



Joint Governance Committee
31 May 2022

ADUR & WORTHING COUNCILS

Ward(s) Affected: None

Annual Review of Member Conduct Complaints - 2021/22

Report by the Monitoring Officer

Executive Summary

1. Purpose

- 1.1. This report advises Members of the Joint Governance Committee of the complaints received by the Monitoring Officer, that Elected Members have breached the Code of Conduct. Complaints received relate to Elected Members of Adur District Council, Worthing Borough Council, Sompting Parish Council and Lancing Parish Council.
- 1.2. The report advises of all complaints received during the municipal year 2021/22 from the date of the last annual report dated 27/05/2021, and the action taken by the Monitoring Officer, and/or the Council.

2. Recommendations

- 2.1. The Joint Governance Committee is asked to note the contents of this report and the actions taken by the Monitoring Officer and/or the Council.

3. Context

- 3.1. Section 27 of the Localism Act 2011 (the Act) provides that Councils (here: Worthing Borough, Adur District Lancing and Sompting Parish Councils) must promote and maintain high standards of conduct by Members including Co-opted Members of the Councils. In discharging

this duty the Councils must adopt a code dealing with the conduct that is expected of Members when they are acting in that capacity.

3.2. Under section 28(6) of the Act, Councils must have in place arrangements under which:

- (a) allegations can be investigated and,
- (b) decisions on allegations can be made.

Arrangements put in place under section 27(6)(b) must include provision to appoint at least one "Independent Person" whose views are to be sought and taken into account, by the Councils. Adur and Worthing Councils currently have two appointed Independent Persons.

3.3 The Joint Governance Committee is responsible for standards, ethics and probity matters, audit and accounts activity and the constitutional framework. Within its terms of reference, the Committee has the following responsibilities:

- To lead on the Council's duties to design, implement, monitor, approve and review the standards of ethics and probity of the Council, its Councillors and Co-opted Members.
- To promote a culture of openness, ready accountability and probity in order to ensure the highest standards of conduct of Councillors and Co-opted Members.
- To oversee and manage a programme of guidance, advice and training on ethics, standards and probity for Councillors and Co-opted Members and on the Members' Code of Conduct.
- To establish a standards sub-committee to receive reports following investigation on behalf of the Monitoring Officer into allegations of misconduct by Members and to determine appropriate action in respect of alleged breaches of the Members' Code of Conduct.
- To receive an annual report from the Monitoring Officer on the local resolution and assessment of allegations of breach of the Member Code of Conduct, by Members of the Councils and any Parish Council.

- 3.4 Last year, Adur and Worthing Councils' adopted the most up to date version of the Local Government Association' model [Code of Conduct for Members](#) which is found in the Councils' constitutions. Following this, the [Standards Procedure Rules](#), found at Part 4 of the Constitution were also updated. The Lancing and Sompting Parish Councils have their own Code of Conduct for their Members.
- 3.5 The Standards Procedure Rules provide for an initial assessment of all complaints to be undertaken by the Monitoring Officer. The purpose of assessment is to determine whether or not, on the basis of information supplied by the complainant, if the matter were proven, it would amount to a breach of the Code of Members' Conduct; no investigation or hearing is conducted at this stage. The Monitoring Officer will reject the complaint if the Subject Member was not acting in their capacity as a Councillor at the time, or if the complaint is deemed to be trivial, malicious, vexatious, politically motivated or tit for tat. If accepted, the Monitoring Officer will then consider whether the complaint may be more appropriately dealt with by way of informal resolution, and if so, will attempt to resolve it. On assessment, options open to the Monitoring Officer include deciding to take no further action, resolving the complaint informally. The Monitoring Officer may consult the Independent Person at this stage.
- 3.7. Should the Monitoring Officer conclude that the complaint merits an investigation, the investigation may be conducted by the Monitoring Officer or delegated to another Officer or an external appointment. The investigation will result in an investigator's report and if, in the view of the Monitoring Officer, there is evidence, on the balance of probabilities, 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, and impose sanctions if appropriate. Possible sanctions in respect of an Adur or Worthing Member may include censure, publicity, recommendation to the Leader or Council that the Member be removed from a Committee, additional training or withdrawal of facilities. In respect of a Parish Councillor, recommendations can be made to the Parish Council as to an appropriate sanction.
- 3.8. All Members should attend training on the Code of Conduct and the Standards Procedure Rules at least once a year.

4. Code of Conduct Complaints received by the Monitoring Officer

4.1. This report is brought to the Joint Governance Committee to:

- Assist the Committee in fulfilling the Councils' duty to promote and maintain high standards of conduct;
- Provide the Committee with an overview of the overall number of complaints received by the Monitoring Officer;
- Enable the Committee to satisfy itself that the Monitoring Officer is broadly exercising her delegations correctly, for example by noting that a reasonable and proportionate amount of matters were referred for investigation; and
- Enable the Committee to ascertain any trends they may identify and have the opportunity to address them by updating guidelines, or organising training.

4.2 The following tables set out the complaints received for each Council:-

Adur District Council

When	Complaint by	Alleged breach of the Code of Conduct	Action taken	Formal Hearing	Conclusion
26/05/2021	Former Member	Failure to show respect and harassment on facebook	Consultation with IP	No	Code not Engaged
26/05/2021	Former Member	Bringing the Member role and Council into disrepute	Review of meeting and consideration with Member	No	Informal resolution, no further action
31/08/2021	Officers	Failure to disclose a pecuniary interest conflict of interest.	Investigation by Monitoring Officer through external consultant	No	Ongoing
22/09/2021	Member	Failure to show respect /Social Media	Review by MO	No	Potential breach, dealt with informally

11/2021	Member	Defamatory misuse of information on Facebook	Consideration by Monitoring Officer	No	Dealt with Informally
21/03/2022	Member of the public	Failure to treat all persons equally and with respect, Facebook posts	Consideration by Monitoring Officer	No	No breach found, no further action
02/03/2022	Members of the public	Harassment, lack of impartiality, conflicts of interest in decision making	Consideration by Monitoring Officer	No	No breach found

Worthing Borough Council

When	Complaint by	Alleged breach of the Code	Action taken	Formal Hearing	Conclusion
31/03/2021	Member	Predetermination	Review of meeting	No	No breach found, no further action
14/10/2021	Members and members of the public	Disrepute of role and Council, unlawful discrimination	Consultation with IP and interview with Subject Member	No	No breach found, no further action
09/10/2021	Anonymous	Disrepute	Interview of subject Member	No	No breach no further action
29/10/2021	Member of the public	Facebook disrepute, bullying, harassment	Consultation with IP	No	No breach no further action
11/11/2021	Members	Pre-determination bullying, disrespect	Consultation with IP	No	No breach no further action

16/11/2021	Member of the public	Social Media, discrimination and disrepute	Review of Information by MO	No	Code not Engaged
14/12/2021	Member	Respect	Consultation with IP	No	No breach and no further action
15/12/2021	Member of the public	Breach of Process at Planning Committee	Consideration by Monitoring Officer	No	No breach found
03/01/2022	Member of the public	Abuse of Process, discrimination and disrepect, failure to act with integrity	Consideration by Monitoring Officer no breach found	No	No breach of Code, but corporate complaint procedure
30/03/2022	Member of the public	Failure to disclose interests, conflict of interest and abuse of process	Consideration by Monitoring Officer	No	No breach of code, no further action
13/04/2022	Anonymous	Inequality and discrimination	Insufficient information given	No	Case closed
05/05/2022	Member of the public	Harassment and intimidation, discrimination and slanderous use of a public forum	Consideration by the Monitoring Officer		Ongoing

Lancing Parish Council

When	Complaint by	Alleged breach of the Code	Action taken	Formal Hearing	Conclusion
13/10/2021	Member of the public	Equality, discrimination, disrepute	Consultation with IP	No	No breach found, no further action
22/09/2021	Member	Confidentiality and Access to Information	Dealt with informally	No	Potential breach/ informal resolution

Sompting Parish Council

When	Complaint by	Alleged breach of the Code	Action taken	Formal Hearing	Conclusion
14/04/2022	Member of the public	Lack of impartiality, confidentiality, access to information, use of position	Consideration by Monitoring Officer		Ongoing

5. Summary and Trends

5.1 Adur District Council

In the last year there have been 7 Code of Conduct complaints made against Adur District Councillors. The last recorded complaint in the table above concerned a Planning Committee meeting with a wide public interest, and although there were 24 complainants they were considered collectively as one complaint, as the complaints were all on similar points.

The bullet points below set out the trend in complaints received. The number of complaints this year has decreased when compared to the number received in 2020/21, which were unusually high over the four year period.

- 7 complaints in 2021/2022
- 16 complaints in 2020/2021
- 7 complaints in 2019/2020
- 3 complaints in 2018/2019

5.2 Worthing Borough Council

In the last year Worthing has received 12 complaints. The complaint received on 14/10/2021 involved 28 complainants, and as these were all on similar terms, the complaints were dealt with collectively.

The trend over the last four years may reflect the wider public interest in Member conduct during the lead up to a change of administration at Worthing Borough Council this year.

- 12 complaints in 2021/2022
- 10 complaints in 2020/2021

- 3 complaints in 2019/2020
- 5 complaints in 2018/2019

5.3 Lancing Parish Council

In respect of Lancing Parish Council there were:

- 2 complaints in 2021/2022
- 3 complaints in 2020/2021
- 1 complaint in 2019/2020
- 1 complaint in 2018/2019

5.4 Sompting Parish Council

In respect of Sompting Parish Council there were:

- 1 complaint in 2021/2022
- 0 complaint in 2021/2022
- 1 complaint in 2019/2020
- 2 complaints in 2018/2019

5.5 Summary of Complaints

Overall, there have been 22 Code of Conduct complaints as illustrated in the above tables. The types of complaint received indicate the importance of Member training and awareness of the Member Code of Conduct.

6. Financial Implications

- 6.1. Other than the extensive officer time involved in dealing with the Code of Conduct Complaints and the cost associated with instructing external investigation, there are no financial implications arising from this report. These costs are deducted from the existing Legal Services Budget.

7. Legal Implications

- 7.1 The Localism Act 2011 provides the statutory framework for Member conduct, the mandatory obligation for Local Authorities to have a Code of Conduct and for Councils to have local arrangements for dealing with complaints about Member conduct.

- 7.2. The Terms of Reference of the Joint Governance Committee provide that the Committee is responsible for Standards of Ethics and Probity amongst Members. The Standards Procedure Rules provide procedural arrangements for the consideration of complaints relating to Member conduct.
- 7.3. The Localism Act 2011 provides that the District Council is responsible for dealing with allegations relating to Member conduct in respect of any parishes in its area.

Background Papers

None.

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 to be held before the Joint Governance Sub-Committee (for standards) 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

Upholding high standards of conduct and probity amongst Members is paramount and breaches of the Code of Conduct have an adverse effect on public confidence in the democratic process and adversely affect the reputation of the Council.