

Standards Committee Annual Report 2021 - 2022

Chair's Foreword



The Standards Committee fulfils a most important role for Bath & North East Somerset Council and for the Parish and Town Councils within its area. The Committee members are all volunteers: some are Unitary Councillors; some are Parish or Town Councillors drawn from Parish or Town Councils in the Bath and North East Somerset Council area, whose nominations are facilitated by Avon Local Councils Association, and some are Independent Members, being independent members of the public. In addition, as legally required, the Authority appoints an 'Independent Person', to work alongside the Standards Committee and Monitoring Officer.

All committee members have given willingly and generously of their time and talents in approaching issues most thoughtfully and constructively. We are most grateful to them all.

The following detailed report shows the range of matters within the scope of the Standards Committee. In the past year, there have been some 18 matters raised: of which 13 initial assessments required 'no further action' to be undertaken. Of the remaining matters 1 dealt with by informal resolution; 3 matters were withdrawn. 1 matter was referred for investigation and a hearing concluded with a finding of breach. To put these figures in context, the Standards Committee has within its purview, the unitary authority and 45 Parish and Town Councils: in total over 500 councillors.

To ensure the Council has proper arrangements for securing economy, efficiency and effectiveness the Council's External Auditors, Grant Thornton LLP, undertake an annual review. In terms of Standards, and the Register of Interests, the 2020-21 Annual Report concluded that 'overall we consider that the Council has appropriate arrangements in place to monitor standards.' However, the Auditors found that there is some variation in the timing of updates and it would be good practice to update these routinely on an annual basis.

In Bath & North East Somerset, the Standards Committee has three Independent Members: Dr Cyril Davies, Deborah Russell and myself and in this authority the Committee is chaired by an Independent Member. During the year, Deborah Russell retired from her role: we are most appreciative of Deborah's service and wise counsel. After advertisement and interviews, Sophie Sidonio was appointed an Independent Member: she is very welcome and we look forward to working with her in the future. I am most grateful to all my colleagues for their help and support and wish to highlight the exceptional commitment of the Independent Person, Tony Drew who provides such valuable service to the standards regime. The Standards Committee has recognised the burden of being an Independent Member but, also, the opportunity to provide further independent support by appointing another (equal status) Independent Person. Roger Morris was appointed after open advertisement and interview. He is most welcome and we look forward to working closely with him in the future.

Finally, I commend the Monitoring Officer, Michael Hewitt and Legal Services Manager, Shaine Lewis, and their colleagues for their most professional and successful operation of the Standards regime.

Dr Axel Palmer
Chair of the Standards Committee

1. Introduction

The Standards Committee has agreed that it will submit an annual report summarising the work the Committee has carried out during the previous year for the consideration of Council. This report comprises the Annual Review covering the period 1 April 2021 to 31 March 2022, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2021-22 in the report refer to this time period.

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 2, Responsibility for Functions. The Committee conducts proceedings using the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members. The Committee is also responsible for granting dispensations to 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 will determine the facts, whether there has been a breach and if so any sanction. It can also make recommendations to Council.

The Monitoring Officer

The Monitoring Officer 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 their team administer the local arrangements for addressing complaints made under the Code of Conduct. This includes the assessment 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 Council has appointed two Independent Persons who are invited to attend all meetings of the Standards Committee. The Independent Persons must be consulted by the Council before it decides 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. It has been emphasised that the involvement and consultation of the Independent Person is important at all stages.

Standards Committee Membership 2021-22

In 2021/22 the Standards Committee comprised the following Members:

Councillors Paul Crossley, Sally Davis, Duncan Hounsell, Michelle O'Doherty, June Player.

Parish Councillors Kathy Thomas (plus 2 vacancies).

Independent Members Dr Axel Palmer (Chair), Dr Cyril Davies, Sophie Sidonio (appointed March 2022) Deborah Russell served part of the year).

Observers Independent Person Tony Drew, Roger Morris (appointed March 2022).

2. The Authority's Independent Persons

The Authority's Independent Persons are Tony Drew and Roger Morris who are non-voting observers for Standards Committee. The Council also has access to a reserve Independent Person through informal arrangements with neighbouring local authorities.

3. Training for Standards Committee Members and Independent Persons

Initial and refresher training on the duties and responsibilities of 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. Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

A training session for Members on Effective Hearings was delivered by the Monitoring Officer and the Legal Services Manager on 11 January 2022 followed by a Q&A session. The slides for this session can be found at **Annex A**.

Induction training was undertaken by the Monitoring Officer for Sophie Sidonio and Roger Morris following Council approval of their appointment on 24 March 2022.

5. Review of Standards Committee Work Programme and Action Plan for 2021/22

The Standards Committee's Work Programme/Action Plan for 2021/22 is attached at **Annex B**. The Committee met on 3 occasions during the year and at each meeting the Committee monitored its Work Plan and noted the current position with complaints using the Complaints Tracker.

6. Committee Meetings and foremost workstreams

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. Standard Committee sessions are scheduled every 2 months in advance. If not required, these are cancelled. The Standards Committee met on:

- 13 April 2021
- 12 October 2021
- 22 February 2022

Adoption of the new Model Code of Conduct

A report was presented to the Standards Committee 13 April 2021 with a recommendation that the Local Government Association Model Councillor Code of Conduct 2020 be adopted to achieve consistency across the country and avoid any confusion. All were in agreement that the Model Councillor Code of Conduct 2020 be adopted with the following additions:

- (1) That there be an obligation for Members to have regard to advice from the Monitoring Officer and the Section 151 Finance Officer;
- (2) that reasons for decisions be provided;
- (3) that the threshold for gifts and hospitality remain at £25;
- (4) that the cumulative impact of gifts and hospitality be addressed; and
- (5) that the Standards Committee undertake an annual review after the LGA review.

Local Hearing

On 22 February 2022 the Monitoring Officer presented a report into an alleged breach of the Stanton Drew Parish Council Code of Conduct. Following careful consideration of the facts contained in the Investigating Officer's report, representations from relevant parties at the meeting and the independent view provided by the Independent Person all agreed there had been a breach of the Code of Conduct. The Standards Committee then decided the appropriate sanction. Following consideration of the material facts and representations all agreed that the Standards Committee recommend that the Parish Council require Councillor Richardson to make an apology to the complainant and, in the absence of an apology consider, removing Councillor Richardson as chair of the Parish Council.

The Committee on Standards in Public Life – Review of Local Government Ethical Standards and the Government Response

The report of the Committee on Standards in Public Life 'Local Government Ethical Standards - A Review by the Committee in Public Life' was published on 30 January 2019 and in March 2022 the government published its response. Whilst a limited number of changes may be

made, where only amendments to secondary legislation are required, changes that need primary legislation would not. The government's published response can be found at [Annex C](#) and a note of these as presented to the Standards Committee on 12 April 2022 is found at [Annex D](#).

The following points were noted from discussion:

- The requirement for the independent person to have a fixed term post for only two years should be eased to allow a longer time to understand the role
- To require further consultation on the question of sanction by suspension seemed strange, as the CSPL views were that there was a lack of sanction
- BANES had had an Independent Person since the Localism Act in 2011, previously there had just been an Independent Chair
- The Monitoring Officer found it very useful being able to consult on the initial assessment of complaints with the Independent Person and Independent Chair of Standards
- Having a second Independent Person would enable communication with the complainant or subject member in what could be a stressful process
- All levels of democracy should have the same set of standards – in BANES all the parish councils were members of ALCA (Avon Local Councils' Association) who recommended adopting the same Code of Conduct
- Failure to disclose an interest - when there was police involvement there was a high bar to enforcement action and from practical experience the Police were very pragmatic in their decision making.

Mediation

In June 2019 a complaint (09-19 PwPPC) was received alleging breaches of the Code of Conduct at a Parish Council and this attracted a counter claim. In consultation with the Chair and Independent Person the Monitoring Officer commissioned an independent investigation which in February 2020 suggested the matter could benefit from mediation.

With Covid-19 lockdowns and the appointment of a new Monitoring Officer the mediation process did not commence until March 2022. The outcome of mediation is an agreement that PC business should be conducted in accordance with Standing Orders and best practice, communications needed to be civil, focused and in line with the Code of Conduct and any concerns associated with employees should be addressed through the Staff Committee rather than in public.

7. Complaints under the Code of Conduct for Members and Co-opted Members for the last 5 years

i. Complaints by complainant

Type of complainant	2017/18	2018/19	2019/20	2020/21	2021/22	Total
BaNES Councillor	1	0	0	1	4	6
Parish / Town Councillor	0	1	2	1	0	4
Member of the public	13	15	5	13	13	59
Council Officer	1	1	0	0	1	3
Parish Clerk	0	3	0	1	0	4
Total	15	20	7	16	18	76

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ii. Complaints by subject member

Subject of the complaint	2017/18	2018/19	2019/20	2020/21	2021/22	Total
BANES Councillor	11	13	0	5	13	42
Parish / Town Councillor	4	7	7	11	5	34
Total	15	20	7	16	18	76

iii. Complaints by type

Type of complaint	2017/18	2018/19	2019/20	2020/21	2021/22	Total
Failure to declare an interest	6	5	0	3	2	16
Bullying/failure to treat with respect	4	3	0	0	0	7

Bringing Council into disrepute	5	11	7	9	16	48
Improperly conferring advantage/disadvantage	0	0	0	0	0	0
Disclosure of confidential information	0	0	0	0	0	0
Lack of respect	0	1	0	4	0	5
Total	15	20	7	16	18	76

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

iv. Initial Assessments

Local Assessment Decisions	2017/18	2018/19	2019/20	2020/21	2021/22	Total
No Further Action	4	17	5	11	11	48
Informal Resolution	10	2	1	2	2	17
Referred for Investigation	1	1	0	0	1	3
Ongoing	0	0	0	0	1	1
Withdrawn	0	0	1	3	3	7
Total	15	20	7	16	18	76

v. Outcome of complaints

Outcomes	2017/18	2018/19	2019/20	2020/21	2021/22	Total
Other Action	0	0	2	1	0	3
Ongoing	2	0	0	0	0	2
Apology	0	0	0	1	0	1

No Action Required	1	0	5	0	0	6
Withdrawn	1	2	0	3	0	6
Breach	2	5	0	0	0	7
No Breach	9	13	0	11	18	51
Total	15	20	7	16	18	76

A case tracker in spreadsheet format can be found at [Annex E](#)

8. Conclusion

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