

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 26TH APRIL, 2012

PRESENT:-

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

Parish Representatives: Tony Crouch and Veronica Packham

Bath and North East Somerset Councillors: Sally Davis, Eleanor Jackson and Nigel Roberts

Officers: Vernon Hitchman (Council Solicitor and Monitoring Officer), Ann Swabey (Democratic Services Officer).

21 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

22 EMERGENCY EVACUATION PROCEDURE

The Clerk drew attention to the Emergency Evacuation Procedure.

23 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Councillor Axel Palmer.

24 DECLARATIONS OF INTEREST

There were no declarations of interest.

25 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

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

There were none.

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

There were none.

28 MINUTES OF THE MEETING OF 21 JULY 2011

The minutes of the meeting on 21st July 2011 were agreed as a correct record.

29 UPDATE ON THE INTRODUCTION OF THE NEW STANDARDS REGIME

Code of Conduct

The Monitoring Officer introduced the report and informed the Members that the new Standards Regime was due to start on 1st July 2012. He referred the Committee to the extract from the minutes of the full Council meeting of 15th September 2011 (Appendix 1) which detailed the recommendations for improvements to the

Standards regime as proposed by the Standards Committee. In particular, he confirmed that there was general agreement about adopting a code of conduct and that the principal Council (i.e. B&NES) would deal with breaches of the Code.

The Monitoring Officer informed the Committee that Appendices 2 and 3 to the report were examples of draft codes of conduct from the Local Government Association (LGA) and the Department for Communities and Local Government (DCLG). Regulations were still awaited from the government. He invited the Members to give their opinions on these draft codes. He also sought their views on the establishment of a Standards Committee and its Terms of Reference and Membership. The report being presented to the full Council meeting on 10th May 2012 will include the assumption that there would be a B&NES Standards Committee.

Membership

The Chair, after conferring with Members, confirmed that there was unanimous support for establishing a Standards Committee under the new regime. The Members also confirmed that they wished the new regime to continue with independent members and parish representatives. The Monitoring Officer reminded Members that these co-opted members would have no voting rights, but that as in most cases the Committee acted on a consensual basis, this requirement was unlikely to have a great effect. Deborah Russell asked whether the independent members could only sit for five years and was informed that that only applied to the new role of the Independent Person. Councillor Nigel Roberts pointed out that there may be a need to have more B&NES councillors on the Committee to create a voting body. The Monitoring Officer agreed that there was a trend towards having more representation from the principal authority, but the additional membership would need to comply with the political proportionality rules. Following this discussion, the Committee agreed that the core membership of the Standards Committee would consist of:

3 independent members (plus 3 reserves)

3 Parish/Town Council representatives (plus 3 reserves)

B&NES Councillor members (at least 3, but total number to be agreed between party leaders)

Parish and Town Councils

With regard to Parish and Town Councils, it was agreed that there needed to be a simpler and more transparent model for the administration of complaints. Councillor Tony Crouch suggested that a presentation to the next Parishes Liaison meeting might be useful. The Chair added that the issue needed to be discussed individually with councils and Councillor Nigel Roberts suggested that the consultation with parishes begin after the next full Council, possibly suggesting adoption of the LGA model. However, the Council Solicitor pointed out that neither the LGA nor the DCLG codes were comprehensive and that only when the Council had the mechanism to deal with the code would they consult with parish and town councils. Councillor Nigel Roberts suggested that it could be useful to have an informal meeting with the parishes in June. Councillor Tony Crouch suggested that the Monitoring Officer be invited to the Local Councils Group meeting on 30th May. Councillor Sally Davis reminded the Members that some smaller councils did not meet every month, so the Committee should be aware of how this might affect the timeframe for consultation. The Monitoring Officer pointed out that the code of conduct did not apply to parish meetings.

Complaints Process

The Monitoring Officer explained the role of the Independent Person of which the Council will need at least two. The law now states that this person must be consulted before a conclusion is reached on complaints. It is envisaged that they would be able to suggest courses of action on complaints and could also be consulted by both sides. The Act does not mention anything specific about how to deal with complaints, so, subject to the rules of natural justice, councils can devise their own processes.

The proposal to Council is therefore to create a 'lighter touch' complaints process which would mean that, once a complaint has been received and assessed by the Independent Person, it would be referred to a single meeting of the Standards Committee for a decision. More complex cases could be referred for an investigation, but, based on past experience, it is not envisaged that this would need to happen often. The Chair added that these kinds of cases would need more resources in order to meet the 13-week deadline for dealing with complaints. Given that under this new regime, the Standards Committee has greatly limited powers of sanction, the Members agreed that publishing the outcomes of complaints would send a powerful message to Councillors.

The meeting concluded with a proposal that the Committee meet in the second week of June in order to consider the outcome of the full Council meeting and confirm the new regime for the future Standards Committee.

The meeting ended at 6.25 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services