

Standards Committee

Annual Report 2015-16

Chair's Foreword

This report – to be an annual event from now on, reflects the work of the Bath and North East Somerset Standards Committee.

Early on in my time as an independent member, I went to a meeting hosted by the then Standards Board for England. The organised sessions were a valuable insight into the Standards regime but so too were the informal chats over coffee and other breaks. A few councils had had no complaints, most seemed to be in a similar position to our own Standards Committee with similar numbers and types of complaints, most had supportive councillors, and a few were difficult...

The number of complaints has risen in the last year but often the Committee receives several complaints about the same event – either at one meeting or about one councillor so the view from the Chair is that things are about steady state as far as numbers go. And Standards has made a difference – we see fewer complaints which reflect a lack of knowledge of the code or a failure to explain procedures to members of the public who want to have their say at parish meetings and fewer tit for tat complaints between councillors.

In my time on the Committee, more recently as Chair, I have been impressed and reassured by the high standards that the local and parish councillors who have served as members expect of their fellow councillors. So thank you to them for their service to the Standards Committee and thank you to the support staff who work behind the scenes to keep the Standards ship afloat.

Sue Toland
Chair of the Standards Committee

1. Standards Committee

Introduction

The Standards Committee has agreed that it will submit for the consideration of Council, an annual report summarising the work the Committee has carried out during the previous year.

This report comprises the Annual Review covering the period April 2015 to March 2016, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2015-16 in the report refer to this time period.

2. Background information

The Code of Conduct for Elected Members and Co-opted Members ('The Code of Conduct')

The Localism Act 2011 requires the Authority to have a Code of Conduct. In 2012 BANES adopted a code which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected councillor or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority.

'Co-opted member' means any person who is a member of any committee or sub-committee of the Authority with a right to vote but who is not one of its elected members.

The Code is intended to be consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Councillors will act with selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

The Monitoring Officer

The Monitoring Officer holds a statutory role and is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or to the Cabinet (as set out in s.5(1) of the Local Government and Housing Act 1989).

The Monitoring Officer and her team administer the local arrangements for addressing complaints made under the Code of Conduct.

The Monitoring Officer's role includes the assessment and review of every complaint received under the Code of Conduct. Following consideration and consultation with the Authority's Independent Person and Chair of the Standards Committee, the Monitoring Officer decides whether the complaint will be investigated.

The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Council's adopted assessment criteria.

The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate.

Independent Persons

The Authority had appointed an Independent Person and a Deputy, who are invited to attend all meetings of the Standards Committee. The appointment of Independent Persons is determined by a meeting of Full Council.

The Independent Person(s) must be consulted by the Council before it makes a decision on a matter that has been referred to it for investigation; they can also be consulted by the Council in respect of a code of conduct complaint at any other stage; and can also be consulted by a member or co-opted member of the Council against whom a complaint has been made.

The Standards Committee

The Standards Committee is responsible for the promotion of ethical standards within the Council, helping to secure adherence to the Code; monitoring the operation of the Code; conducting hearings following investigation and determining complaints made under the Code.

The Standards Committee's terms of reference are set out in the Council's Constitution in Part 5, Terms of Reference.

The Committee conducts proceedings using Article 9 of the Constitution and the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a Final Report from an Investigating Officer recommends a finding that there is no breach of the Code, the Committee determines whether to accept the report; refer the report back to the Investigating Officer if it is considered incomplete; or refer the report to a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a Final Report from an Investigating Officer recommends a finding that there has been a breach of the Code, the Committee undertakes a hearing in accordance with the Council's Local Arrangements for dealing with complaints under the Code.

The Committee is also responsible for granting dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Code.

3. Training for Standards Committee Members

Initial and refresher training for Members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, and this is refreshed annually, before they can serve on the Standards Committee. This training includes the duties and responsibilities of the Standards Committee.

Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

4. Standards Committee Membership 2015-16

In 2015/16 the Standards Committee comprised the following Members:

Cllrs Sally Davis, Sarah Bevan, Nigel Roberts, Geoff Ward and Brian Simmons. Parish Cllrs Tony Crouch, Veronica Packham and Dr Axel Palmer. Independent Members: Sue Toland (Chair), Deborah Russell and Dr Cyril Davies.

5. The Authority's Independent Persons

The Authority's Independent Persons were Lee O'Bryan and Raymond Morrison, who were first appointed by Council in April 2013 in accordance with the requirements of the Localism Act 2011. Mr Morrison resigned in October 2015 and Mr O'Bryan in July 2016. Two new Independent Persons, Tony Drew and Paul Ryan have been recruited.

6. Committee Meetings

At the start of each year the Standards Committee agrees its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. The Work Programme/Action Plan for 2015-18 is attached at Annex A to this report and is commented upon further in paragraph 9 below.

The Standards Committee met on

- 31 March 2015
- 17 September 2015
- 10 December 2015
- 31 March 2016

7. Complaints under the Code of Conduct for Members and Co-opted Members

i. Complaints by complainant

| Type of complainant | 2013/14 | 2014/15 | 2015/16 | Total |
|--------------------------|-----------|-----------|-----------|-----------|
| BaNES Councillor | 0 | 0 | 0 | 0 |
| Parish / Town Councillor | 8 | 0 | 8 | 16 |
| Member of the public | 13 | 16 | 16 | 46 |
| Total | 21 | 16 | 24 | 62 |

ii. Complaints by subject

| Subject of the complaint | 2013/14 | 2014/15 | 2015/16 | Total |
|--------------------------|-----------|-----------|-----------|-----------|
| BANES Councillor | 8 | 13 | 11 | 32 |
| Parish / Town Councillor | 14 | 3 | 13 | 30 |
| Total | 22 | 16 | 24 | 62 |

iii. Complaints by type

| Type of complaint | 2013/14 | 2014/15 | 2015/16 | Total |
|--|---------|---------|---------|-------|
| Failure to declare an interest | 11 | 0 | 5 | 16 |
| Bullying/failure to treat with respect | 0 | 1 | 7 | 8 |
| Bringing Council into disrepute | 9 | 14 | 10 | 33 |
| Improperly conferring advantage/disadvantage | 2 | 1 | 0 | 3 |
| Disclosure of confidential information | 0 | 0 | 1 | 1 |

| | | | | |
|--|---|---|---|----------|
| Improper use of Council resources | 0 | 0 | 0 | 0 |
|--|---|---|---|----------|

Note: A complainant may make several types of complaint about a councillor.

iv. Initial Assessments

| Local Assessment Decisions | 2013/14 | 2014/15 | 2015/16 | Total |
|-----------------------------------|----------------|----------------|----------------|--------------|
| No Further Action | 19 | 15 | 21 | 55 |
| Informal Resolution | 1 | 0 | 0 | 1 |
| Referred for Investigation | 2 | 1 | 3 | 6 |
| Total | 22 | 16 | 24 | 62 |

v. Outcome of complaints

| Outcomes | 2013/14 | 2014/15 | 2015/16 | Total |
|---------------------------|----------------|----------------|----------------|--------------|
| Other Action | 1 | 1 | 0 | 2 |
| Ongoing | 0 | 0 | 1 | 1 |
| Apology | 0 | 0 | 1 | 1 |
| No Action Required | 0 | 1 | 9 | 10 |
| Withdrawn | 2 | 1 | 0 | 3 |
| Breach | 0 | 0 | 1 | 1 |
| No Breach | 18 | 14 | 12 | 44 |
| Total | 22 | 16 | 24 | 62 |

8. Review of Standards Committee Work Programme and Action Plan for 2015/17

The Standards Committee's Work Programme/Action Plan for 2015/18 is attached at Annex A. The Standards Committee met on 4 occasions during the year. At each meeting the Committee monitored its Action Plan. The matters undertaken in 2015/16 include:

- A. Two Complaint Hearings.
- B. Training sessions for Members of Standards on the Code of Conduct.

9. Conclusion

The Committee has dealt with a wide variety of matters in the past year. The Committee's aim is to continue to develop and maintain the Authority's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.

STANDARDS COMMITTEE WORKPLAN 2015 – 2018

| Date of meeting | Title | Report author / responsible officer |
|---|---|--|
| | | |
| 10th December 2015 | Hearing of complaint | ML |
| | | |
| 28th January 2016 (postponed) | Rearranged for 31st March | |
| | | |
| 31st March 2016 | Hearing of complaint | ML |
| | | |
| 19th May 2016 (substantive) | Training session for Members of Standards | ML |
| | | |
| 22nd September 2016 (substantive) | Consideration of draft Annual report - including a review of the complaints received going back to 2013. | ML |
| | | |
| 24th November 2016 (provisional) | Cancelled | |
| | | |
| 30th March 2017 (substantive) | Training session – declaration of pecuniary interests and the ability to speak on an item | ML |
| | | |
| 11th May 2017 (substantive) | Annual report | ML |
| | | |
| 20th July 2017 (provisional) | | |

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|--|---|--------------------|
| | | |
| 21st September 2017 (substantive) | Training session – hearings workshop | Maria Lucas |
| | | |
| 23rd November 2017 (provisional) | | |
| | | |
| 25th January 2018 (substantive) | Training session | |
| | | |
| 22nd March 2018 (provisional) | | |
| | | |
| 17th May 2018 (substantive) | Annual report | ML |
| | | |
| 19th July 2018 (provisional) | | |