



Arun District Council
Civic Centre
Maltravers Road
LITTLEHAMPTON
BN17 5LF

DX 57406 LITTLEHAMPTON
email: monitoring.officer@arun.gov.uk
www.arun.gov.uk

Mr C Dixon

10 December 2024

Via email to: chris@fso.co.uk

Our Ref: MO/sjq/2024/18

Dear Mr Dixon

Complaint made under the Members' Code of Conduct

I write further to my email of 30 October 2024 confirming receipt of your complaint against Councillor Mark Turner of Arun District Council under the Arun District Council Members' Code of Conduct ("the Code").

The conduct that is the subject of the complaint is that Councillor Turner allegedly fabricated a press release on behalf of the Worthing Borough Council licensing department and published this, without permission, on Facebook. You have stated that this is fraudulent behaviour and is not in keeping with the office of an Arun District Councillor.

You have not set out in your complaint which sections of the Code you consider Councillor Turner has breached. In my opinion your complaint alleges that the following requirement of the Code have been breached:

- 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 certain exceptions apply]
- 5.1 - I do not bring my role or local authority into disrepute.
- The general principle of acting with integrity and honesty.

I have considered your complaint, including reviewing the matters set out in your complaint form and accompanying evidence, views and comments from Councillor Turner and the views of one of the council's Independent Persons. My conclusions are set out below.

Your complaint is as follows, which I have taken from your e-form complaint submission to me and from your other emails, including to Councillor Martin Lury (Leader of Arun District Council):

“Councillor Mark Turner fraudulently fashioned a press release on behalf of Worthing Borough Council Licensing Department and published this on Facebook under his capacity as an Arun Councillor. You are now aware of the fraud and it is your responsibility to act. Our case now has a formal hearing at the magistrates court on 17th of October and I will advise the court I have made you aware.

Mr Turner fabricated a press release on behalf of Worthing Borough Council licencing department and published this, without permission, on Facebook. This fraudulent behaviour is not keeping with the high office of an Arun Councillor.”

Councillor Turner has provided me with his comments in response to the complaint, in which he set out his position that the incident has nothing to do with his role as an Arun District Councillor. As a Ferring resident, Councillor Turner objected to a licence application submitted by you. In the handling of Councillor Turner’s objection (as a resident) Councillor Turner was afforded an update by a Worthing Borough Council officer which he then mistakenly used on Facebook as it was written in a clear and technical language that was very accurate. That update was confidential. Councillor Turner accepts he made a mistake and when this was brought to his attention by an officer at Worthing Borough Council he immediately apologised and took down the related post (and successfully asked the only other viewer to remove it as well).

I have carefully considered your complaint, Councillor Turner’s response and all of the available information.

While Councillor Turner had objected to the licensing application as a resident and not as a councillor or representative of Arun District Council, Councillor Turner accepts that he may have come by the information by virtue of being a councillor at Arun District Council and therefore it is arguable that he was acting as a councillor at the time.

Working on the basis that Councillor Turner was acting as a councillor at that time, the facts are that the licensing application and Worthing Borough Council’s decision are a matter of public record, and the appeals process is also a matter of public record and will be as the appeal progresses. Worthing Borough Council released the information to Councillor Turner and I have not seen anything in the evidence to suggest this was released under strict confidentiality (though Councillor Turner accepts he did receive it confidentially).

Aside from the fact that an appeal had been lodged, and your name (which was already available on the licensing application papers published by Worthing Borough Council), everything in the Facebook post was procedural in nature and could have been requested from Worthing Borough Council and/or the magistrates’ court at any time by any member of the public.

Councillor Turner did not at any point in his Facebook post claim to be an officer or councillor of Worthing Borough Council, and he simply phrases his post as an “update from Adur & Worthing Councils”.

Importantly, as soon as the matter was brought to his attention Councillor Turner immediately apologised and removed the post and asked another person who had viewed the post to remove it. I also make the following observations:

1. The incident took place over three months before your complaint was submitted, and in general a 3-month period is a guideline under the Local Assessment Procedures (a

copy of which has been provided to you) against which I judge what further action to take.

2. I am not aware of any prejudice or harm having been caused to any party, including you as the complainant, as a result of Councillor Turner's post.
3. The Facebook post was factual and informative, following information provided by the Licensing team and not in any way defamatory.

My conclusion is that it is arguable that Councillor Turner was acting as a councillor at the time of the alleged conduct. However, the conduct does not cross the threshold of being a breach of the sections of the Code highlighted above. Even if it were a breach of the Code, the alleged conduct occurred more than three months before your complaint was submitted; Councillor Turner immediately corrected his error; Councillor Turner immediately apologised for the error, and in my view there would be no further rectification possible in those circumstances.

In summary, I have concluded that Councillor Turner has not breached the Members' Code of Conduct. I have determined that I take no further action in relation to the other allegations within your complaint.

My decision is that Councillor Turner has not breached the Arun District Council Members' Code of Conduct.

As I have concluded that there has been no breach of the Code, it does not fall for me to consider whether any form of formal investigation or informal resolution is necessary.

You have no right of review of this decision. For your information, the Arun District Council Standards Committee will be informed of the outcome of this assessment at its next meeting, with any personal details being anonymised.

In line with the Local Assessment Procedure, I will be making Councillor Turner aware of my decision.

Yours sincerely



Daniel Bainbridge
Group Head of Law & Governance and Monitoring Officer