

Public Document Pack

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A meeting of **Standards Committee** will be held in the Committee Rooms, East Pallant House on **Tuesday 10 December 2024 at 9.30 am**

MEMBERS: Mr J Vivian (Chair), Mr R Bates, Mr S Boulcott, Mr R Briscoe, Mx R Chant, Ms M Corfield and Ms E Newbery

PARISH REPRESENTATIVES: Mr Sean McHale

INDEPENDENT PERSONS: Mr Richard Andrews and Mr John Thompson

AGENDA

1 **Chair's Announcements**

Any apologies for absence which have been received will be noted at this stage.

The Chair will also announce any urgent items which due to special circumstances will be dealt with under late items.

2 **Approval of Minutes** (Pages 1 - 8)

The Standards Committee will be asked to approve the minutes of the previous meeting which took place on 4 June 2024.

3 **Declarations of Interests**

Members are to make any declarations of disclosable pecuniary, personal and/or prejudicial interests which they might have in respect of matters on the agenda for this meeting.

4 **Public Question Time**

The Committee will receive questions which have been submitted by members of the public in writing by noon two working days before the meeting. Each questioner will be given up to three minutes to ask their question. The total time allocated for public question time is 15 minutes subject to the Chairs discretion to extend that period.

5 **Parish Representatives Update**

The Chair will provide an update and request the Committees agreement to instruct the Monitoring Officer to seek a further representative.

6 **Standards Task and Finish Group Report** (Pages 9 - 25)

Cllr Vivian as Chair of the Standards Task and Finish Group will provide members with a summary of the work carried out by the Group and request that the Committee formally notes the adoption of the revised Code of Conduct webpage and Member Complaints Form (attached to the agenda).

7 **Standards Committee Work Programme (Page 27)**

The Committee is requested to note the Standards Committee Work Programme (attached to the agenda).

8 **Late Items**

The Standards Committee will consider any late items as follows:

- a) Items added to the agenda papers and made available for public inspection.
- b) Items which the Chair has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.

9 **Exclusion of the Press and Public**

There are no restricted items scheduled for consideration.

NOTES

1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.

2) The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at Chichester District Council - Minutes, agendas and reports unless they contain exempt information.

3) Subject to Covid-19 Risk Assessments members of the public are advised of the following;

- Where a member of the public has registered a question they will be invited to attend the meeting and will be issued a seat in the public gallery.
- You are advised not to attend any face to face meeting if you have symptoms of Covid.

4) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 of Chichester District Council's Constitution]

Public Document Pack Agenda Item 2



Minutes of the meeting of the **Standards Committee** held in Committee Rooms, East Pallant House on Tuesday 4 June 2024 at 9.30 am

Members present: Mr J Vivian (Chair), Mr R Bates, Mr R Briscoe, Mx R Chant, Ms M Corfield, Ms E Newbery, Mr R Andrews and Cllr Richard Hitchcock

Not present: Mr S Boulcott, Mr J Thompson and Cllr Sean McHale

Officers present all items: Mrs L Baines (Democratic Services Manager) and Mr N Bennett (Divisional Manager for Democratic Services)

18 **Chair's Announcements**

Cllr Vivian took the opportunity to thank Cllr Corfield for her time as Chair of the Committee.

Apologies for absence were received from Cllr Boulcott and Cllr McHale.

Mr Hitchcock was welcomed as a Parish Representative.

19 **Approval of Minutes**

There were some amendments to the minutes.

The first to correct the spelling of Cllr McHale's surname.

The second to correct the pronouns for Cllr Chant to they/them.

Cllr Vivian and Cllr Newbery did not vote as they were not present at the previous meeting.

In a vote the minutes of the previous meeting held on 6 November 2023 as amended were approved.

RESOLVED

That the minutes as amended of the Standards Committee held on November 2023 be approved and signed as a correct record.

20 **Declarations of Interests**

There were no declarations of interest.

21 **Public Question Time**

On this occasion there were no public questions.

22 **Standards Arrangements**

Mr Bennett was invited to introduce the report. He explained that the Task and Finish had been instructed to look at the policies and procedures that the Committee is responsible for. He drew attention to the creation of the flowchart included in the agenda pack at section 3.4 of the report.

It was noted that Cllr Vivian took over from Cllr Todhunter as a member of the Task and Finish Group by agreement with the Group.

Mr Bennett explained that the Task and Finish Group had looked in great depth at models used by other authorities as well as considering the council's own current model. He noted that Cllr Corfield had chaired the Group.

In addition to the flowchart the Group had requested the creation of a glossary to explain terminology.

Mr Bennett explained that the council is required to have arrangements. The Group carried out a line by line review ensuring a concise user friendly outcome. The Group were also tasked with agreeing the format of the arrangements.

Cllr Vivian then invited the Committee to make comments.

Cllr Bates explained that he found it very productive as a member coming into the Committee. He asked whether the information provided to members at the Induction training relating to Standards and the Code of Conduct have changed. Mr Bennett clarified that the Induction content remained accurate. He explained the arrangements are now more concise rather than losing any content.

Cllr Bates noted that the glossary is helpful.

With regard to section 2.1 of the report Cllr Bates asked for clarification of the inclusion of social media. He asked at the time of General Election whether members are allowed to be party political. Mr Bennett explained that social media is a technology that was not there before. He wished to make it clear that members making social media comments about local issues is important as an expression of free speech. He added that often social media comments can become more personal. He reminded members that it is a permanent record.

Cllr Bates also asked in relation to section 12.3 of the report if there is a breach of Code of Conduct is it correct that there is no way for members to suspend a member or withdraw their members allowances. Mr Bennett explained that no

suspension rights for Standards Committee is a matter of national debate. He outlined that a number of recommendations had been taken to the Government which included a process by which members could lose their role. Those adoptions were not approved at national level. Mr Bennett declared that he had participated in the debate. He added that it is important to remember that the Standards Committee provides a public scrutiny. He explained that a Standards Sub-Committee can be streamed live and is a way to discuss a member not abiding by the Code of Conduct in a public forum. He emphasised the importance of the influence of the Committee.

Cllr Chant asked whether the policy document will be made available online. With reference to section 3.2 of the report Cllr Chant asked whether a hyperlink will be provided. Mr Bennett confirmed that there could be a hyperlink at the point of publication.

Cllr Chant with regard to section 5.4 of the report questioned the use of the word 'may' in reference to informing a parish council about a complaint. Cllr Chant questioned why it is not 'will' instead of 'may'. They asked whether it could be tightened to specify that it is the parish clerk that is informed. Mr Bennett explained that it is there as an exception. 99% of the time it is a 'will'. In terms of who finds out it is gradual filter out. Mr Bennett clarified that often if it is outside the scope Mr Andrews or Mr Thompson the Independent Person would be made aware as sense check for Mr Bennett as the Monitoring Officer.

Cllr Chant with regard to section 12.4 of report asked what the benefit of publication is and what the precedent is nationally. Cllr Vivian explained that it is standard across council's. Mr Bennett confirmed that having it public often helps people realise the consequence to their actions.

Cllr Chant with regard to sections 4.1 and 4.2 of the report asked whether it is normal not to have a right to appeal within the council. They asked whether it would be worth putting a link in the document. Mr Bennett explained that if members wished to add a link that could be done. All of the letters that are sent will detail the ways to get in touch of the Ombudsman. Mr Bennett then clarified that it is normal process. Independent Persons are made aware. He added that Cabinet and Full Council cannot overturn a Standards Sub-Committee decision so the Ombudsman is the next step.

Cllr Vivian spoke in favour of adding the link suggested by Cllr Chant.

Mr Hitchcock felt that the Parish Council 'will' be informed would be more appropriate than 'may'.

Cllr Newbery explained that the document is clear, helpful and easy to follow. With regard to the Independent Person she asked how they are chosen. Mr Bennett explained that Full Council go through a selection process to advertise with the positions. There are then interviews prior to a vote from Full Council to formally appoint the positions. He drew attention to page 17 of the report and suggested changing the word 'the' to 'Full' in front of Council to clarify.

Mr Bennett suggested 'will always attempt to' in suggestion to Mr Hitchcock's suggestion.

Cllr Newbery asked if the Glossary use within the document could be made consistent so that the terms match. With regard to 5.3 and 5.5 of the report she asked if they are the same. Mr Bennett explained an initial assessment is different to an assessment. The initial assessment is looking at whether you are within the process. An assessment is when it sits within the code. With regard to typographical errors Mr Bennett confirmed that he would look back through the document.

Cllr Briscoe disagreed on section 5.4 of the report and felt 'may' should be maintained. He explained that this would allow Mr Bennett discretion. Cllr Bates agreed it is for the Monitoring Officer to decide if a complaint is serious enough it is then important that it goes to the parish council. Mr Hitchcock explained that 'may' and 'will' are both appropriate. He added that there could be a change of wording to demonstrate both examples. Cllr Chant asked if section 5.4 would come after 5.3. Mr Bennett clarified that section 5.4 does follow on from 5.3. Cllr Briscoe suggested 'will where appropriate' or 'will where possible' as possible wording.

Cllr Vivian asked the Committee to take a short break to formulate wording.

On the Committee's return Cllr Vivian invited Mr Bennett to read out the proposed amendments:

- 5.4 to be amended to say 'Monitoring Officer should inform the Parish Council' as this will replace the word 'may'.
- 14.2 to be amended to add a hyperlink to the Health and Social Care Ombudsman.

Mr Bennett also noted that he would follow up the following points which did not require voting

- Glossary clarification of Independent Person by referring to Full Council.
- Typographical check with be carried out.

The amendments were moved by Cllr Corfield and seconded by Cllr Chant.

In a vote the amendments were carried.

In a vote the following recommendation was then agreed:

That this Committee should recommend the adoption of the attached Standards Arrangements to Full Council as amended.

23 **Update on Parish Representatives**

Mr Bennett was invited to introduce the item. He explained that the terms of reference for the Committee allow for up to three Parish Representatives. He outlined that there is a vacancy.

Mr Bennett wished to thank Mr Galego for his work.

Mr Bennett explained that he has previously taken an advert out to parish clerks to request candidates. Another method had been an item at the council's All Parishes meeting.

Mr Bennett gave two options. The first is an email to the parish clerks. The second is to take an item to the All Parishes meeting with Cllr Vivian as Chair of Standards presenting a report to the meeting. The next Standards Committee would then have candidates to consider.

Mr Bennett expressed the importance of the role of the Parish Representatives. He explained that it is important to have members of the Committee who are in that role.

Cllr Vivian supported Mr Bennetts view to speak at the All Parishes meeting. Cllr Chant asked when the next meeting would be. It was confirmed that it would be September. Mr Hitchcock drew attention to the clerks or chairs being those who attend All Parishes and therefore the chairs being those who would end up on Standards Committee. Mr Bennett explained it should be encouraged at the All Parishes meeting that the representatives who attend should feedback the request to their parish members.

On behalf of the Committee Cllr Vivian noted the update and agreed to speak at the All Parishes.

24 **Task and Finish Group - Complaints and Website Review**

Mr Bennett was invited to introduce the report. He explained that the report had come from the Task and Finish Group for the Standards Arrangements. It had been suggested that the website could be updated and could be made more user friendly. He added that the Group was looking to at the start of September.

Post meeting note: a date of Tuesday 10 September 2024 was agreed.

Mr Bennett wished to note that the previous Task and Finish Group had worked really well.

Cllr Bates asked what members do for members of the public that do not have any access to the internet. He asked that the Task and Finish Group consider that.

Cllr Corfield asked how long the Task and Finish Group would take. Mr Bennett explained that there would be one meeting in early September. Then the work will happen in the middle. A second meeting of longer length to look at the review line by line. The hope is that the documents would be much shorter.

Cllr Vivian sought volunteers to sit on the Task and Finish Group.

The following members were agreed:

Cllr Briscoe
Cllr Chant
Cllr Vivian
Mr Andrews
Mr Hitchcock

In a vote the following resolution was agreed:

That the Committee should establish a task and finish group to review the ways in which complaints about members can be made.

25 **Complaints in respect of Members 2023**

Mr Bennett was invited to introduce the report. He explained that members had received a tabled part II appendix to the report.

Mr Bennett explained that line 2 is meant to refer to complaints in 2022/23.

Mr Bennett explained that the number of complaints had increased slightly. He added that he grouped the complaints into categories for the members. He noted that most complaints relate to lack of respect. He also drew attention to planning complaints but they are often outside of the scope of the Code of Conduct. He then explained that social media makes up a third of complaints. In relation to parish council complaints Mr Bennett explained that more emotive feelings are involved.

With regard to informal complaints Mr Bennett explained that the record keeping is in list form.

Mr Bennett drew attention to the fact that some complaints can be very broad so do not fit into one category. In those instances Mr Bennett chooses the primary reason.

Mr Bennett outlined that lack of respect often linked to social media. Most were between members. Mr Bennett wished to address that at the All Parishes meeting.

Mr Bennett wished to note that he put a lot of time into bullying and fraudulent related complaints.

Mr Bennett outlined that declaring an interest relates to members actions at meetings.

With regard to abuse of position Mr Bennett clarified that those cases are rare.

With regard to confidentiality issues Mr Bennett explained that members are in a position of great privilege and have a wide range of confidential information such as personal and health issues of peoples lives. This also includes commercial contracts. He emphasised that confidentiality matters. Members should always check with the Data Protection Officer Mr Thrussell in the first instance or a member of the legal team. The sharing of data inappropriately is never acceptable.

Mr Bennett asked if the structure of the information is helpful or whether there are amendments to make for next years report.

Cllr Vivian explained that it is helpful. The outcome of the Task and Finish Group may inform the structure.

Mr Hitchcock asked what proportion of parish councillor complaints were raised by parish councillors. Mr Bennett explained that of the formal complaints 9/22 are parish councillor to parish councillor. Informally the data would need to be circulated after the meeting but likely more than a third.

Mr Hitchcock asked if this includes complaints about parish clerks. Mr Bennett explained that Parish Clerk complaints are not included on the statistics. Mr Bennett explained that he will provide information locally if there are parish HR policies and also the details of SALC. There is no direct role of the Committee for parish clerks. Cllr Vivian explained that the different procedures for staff and members can be confusing for the public.

Cllr Briscoe thanked Mr Bennett for the report. He raised concerns about informal complaints relating to bullying or fraudulent behaviour. Cllr Vivian noted that an informal complainant is directed to the formal complaints process. Mr Bennett explained that there are a number of reasons why people do not go to formal complaint. If they choose not to proceed then there is not much that can be done. It is however noted and shared with the Chair. Mr Bennett explained that one persons view of bullying is someone else defending their view. Cllr Briscoe thanked Mr Bennett for the explanation. Cllr Briscoe spoke about bullying and how important it is to ensure it is dealt with effectively. Mr Bennett confirmed that he takes bullying incredibly seriously and will always follow those cases up. Cllr Vivian thanked Mr Bennett for providing an outline of the informal complaints.

Cllr Newbery asked how many complaints resulted in a breach of the Code of Conduct. Mr Bennett explained that the outcome is led by the complainant. The decision making once agreed it is a valid complaint for the complainant to explain what they want. If that is not possible then it is explained and a list of what is available is provided. He added that for most people it is not about punishment but about acknowledgement of the mistake and not doing it again. The sanction has to be accepted and carried out by the councillor. Cllr Newbery asked if the response relates to just those that are valid. Mr Bennett explained that six complaints were outside of the Code of Conduct. The rest of the complaints by agreement had the sanctions agreed.

Cllr Bates asked whether or not officers have a complaints procedure. He asked about officers of the district council. Mr Bennett explained that there is a 'proper officer' and a financial officer. Not all parishes have a set process in writing about their officers. Mr Bennett has worked with parishes locally to adopt those. At the council there is a complaints and compliments procedure. It reports to the Corporate Governance and Audit Committee annually with the number of complaints and compliments. The council has more compliments than complaints. There is Stage 1, normal supervisor will investigate. There is a Stage 2, Strategic Management Team to look at the complaint and how Stage 1 was carried out. Mr Bennett clarified that

Corporate Governance and Audit Committee receive a collated report with the figures.

Mr Hitchcock asked about grievous complaints and the difference between those and whether a person has been offended. Mr Bennett explained that is why there is the process. He added that if someone feels aggrieved enough to raise it there should be consideration given. Mr Bennett explained that it is not easy to make a complaint. He added that it is important that there is accessibility. Mostly the concerns around lack of respect is based upon a reasonable response to particular content and appears to be based upon genuinely felt impacts..

Cllr Vivian wished to note that 18 complaints involved the Independent Persons.

In a vote the following resolution was agreed:

That this Committee should note the activities of the Monitoring Officer in investigating complaints about District and Parish members in 2023.

26 **Late Items**

Cllr Vivian noted that following agreement of the Task and Finish Group a Standards Committee would be held in December.

Post meeting note: a date of Tuesday 10 December 2024 was agreed.

27 **Exclusion of the Press and Public**

There was no requirement to exclude the press or the public.

The meeting ended at 11.45 am

CHAIRMAN

Date:

Chichester District Council

Standards Committee

10 December 2024

**Task and Finish Group
Complaints and Website Review Final Report**

1. Contacts

Report Author:

Cllr James Vivian – Chair of the Standards Committee and Standards Task and Finish Group

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Lisa Baines – Democratic Services Manager

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2. Recommendations

- 2.1 That the Standards Committee notes the report from the Standards Task and Finish Group and formally adopts the revised Code of Conduct webpage and member complaints form as set out in the appendices.**

3. Background

- 3.1 At its meeting on 4 June 2024 the Standards Committee set up a task and finish group to review the webpage for the Code of Conduct and the member complaints form.
- 3.2 The Group met on 10 September 2024 and 3 October 2024 and consisted of Cllr Vivian who acted as Chair, Cllr Briscoe and Cllr Chant. Apologies for absence were received from Mr Andrews, Independent Person to the Council for 10 September 2024.
- 3.3 The Monitoring Officer took the Group through the current webpage and document and provided examples of good practice for the Group to consider. The Group agreed on the changes that would be required and tasked the Monitoring Officer with producing revised versions.
- 3.4 At its second meeting on 3 October 2024 the Group consider each revised version in turn with the finalised copies attached for the Committee's consideration.
- 3.5 The notes from these meetings are attached as appendices to this report.

4. Outcomes to be Achieved

- 4.1 The Group were tasked with creating an improved accessible webpage and complaints form to ensure the visibility of the Code of Conduct on the council's

website.

5. Proposal

- 5.1 The Group propose that the revised Code of Conduct webpage and revised member complaints form be formally adopted.

6. Alternatives Considered

- 6.1 Although an existing Code of Conduct webpage and member complaints form are in place the Group agreed that as they had not been reviewed for a number of years and an update is required.

7. Resource and Legal Implications

- 7.1 The Group did not feel it needed to meet for a third time so resource has not been allocated.
- 7.2 An effective means of making complaints will be helpful for complainants and again improve links with the newly adopted Code of Conduct and the overarching “arrangements” if adopted at Full Council.

8. Consultation

- 8.1 No consultation on this report has been carried out.

9. Community Impact and Corporate Risks

- 9.1 Poor governance processes undermines public confidence and understanding of the role and application of the Code of Conduct. Poor conduct by members being properly managed is a critical issue for the authority like any public body.

10. Other Implications

Are there any implications for the following? If you tick “Yes”, list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder The Council has a duty “to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”. Do the proposals in the report have any implications for increasing or reducing crime and disorder?	Yes – this is related to member conduct including investigation of relevant reported crimes.	
Biodiversity and Climate Change Mitigation Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		X
Human Rights and Equality Impact You should complete an Equality Impact Assessment when developing new services,		No - changes are not

<p>policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.</p>		<p>considered so significant as to require EIA</p>
<p>Safeguarding and Early Help The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?</p>		<p>No</p>
<p>General Data Protection Regulations (GDPR) Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to):</p> <ul style="list-style-type: none"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity. • large scale, systematic monitoring of public areas (including by CCTV). <p>Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.</p>		<p>No</p>
<p>Health and Wellbeing The Council has made a commitment to ‘help our communities be healthy and active’. You should consider both the positive and negative impacts of your proposal on the health and wellbeing of communities and individuals living and working in the district. Is your proposal likely to impact positively or negatively on certain groups and their ability to make healthy choices, for example low income families, carers, older people/children and young people. Are there implications that impact on areas of the district differently? eg the rural areas or those wards where health inequalities exist. If in doubt ask for advice from the Health and Wellbeing team.</p>		<p>No</p>
<p>Other (please specify)</p>		<p>None</p>

11. Appendices

11.1 Notes from the Standards Task and Finish Group held on 10 September 2024.

11.2 Notes from the Standards Task and Finish Group held on 3 October 2024.

11.3 Revised Code of Conduct webpage [How to make a complaint about a Councillor - Chichester District Council \(online only\)](#)

11.4 Revised Member Complaints Form

12. Background Papers

None.

Standards Task and Finish Group

10 September 2024

Training Room 2

2.00pm

CDC Members Present = Cllr's Briscoe, Chant and Vivian (Chair)

Officers = Mr N Bennett and Mrs L Baines

Independent Person = None.

Parish Representative = None.

Apologies – Richard Andrews.

There were apologies for absence from Richard Andrews. The Group also wished to remember Mr Richard Hitchcock who had recently passed away and would have been a member of the Group.

1. Code of Conduct Webpage

Mr Bennett explained that when the website was established every council did a similar upload of all documents. He explained that it had never been revisited. He outlined that the documents are currently just a list on the website. It includes:

- The Code of Conduct – recently adopted
- Complaint Form – to be considered today
- Equalities monitoring form – being considered by Mrs Bushby's team more widely across the council
- Procedure – arrangements have been recently updated by the Committee
- Public Notice – this is something that needs to be kept as is

Mr Bennett explained that there are three other modules which are suggested for consideration. Member were invited to look at the papers and consider whether any of the options would be a preference.

Mr Bennett explained that the graphic design side will be considered by the Web Team to ensure the finalised version complies with Accessibility Regulations and has the councils signature purple and green style.

Mr Bennett asked which module is a preferred. He explained that it is meant to guide people into the process and decide whether they want to make a complaint and how to do it as smoothly as possible.

Mr Bennett outlined the three webpages:

Cherwell District Council:

- Clear and well-structured with the simplistic structure which is very accessible
- Easy to comprehend
- States when it was first adopted
- Includes Appendices to the 7 key principles of public life
- Included a brief introduction outlining what the Code of Conduct is
- Refers to law, specifically the Localism Act 2011

Maidstone Borough Council:

- Clear and well-structured with appropriate titles in a comprehensible order
- Includes annex to the 7 Key Principles of public life
- Clear links between the complaint form to the code of conduct
- States distinctly that “Your complaint must be that the member(s) has, or may have, breached the Code of Conduct”
- Includes a brief introduction
- Refers to law, specifically the Localism Act 2011

London Borough of Sutton:

- Easy to locate Code of Conduct
- Refers to the Localism Act 2011
- One succinct document included within the constitution
- More than one method to submit complaint form: by post, email or complete online google form
- Refers to The Seven Principles of Public life
- Links to the Constitution
- Also allows post, email or online form options
- Everything in one document

Cllr Briscoe – liked Cherwell the best, liked adding the option of different ways to complete the form. Easy to use.

Cllr Vivian – agreed about Cherwell being the most concisely laid out. Other websites say ‘complain about a councillor’ whereas Chichester District Council (CDC) does not have a webpage for that. Cllr Vivian felt the drop down menus helped.

Mr Bennett explained that the Seven Principles of Public Life are often used as a reference tool. Members agreed to that the document should be added to the page separately.

Cllr Chant – digital version of submission is a must. Drop down, click and type. Easier for officers to collate. Data would be easy to extract. It would also be an accessible option.

Cllr Briscoe also asked for a paper copy option to be available to drop it down. Mr Bennett suggested using the drop down section.

Mr Bennett explained that a revised version would be written up and circulated to members in the next few days. If all in agreement the second Task and Finish Group would be cancelled.

2. Complaints Form

Mr Bennett explained that the form was based on the original model.

The positives of the form is that it is a recognisable form which people may have previously used. It also includes the Seven Principles of Public Life.

Mr Bennett highlighted the areas of the CDC complaint form that definitely need changing:

- The section on openness section on page 6 is out of date. W
- The recommendations section could be removed adding 'that a councillor cannot be sacked'
- Section F will have to be changed to match new arrangements
- Complaints submission in writing should also be removed
- Disability and Discrimination Act is now out of date

Mr Bennett explained that of the example forms they are all much more streamlined. Members were asked to consider their preferences.

Cllr Chant with regard to remedy it is important to give people the opportunity of deciding which outcome they would find acceptable. This could be tick boxes which are all valid options within the council's powers. If there is a free text box any option can be added. Mr Bennett explained that the options were not added currently people tend to just put they would like the person sacked. Cllr Briscoe then agreed with Cllr Chant that tick boxes would be a better option. Cllr Chant added that this could also help the Standards Committee when deciding a sanction. Mr Bennett suggested that the box provides a scope can take other options short of sacking a councillor. Instead it could be said that there is the option of the 'Monitoring Officer to provide an informal verbal warning in person'. Add on at the end 'none of the above, 'just want concerns to be recorded'. Members agreed the importance of options without providing too much choice.

Members were happy for Mr Bennett to use Cherwell District Council as a template inclusive of members points above.

Cllr Vivian asked about the Equalities Section. Mr Bennett explained that there is currently an optional Equalities Monitoring form which if completed that form can be considered as part of the complaint. Mr Bennett suggested added a signal line to the form to read that there 'is there any equalities matters you would like to take into consideration' linking to the Equalities Form. Cllr Briscoe explained that Planning Enforcement use a similar system.

Mr Bennett also asked to remove the 'facts' box which members agreed.

Cllr Vivian asked about the section on making a complaint about the Monitoring Officer. Mr Bennett explained that there is a Panel for the named Statutory Officers. Mr Bennett explained that on the final decision letter for a complaint there is a line to say that you can only appeal as a Judicial Appeal at the High Court. It also has a line there about how to complain at the Monitoring Officer's decision.

Mrs Baines was asked to complete the section relating to the Monitoring Officer complaints as an independent pair of eyes.

3. Date of the Next Meeting

Members will be sent the changes in advance and will be able to meet if required. Amended versions will be sent with changes in colour. That meeting is scheduled to take place on Tuesday 29 October at 1.30pm in Training Room 1.

The meeting ended at 2.38pm.

Standards Task and Finish Group

Thursday 3 October 2024

Training Room 1

9.30am

CDC Members Present: Cllr's Briscoe, Chant and Vivian (Chair)

Officers: Mr N Bennett and Mrs L Baines

Independent Person: Mr R Andrews (Independent Person)

1. Code of Conduct webpage

Cllr Vivian confirmed that he was happy with the Code of Conduct webpage: [How to make a complaint about a Councillor - Chichester District Council](#). Both Cllr Briscoe and Cllr Chant also agreed. Mr Bennett confirmed that searching the Code of Conduct for Chichester District Council takes you straight to the page.

Mr Bennett suggested that the email address contacts be updated once staffing changes following his departure had been agreed. He requested this take place in January 2025 to update the page so individual single point of contacts are added.

2. Complaints Form

Mr Bennett confirmed that the form is still seven pages long to ensure it includes all legal requirements. He referenced that some complaints deal with personal and sensitive issues.

The introduction makes sure the contact details are included. Any anonymous complaints will be treated as informal. Mr Bennett referenced complaints received via social media. The main section is about who the complainant is to ensure that politician to politician complaints are separated. Mr Bennett explained that it makes it known on the form that the complaint has been reviewed by the Monitoring Officer.

Cllr Chant asked if a parish clerk made a complaint which section would they choose. Mr Bennett explained that formal complaints almost always when from parishes are often sent by parish clerks. Mr Bennett suggested the section relating to other local government employees would make sense.

Cllr Vivian with regard to 'which of the following best describes you rather than use the word 'complainant''. Cllr Briscoe and Cllr Chant agreed.

With regard to the section 'who are you complaining about' Mr Bennett explained the information is just what is required. Mr Bennett explained that there is the option to carry on over the page as complaints have all previously been much longer than the box provided.

Mr Bennett explained that in terms of returning the evidence it provides a checklist but its usually email and screenshot data.

Mr Bennett explained the addition of 'witnesses' as this provides the Monitoring Officer which additional context. Cllr Chant asked if anyone cannot be a witness. Mr Bennett clarified that no one is prevented but the weight attached to their evidence will change. A person in a professional role typically has greater weight. Mr Andrews asked whether to add witness email to contact details. Mr Bennett put 'full name' as a separate box and then 'details'. This was agreed by all. Mr Bennett also expanded the boxes for all the answers so they are five lines long.

Mr Andrews asked with reference to section 3 (the bracketed section) if the title can then reflect the Chichester document title 'Standards Arrangements'.

Mr Bennett also confirmed that the Independent Persons arrangements are also detailed.

Mr Bennett asked the Group to consider the options that can be taken. With regard to the wording the Group agreed with the changes made by Mr Bennett.

Mr Bennett explained that the most time is spent discussing the outcome as most time those putting in a complaint ask for the member to be removed. He added that it is only a Committee that can place sanctions which then may result in the member choosing to resign themselves.

Mr Bennett added that the confidential information middle paragraph has been expanded to explain that confidentiality may not be automatically granted but if that is the case the person submitted the complaint will be given the option to refuse and withdraw the complaint. This is with reference to GDPR data processing.

Mr Bennett drew attention to the request at the end to confirm that the person submitting the complaint wants it to go ahead.

Cllr Vivian thanked Mr Bennett.

Mr Andrews asked about the Members Code of Conduct Monitoring Form on the website and whether it should be added to the form. Mr Bennett confirmed that the complaint form will go in online as an e-form or download it. The equalities forms are being reviewed so that is why they are separate. Once they are updated all the forms should be integrated onto the form that has been approved. It should not therefore be a separate form in the future.

3. Next Steps

Members are requested to agree the format of the report back to the Standards Committee.

Cllr Vivian also wished to thank Nick on his last meeting and wished him well for the future. The Group as a whole wished him well too.

The meeting ended at 10.07am.

CHICHESTER DISTRICT COUNCIL

COMPLAINT OF COUNCILLOR MISCONDUCT

If you have any questions or difficulties filling in this form or you need any support in completing it, because for example English is not your first language, or you have a disability that prevents you making your complaint in writing - please contact us on 01243 534684 and ask for the Democratic Services Team.

You can also e-mail us at legalservices@chichester.gov.uk please state that the email is for the Monitoring Officer.

Please write CLEARLY and in BLACK INK

As an alternative to printing this form and writing the information, you can complete our online complaints form or email us at the above address to request an MS Word version of this form.

Please note

- Complaints can only be accepted in writing
- An officer from the Council or an appointed investigator may contact you personally to go through the details of your complaint
- The Council is unlikely to be able to keep your identity or the information you have provided confidential. If you have serious concerns about disclosure of your name and the details of your complaint, please complete Section Five on confidential information
- Please read the document Arrangements for dealing with complaints of Councillor misconduct prior to completing this form.

Section One - Your details

Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address: *	

* Please note that, wherever possible, we will contact you via email, if you have provided an email address

Please tick the appropriate box to tell us which of the following best describes you:

- Member of the public
- An elected or co-opted member of a Council
(if applicable, please state which Council)
- Local authority monitoring officer
- Other council officer or authority employee
- Other (Please specify): _____

Section Two: Who are you complaining about

Please give the name of the councillor(s), or co-opted member(s) that you think may be in breach of the Code of Conduct AND tell us which Council they are members of.

Name of individual/s (include both first and last names)

	First Name	Last Name	Name of Council
1.			
2.			
3.			
4.			
5.			

Section Three: What are you complaining about?

Please provide us with as much information as you can about your complaint to help us decide what action to take. Include the date and details of the alleged misconduct, and any information that supports the allegation. It is important that you provide all the information you wish to have taken into account when a decision is made as to the action to be taken. If you are complaining about more than one member you should clearly explain what each individual member has done that you believe has breached the Code of Conduct.

We can only investigate complaints where it appears a councillor may have breached the Code of Conduct for Members (please see document *Standards Arrangements 2024* **can we hyperlink please Barry?*). You can continue on a separate sheet if there is not enough space on this form.

You should provide any relevant background information

Evidence (if this applies)

Please attach to this form, copies of any correspondence, documents, or other evidence that you feel is relevant to your complaint. Please avoid sending us large amounts of background information that only relate indirectly to your complaint.

Please briefly describe the documents you are enclosing:

1.	
2.	
3.	

Tick this box if you would like us to return the evidence to you.

Witnesses (if this applies)

Please tell us the names and details of any witnesses:

	Full Name	Address/Phone Number/Email
1.		
2.		
3.		

Section Four: Resolution of your complaint

As explained in the Standards Arrangements document in appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. It will be noted that resolutions at the informal stage are essentially identical to those at formal stage and some outcomes will only follow an investigation. An appointed "Independent Person" will be involved in the consideration of your complaint and contact details for them will be provided to you.

Where the member or the authority makes what the Monitoring Officer considers to be a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

Available outcomes as set out in the code and national guidance

- 1) Written Apology
- 2) That the Monitoring Officer is aware of this matter and will discuss it with the Councillor in question.
- 3) That some form of mediation between you and the Councillor take place.
- 4) That the Councillor undertake some form of training.
- 5) That the Councillor is censured by the Monitoring Officer / Standards Committee. This will be reported publicly to standards committee.
- 6) That the Councillor is removed or recommended by the Monitoring Officer for removal from a particular role or Committee.
- 7) Removal of particular facilities provided to that Councillor by the Council such as their computer, website and/or official email and internet access.
- 8) That a Councillor be limited in access rights to the Council
- 9) Some other specific outcome.

Which outcome(s) do you consider appropriate here?

Important Note – there is no lawful power to remove a Councillor and requests for this will not be taken forward through the process.

Section Five: Confidential information (this part only applies if you are asking for your identity to be kept confidential)

In the interests of fairness and natural justice, we believe councillors who are complained about have a right to know who has made the complaint. We also believe that they have a right to be provided with a summary of the complaint. As explained in the document Arrangements for dealing with complaints of Councillor misconduct we will not withhold your identity or the details of your complaint unless there is very good reason.

Accordingly, please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. However, if you have made such a request, you will be contacted and advised of the decision and, if your request is not granted, we will allow you the option of requesting the withdrawal of your complaint.

Please provide brief details of why you believe we should withhold your name and/or the details of your complaint below (The Monitoring Officer will contact you about this).

Please consider the complaint I have described above, and the evidence attached. I understand and accept that the details will normally be disclosed to the Councillor and any parties involved in this complaint procedure. It may also be shared with the police in the prevention or detection of crime.

Signature: _____ Date: _____

Please send this form together with any attachments to:

The Monitoring Officer,
Democratic Services,
East Pallant House,
East Pallant,
Chichester
PO19 1TY

Monitoring Officer

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Standards Work Programme 2024-2025

Topic	Type of report	Meeting Date
Update following All Parishes Meeting discussion on Parish Representatives	Verbal update from Chair	10 December 2024
Complaints and Website Review Task and Finish Group	Written report from Chair of Task and Finish Group and Monitoring Officer	10 December 2024
Standards Committee Work Programme	Provided in agenda pack for noting	10 December 2024
Complaints in respect of Members 2024	Written report from Monitoring Officer	June 2025 (Date TBC)
Constitution Review Task and Finish Group (Joint with Corporate Governance and Audit Committee)	Terms of Reference to be drafted by Monitoring Officer Request for membership to a Task and Finish Group	June 2025 (Date TBC)
Constitution Review Task and Finish Group	Written report from Chair of Task and Finish Group and Monitoring Officer	December 2025 (Date TBC)
Standards Committee Work Programme	Provided in agenda pack for noting	December 2025 (Date TBC)

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