

Democratic Services

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2 December 2015

To: All Members of the Standards Committee

Independent Members: Susan Toland (Chair), Deborah Russell and Dr Cyril Davies

Parish/Town Councillors: Tony Crouch, Veronica Packham and Dr Axel Palmer

Bath and North East Somerset Councillors: Councillor Sally Davis, Councillor Sarah Bevan, Councillor Nigel Roberts, Councillor Geoff Ward and Councillor Brian Simmons

Chief Executive and other appropriate officers

Press and Public

Dear Member

Standards Committee: Thursday, 10th December, 2015

You are invited to attend a meeting of the **Standards Committee**, to be held on **Thursday, 10th December, 2015 at 6.15 pm** in the **Kaposvar Room - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely

QrUrl(2)

Enfys Hughes
for Chief Executive

If you need to access this Agenda or any of the supporting reports in an alternative accessible format, please contact Democratic Services or the relevant report author whose details are listed at the end of each report

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Ann Swabey who is available by telephoning Bath (01225) 394416 or by calling at the Riverside Offices, Keynsham (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting as above:-

Public Access points – Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

For Councillors and officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries.

- 3. Substitutions:** Members are reminded that any substitutions must be made in accordance with the relevant Rule set out in the Council's Constitution and notified in writing to Democratic Services prior to the commencement of the meeting.
- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

5. Public Speaking at Meetings

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may ask a question which must be submitted in writing to Democratic Services and to which a written answer will be given. Public and Councillor submissions to the Standards Committee under this scheme must relate to the general business of this Committee. Separate arrangements apply to hearings about individual cases.

Advance notice is required not less than two full working days before the meeting (for instance, this means that for meetings held on Thursdays notice must be received in Democratic Services by 4.30pm the previous Monday).

6. Attendance Register: Members should sign the Register which will be circulated at the meeting.

7. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

8. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted. Arrangements are in place for the safe evacuation of disabled people

9. Wards (the areas of the Authority which Councillors represent)

Where an item relates to a specific ward within the Authority, the name of that ward is given alongside the item heading. The name of the Ward is also shown on the front page of the associated report. Where no ward is given, this is because the item is a general matter or relates to the whole of the Bath and North East Somerset area.

**Standards Committee – Thursday, 10th December, 2015
at 6.15 pm in the Kaposvar Room - Guildhall, Bath**

AGENDA

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out on the Agenda.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTION

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared under the Access to Information provisions.

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS (COMPLAINTS MUST GO THROUGH THE STANDARDS COMPLAINTS PROCEDURE)

7. ITEMS FROM COUNCILLORS AND CO-OPTED AND ADDED MEMBERS RELATING TO THE GENERAL BUSINESS OF THE COMMITTEE

8. MINUTES OF THE MEETING OF 17TH SEPTEMBER 2015 (Pages 7 - 10)

9. STANDARDS COMMITTEE - SCHEDULE OF DATES 2015-19 (Pages 11 - 12)

10. WORKPLAN FOR THE STANDARDS COMMITTEE (Pages 13 - 14)

11. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“that having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business and the reporting of the meeting be prevented under Section 100A(5A) because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act, as amended.

12. INVESTIGATION INTO COMPLAINT 04-15, 05A-15, 05B-15, 05C-15 DUNKERTON PARISH COUNCIL (Pages 15 - 54)

The Committee Administrator for this meeting is Enfys Hughes who can be contacted on 01225 394410.

(a)

(b)

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations

- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 17TH SEPTEMBER, 2015

PRESENT:-

Independent Members: Susan Toland (Chair), Deborah Russell (Independent Member) and Dr Cyril Davies (Independent Member)

Parish Representatives: Veronica Packham

Bath and North East Somerset Councillors: Sally Davis, Sarah Bevan, Geoff Ward and Brian Simmons

Officers: Maria Lucas (Head of Legal and Democratic Services) and Enfys Hughes

1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the Committee.

2 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure as set out on the agenda.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Councillor Nigel Roberts, Tony Crouch and Ray Morrison.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

7 ITEMS FROM COUNCILLORS AND CO-OPTED MEMBERS RELATING TO THE GENERAL BUSINESS OF THE COMMITTEE

There were none.

8 MINUTES OF THE MEETING OF 23RD APRIL 2015

Councillor Sally Davis moved, seconded by Councillor Brian Simmons and it was

RESOLVED that the minutes be approved and signed by the Chairperson.

9 REPORT ON THE STATUS OF CO-OPTED MEMBERS ON STANDARDS COMMITTEE

The Monitoring Officer presented the report and explained that the previous legislation had been removed which entitled the Independent Members to vote at Standards Committee. It was suggested that a system of informal voting be adopted for the Co-opted Members so all their views could be taken into account. Then matters would proceed to a second vote of the elected Members and this would stand as the formal decision of the Committee. Both the informal and formal votes would be noted in the minutes.

RESOLVED to adopt a system of informal voting to allow the views of Co-opted Members to be taken into account.

10 AGENDA FOR STANDARDS COMMITTEE

The Monitoring Officer explained that, in her experience, having items from the public could sometime lead to issues at Committee if they were vexatious, though it was noted there had been no problems at Standards Committee. She pointed out that if people complained about a councillor under this item this could prejudice the outcome of any investigation. It was suggested that the wording of this item be, Items from the public – to receive deputations, statements, petitions or questions (complaints must go through the Standards Complaints procedure).

The Monitoring Officer stated that at previous authorities, she had provided a short training session for members of the Committee and suggested doing this before the next meeting, which was agreed.

RESOLVED that

- 1) the standard item on the agenda be agreed as follows:

Items from the public – to receive deputations, statements, petitions or questions (complaints must go through the Standards Complaints procedure) and

- 2) the Monitoring Officer arrange a brief training session for members of Standards Committee before the next meeting.

11 REPORT ON ASSESSMENT OF COMPLAINTS

The Monitoring Officer presented this report and briefly went through the complaints and members discussed them. She explained that one investigation was nearly complete and would be reported to Committee soon.

RESOLVED that the report be noted.

12 WORKPLAN FOR THE STANDARDS COMMITTEE

The Monitoring Officer stated that the Code of Conduct did not sufficiently emphasise the declaration of pecuniary interests (DPIs) by members. It was agreed that a report with suggested wording in respect of the declaration of interests would be brought to the next meeting. It was important to note that non-declaration of DPIs was a criminal offence. The report could also clarify that a Member or Parish Councillor could speak (or not) at the meeting when they had declared a pecuniary interest. During discussion the following points were raised:

- the importance of openness and transparency
- information for new Councillors as they were appointed
- reminders for Parish Clerks in respect of their Councillors via Parishes Liaison Committee
- the responsibility on disclosure was on the individual
- general dispensations.

The Monitoring Officer offered to draft an annual report for the meeting of the Standards Committee after the Annual General Meeting in May. This would include a review of the complaints received going back to 2009, the numbers; subject matter; parish council or Bath and North East Somerset Council; from members of the public or councillors and the outcome. Following discussion any trends would be identified.

The issue of collaborative working with other local authorities was discussed in respect of reviewing complaints, however it was noted it was important to compare 'like with like'. The Monitoring Officer explained that she met up regularly with the Monitoring Officers in CUBA (Councils that used to be in Avon) authorities.

The Committee would consider inviting, when relevant, the Chief Executive and/or Group Leaders to a meeting of Standards Committee.

RESOLVED that the following items be agreed on the workplan:

- 1) Code of Conduct – declaration of pecuniary interests and the ability to speak on an item (Monitoring Officer) and
- 2) Annual Report with a review of complaints received (Monitoring Officer).

13 HOUSEKEEPING FOR STANDARDS COMMITTEE

Timetable of meetings

The Monitoring Officer introduced the idea of having a Standards Committee every two months in case of the need for a hearing. The Chair agreed that it was easier to have a date in the diary and then it could be cancelled if not necessary. There would be a substantive meeting of the Committee every four months. She stated that there was a need for a meeting in November 2015 to discuss the report of an investigation. The Democratic Services Officer would liaise with members for a meeting date in November and produce a timetable of meetings for the forthcoming years.

Start time

The start time of the meeting was discussed by members with the conclusion being that meetings would start at 6.15pm, to make it easier for parking 'on street'.

Electronic copies of the agenda

During discussion it was agreed that independent/co-opted members would continue to receive paper copies of the agenda.

The Democratic Services Officer noted down the Councillors requirements in respect of paper/electronic/confidential copies of the agenda.

RESOLVED to note all the housekeeping items.

The meeting ended at 6.55 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

STANDARDS COMMITTEE

SCHEDULE OF DATES 2015-19

ALL MEETINGS TAKE PLACE IN THE CHAMBER, GUILDHALL, BATH AND START AT 6.15PM
(EXCEPT WHERE MARKED)

<i>DATE OF MEETING</i>
Thursday 10 th December 2015 (confirmed) (Kaposvar Room)
Thursday 28th January 2016 (substantive)
Thursday 31st March 2016 (provisional)
Thursday 19th May 2016 (substantive)
Thursday 28th July 2016 (provisional)
Thursday 22nd September 2016 (substantive)
Thursday 24th November 2016 (provisional)
Thursday 26 th January 2017 (substantive)
Thursday 30 th March 2017 (provisional)
Thursday 18 th May 2017 (substantive)
Thursday 20 th July 2017 (provisional)
Thursday 21 st September 2017 (substantive)
Thursday 23 rd November 2017 (provisional)
Thursday 25 th January 2018 (substantive)
Thursday 22 nd March 2018 (provisional)

Thursday 17 th May 2018 (substantive)
Thursday 19 th July 2018 (provisional)
Thursday 20 th September 2018 (substantive)
Thursday 22 nd November 2018 (provisional)
Thursday 24 th January 2019 (substantive) (Kaposvar Room)
Thursday 21 st March 2019 (provisional)

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CTTEES\STANDARDS\PERM\SCHED2015-9.DOC

STANDARDS COMMITTEE WORKPLAN 2015 - 2017

Date of meeting	Title	Report author/responsible officer
10 th December 2015 (confirmed)		
	Complaint report	Maria Lucas
28 th January 2016 (substantive)		
	Training session for Members of Standards (before the Committee)	Maria Lucas
	Code of Conduct – declaration of pecuniary interests and the ability to speak on an item	Maria Lucas
31st March 2016 (provisional)		
19th May 2016 (substantive)		
	Annual report - include a review of the complaints received going back to 2009, the numbers; subject matter; parish council or Bath and North East Somerset Council; from members of the public or councillors and the outcome	Maria Lucas
28 th July 2016 (provisional)		
22nd September 2016 (substantive)		

24th November 2016 (provisional)		
26 th January 2017 (substantive)		
30 th March 2017 (provisional)		
18 th May 2017 (substantive)		
	Annual report	Maria Lucas

Bath & North East Somerset Council		
MEETING:	Standards' Committee	
MEETING DATE:	10th December 2015	EXECUTIVE FORWARD PLAN REFERENCE: <i>[Cabinet reports only]</i>
TITLE:	Investigation into Complaint 04-15, 05a-15, 05b-15, 05c-15 Dunkerton Parish Council	
WARD:	All	
LIKELY TO BE TAKEN IN EXEMPT SESSION		
<p>List of attachments to this report:</p> <ol style="list-style-type: none"> 1. Public Interest Test (Open) 2. Hearing procedure (Open) 3. Report of Investigating Officer (Exempt) 		

1 THE ISSUE

1.1 The Committee is asked to consider the complaint, set out in the report of the Investigating Officer.

2 RECOMMENDATION

2.1 The Committee is asked to consider the report of the Investigating Officer.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 Following receipt of the complaint and consideration by the Monitoring Officer and Independent Persons an Investigating Officer was appointed to investigate the concerns raised.

4.2 The Investigating Officer has completed their enquiries and their report is attached at exempt Appendix 3.

4.3 The Committee is asked to consider the report under the procedure attached at Appendix 2.

5 RISK MANAGEMENT

5.1 N/A

6 EQUALITIES

An Equality Impact Assessment has not been completed as it is not relevant.

7 CONSULTATION

7.1 The subject member; complainant; the Independent Person and Standards' Committee Chair have been consulted.

Contact person	<i>Maria Lucas Monitoring Officer & Head of Legal & Democratic Services – (01225) 395171</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix 1 (Open)

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref:

Meeting: Standards Committee
Date: 10th December 2015

Author: Maria Lucas Monitoring Officer & Head of Legal & Democratic Services
Report: Complaint 04-15, 05a-15, 05b-15, 05c-15 Dunkerton Parish Council

Indicate which of the following categories the report / appendix falls in to;

1. The report constitutes confidential information, and the meeting must therefore resolve to exclude the public.

Confidential information is defined as:

- (i) Information furnished to the Council by a Government department upon terms which forbid the disclosure of the information to the public;
- (ii) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

2. The report/appendix constitutes exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below:

Stating the exemption:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption concerning Appendix 3 outweighs the public interest in disclosure at this time. It is therefore recommended that the meeting resolve to exclude the public. The paragraphs below set out the relevant public interest issues in this case.

Factors for withholding:

- The report contains what are, at this stage, unproven allegations. The stage at which there is a significant public interest in openness is when a view has been taken by the Committee on whether the allegations are true or false.

Factors for disclosure:

- There is a general presumption in favour of openness.

Reasons why the public interest favours withholding:

- It is considered that the prejudice to the interests of the member, the subject of the complaint, were the report to be made public at this stage, outweigh any benefit of openness.
- It is considered that the public interest is not served by having possible unfounded allegations entered into the public domain until such time as a body that is competent has dealt with and decided on the allegations made.

Appendix 2 (Open)

STANDARDS' COMMITTEE HEARING

PROCEDURE WHERE INVESTIGATING OFFICER HAS BEEN APPOINTED

1. The Investigating Officer presents his report.
2. The Committee asks any questions of clarification of the Investigator.
3. The Complainant and then the Subject Member (in both cases with the agreement of the Chair) seek any points of clarification of the Investigator.
4. The Complainant may address the Committee on the Issues contained in the report.
5. The Subject Member may address the Committee on the issues contained in the report.
6. The Committee may ask any further clarification questions (with the agreement of the Chair).
7. The Committee excludes all other parties and considers the issues.
8. Other parties are invited back to the meeting.
9. The Committee announces its decision with brief reasons.
10. The written decision notice is supplied to all parties within 5 working days.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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