

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

***DRAFT* MINUTES OF THE MEETING OF THURSDAY, 23RD JUNE, 2011**

PRESENT:-

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

Parish Representatives: Councillor Axel Palmer, Councillor Nick Stevens and Councillor Reg Williams

Bath and North East Somerset Councillors: Eleanor Jackson and Nigel Roberts

Officers: Amanda Brookes (Corporate and Community Law Manager), Ann Swabey (Democratic Services Officer)

1 WELCOME AND INTRODUCTIONS

The Independent Chair, Mrs Sue Toland. Welcomed everyone to the meeting.

2 EMERGENCY EVACUATION PROCEDURE

The Clerk drew attention to the emergency evacuation procedure.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Councillor Sally Davis and Dr Cyril Davies.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no urgent items of business.

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

There were no items from the public.

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

There were no items from councillors or co-opted and added members.

8 MINUTES OF THE MEETING OF 24TH MARCH 2011

The minutes of the meeting of 24th March 2011 were agreed and signed by the Chair.

9 STANDARDS: THE FUTURE

The Corporate and Community Law Manager introduced this report and explained to Members that this was an opportunity to express their views about the proposals relating to Standards in the Localism Bill. If the Bill becomes law, the current standards framework will cease and Councils will be able to choose whether to adopt

a non-statutory code of conduct. If the Council adopts a non-statutory code of conduct, it would have to respond to any written complaints that a member or co-opted had failed to comply with that code.

However, the Bill does not give local authorities the power to impose sanctions on members who fail to comply with a voluntary code. In addition, there is an issue about the position of Independent Members. This is because the current provisions requiring the appointment of Independent Members would be repealed. Councils would still be able to co-opt non-councillors on to a standards committee as Independent Members, but they would not have voting powers. This issue has been raised with the Government. The current standards regime will continue two months after the Bill receives Royal Assent, which is expected to take place towards the end of the year.

Sue Toland asked whether it was proposed that Parish Councils make their own arrangements under the new provisions and was informed that that was the case. Deborah Russell commented that if the Standards Committee could not apply sanctions, then what was their purpose. Several Members agreed with this observation.

Councillor Roberts stated that one of the aims of the Bill was to make the complaints process less bureaucratic. With regard to sanctions, the publication of a breach of the Code of Conduct could be a deterrent, together with the requirements to make a public apology. This would cover the kind of issues raised in the majority of the complaints that the Committee had dealt with in the past 3 years. With regard to the Independent Members, he felt that they provided a very valuable addition to the membership. Councillor Nick Stevens commented that he felt it was contradictory to have independent members and then deny them a vote. Members also voiced concern about the impact of the proposals on Parish Councils and the implications for the Parish Charter.

Councillor Roberts made the following proposals for the consideration of the meeting:

- a) That, after the Localism Bill receives Royal Assent, the Council adopts a non-statutory code of conduct based on the current Model Code and establishes a Standards Committee
- b) That the complaints process is reviewed and streamlined to remove unnecessary bureaucracy
- c) That the Council offers an opt-in provision for Parish Councils to utilise the new complaints process in respect of complaints against their members.

Councillor Jackson said that Independent Members should be included in the future membership of the Standards Committee. This was agreed.

The Corporate and Community Law Manager informed the meeting that these proposals would be incorporated in the report to full Council in September.

10

SYSTEM FOR LOCAL ASSESSMENT OF COMPLAINTS ABOUT THE CONDUCT OF MEMBERS

The Corporate and Community Law Manager introduced this report which asks the Committee to decide whether it wishes to amend the system for the local assessment of complaints about the conduct of members by notifying the subject

member of a complaint that a complaint has been made against them before the complaint is considered by the Referrals Sub-Committee.

Members felt that there should be some kind of vetting process applied to complaints to assess whether the alleged conduct does breach the Code before they are referred to committee. They also agreed that the amount of correspondence could be reduced without disadvantage to the parties involved. Following further discussion, there was unanimous support for notifying the subject of the complaint prior to the sub-committee meeting and for the notification to include the name of the complainant and the relevant paragraphs of the code of conduct that have been breached.

The meeting asked the Corporate and Community Law Manager and the clerk to the Standards Committee to incorporate the Members' comments on the complaints process in a report which would be presented to full Council in September.

11 REPORT CONCERNING ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT BY A COUNCILLOR - CASE NO: 32-10 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. It was decided unanimously 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.

The Members agreed unanimously that this case should be heard by the local Standards Committee. The hearing date was set for Thursday 21st July.

The meeting ended at 6.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services