

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 16TH DECEMBER, 2010

PRESENT:-

Independent Members: Susan Toland (Chair), Deborah Russell (Independent Member) and Alun Morgan (Independent Member)

Parish Representatives: Councillor Veronica Packham and Councillor Axel Palmer

Bath and North East Somerset Councillors: Eleanor Jackson, Nigel Roberts and Brian Simmons

Officers:

19 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the hearing.

20 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the Emergency Evacuation procedure.

21 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Dr Cyril Davies and Councillor Robert Butt.

22 DECLARATIONS OF INTEREST

Councillor Eleanor Jackson declared a personal interest with regard to Item 11 on the agenda in that the complainant in this case was a fellow member of the Labour Party and a personal friend.

23 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

On a point of information, the Chair informed the meeting of the changes to the Standards regime that were being proposed by the government as part of the Localism Bill. It was noted however, that should these changes take place, the bill would not become law until late 2011. In the meantime, the Standards Committee would continue to operate under the current Local Standards Framework.

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

There were none.

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

There were none.

26 MINUTES OF THE MEETING OF 25 NOVEMBER 2010

A. Public Minutes

B. Exempt minutes

Following a proposal by Councillor Jackson, seconded by Councillor Roberts, both the public and exempt minutes of the meeting of 25th November were agreed as a correct record and signed by the Chair.

27 DISPENSATION - COMBE HAY PARISH COUNCIL

The Corporate and Community Law Manager drew the Committee's attention to an error in Paragraph 4.3(c) of the report. It should be noted that the relevant date was May 2007, not 2011. A further dispensation had been granted by the Standards Committee to six members of the Parish Council on 24th May 2007. If the Committee decided to grant the current application, the wording should be agreed as in May 2007.

The Committee had received an application for a dispensation by Councillor Frank Davis of Combe Hay Parish Council to enable him to speak on matters connected with the site of the former Fullers Earth works and surrounding fields, hillside and woodland. The Chair invited the Clerk to Combe Hay Parish Council, Mr Duppa-Miller, to inform the Committee of the reasons for the request for dispensation.

Mr Duppa-Miller explained that, of the present 7 members of the Parish Council, 5 have dispensation. Due to the nature of their occupations, many of the parish councillors had to send apologies for attendance at short notice. This caused meetings to be cancelled or postponed on a regular basis due to the fact that the agenda at meetings could typically involve up to 11 items relating to the Fullers Earth site and so it was difficult to attain quoracy. Therefore, in order for parish business not to be impeded, it was important that the dispensation for the latest member, Councillor F Davis, was granted.

Following a proposal by Councillor Roberts, seconded by Councillor Palmer, it was agreed to grant the dispensation to Councillor Frank Davis of Combe Hay Parish Council; the dispensation to run until the next parish elections in May 2011.

28 STANDARDS COMMITTEE - HEARING PROCEDURE

The Chair informed the meeting that the hearing would be conducted using this procedure.

29 CONSIDERATION OF AN INVESTIGATING OFFICER'S REPORT ABOUT ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT BY A COUNCILLOR - CASE NO 16-10 B&NES

Following a proposal by Councillor Roberts, seconded by Councillor Jackson, the Committee considered the factors for and against disclosure as contained in Appendix 1 to the report in order to determine whether the information contained in Appendix 2 should be exempt. Following some discussion, the Chair put the issue to the vote. It was decided by a majority that the public interest would be better served by not disclosing relevant information, and in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, that the public should be

excluded from the meeting for this item of business 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.

After submissions from the Investigating Officer and the subject councillor and questions from the Committee, the Committee members withdrew to consider their decision.

RETURN TO PUBLIC SESSION

The Committee re-convened and the Chair announced their findings as follows:

FINDINGS

The Standards Committee has considered the Investigating Officer's report and the discussion preceding these deliberations. It has concluded that on 22nd April 2010, Councillor Cray had breached Paragraph 4 (a) of the Code of Conduct by revealing the identity of the complainant who had been granted anonymity by the Standards Committee at their meeting on 30th March 2010.

SANCTIONS

The Committee **RESOLVED** to impose the following sanctions:

1. The subject councillor must apologise in writing to the Standards Committee.
2. He must also undertake training in the Code of Conduct; both actions to be undertaken within three months of the date of this hearing.

The Committee wishes the Monitoring Officer to report when the training has taken place to his satisfaction.

The Chair added that it would be timely to remind all councillors of their responsibility to observe confidentiality when required and asked that the Monitoring Officer examine that way that information about the Standards Committee decisions is disseminated.

She thanked everyone for their contributions.

The meeting ended at 6.50 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services