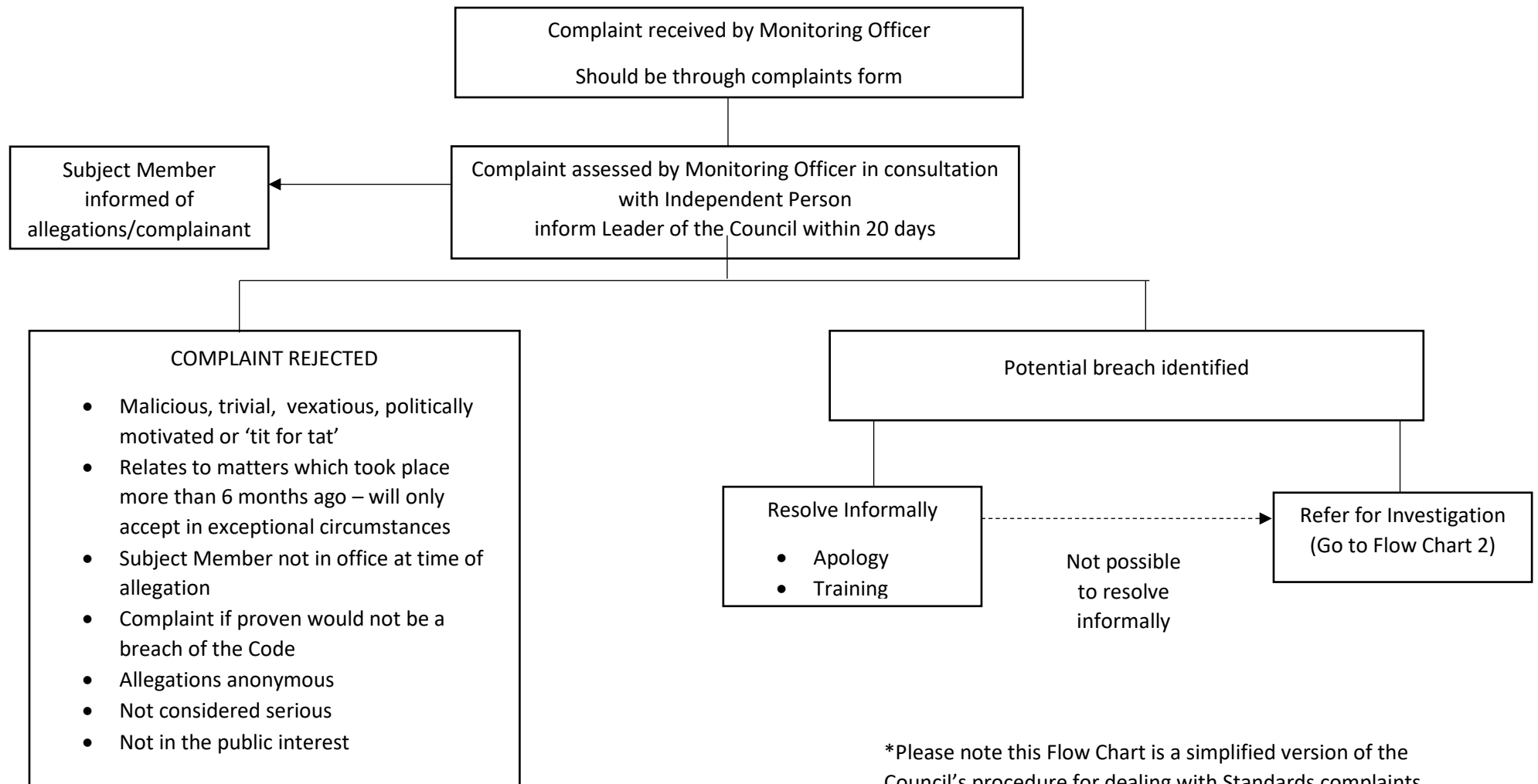
The Independent Person is invited to attend all meetings of the Hearing sub-committee and their views are sought and taken into consideration before a decision is made by the Hearing Sub-committee as to whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of a failure to comply with the Code of Conduct

Revisions of Arrangements for dealing with breaches of the Member Code of Conduct

The Council may by resolution agree to amend the arrangements for dealing with breaches of the Member Code of Conduct and has delegated to the Monitoring Officer the right to depart from these arrangements where they consider it is expedient to do so in order to secure the effective and fair consideration of any matter.

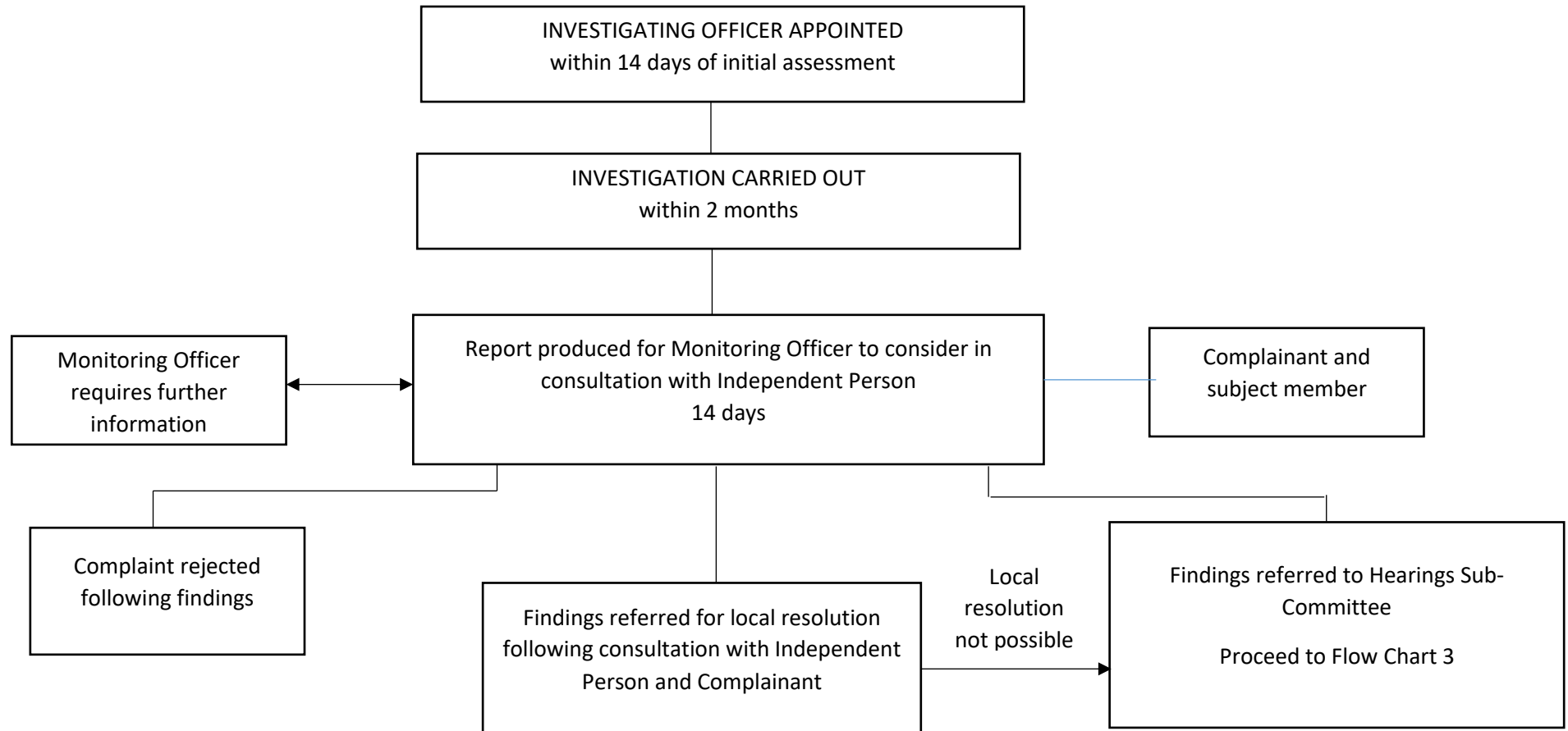
See the flow charts for ease of reference and to show the time-lines

FLOW CHART FOR STANDARDS COMPLAINTS – 1. ASSESSMENTS*



*Please note this Flow Chart is a simplified version of the Council's procedure for dealing with Standards complaints, the detail of which should be referred to where appropriate

FLOW CHART FOR STANDARDS COMPLAINTS – 2. INVESTIGATION



Adur subject member – Adur Hearings sub-committee
Worthing subject member – Worthing Hearings sub-committee

FLOW CHART FOR STANDARDS COMPLAINTS – 3. HEARING

