

Democratic Services

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9 January 2013

To: All Members of the Standards Committee

Independent Members: Susan Toland (Chair), Deborah Russell and Dr Cyril Davies

Parish/Town Councillors: Veronica Packham, Axel Palmer and Tony Crouch

Bath and North East Somerset Councillors: Councillor Sally Davis, Councillor Sarah Bevan, Councillor Eleanor Jackson, Councillor Nigel Roberts and Councillor Malcolm Lees

Chief Executive and other appropriate officers

Press and Public

Dear Member

Standards Committee: Thursday, 17th January, 2013

You are invited to attend a meeting of the **Standards Committee**, to be held on **Thursday, 17th January, 2013** at **5.30 pm** in the **Kaposvar Room - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely



Ann Swabey
for Chief Executive

If you need to access this Agenda or any of the supporting reports in an alternative accessible format, please contact Democratic Services or the relevant report author whose details are listed at the end of each report

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Ann Swabey who is available by telephoning Bath (01225) 394416 or by calling at the Riverside Offices, Keynsham (during normal office hours).
- 2. Details of Decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting as above:-

Public Access points - Guildhall - Bath, Riverside – Keynsham, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries.

- 3. Substitutions:** Members are reminded that any substitutions must be made in accordance with the relevant Rule set out in the Council's Constitution and notified in writing to Ann Swabey prior to the commencement of the meeting.
- 4. Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may ask a question which must be submitted in writing to Democratic Services and to which a written answer will be given. Public and Councillor submissions to the Standards Committee under this scheme must relate to the general business of this Committee. Separate arrangements apply to hearings about individual cases.

Advance notice is required not less than two full working days before the meeting (for instance, this means that for meetings held on Thursdays notice must be received in Democratic Services by 4.30pm the previous Monday).

- 5. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people

8. Wards (the areas of the Authority which Councillors represent)

Where an item relates to a specific ward within the Authority, the name of that ward is given alongside the item heading. The name of the Ward is also shown on the front page of the associated report. Where no ward is given, this is because the item is a general matter or relates to the whole of the Bath and North East Somerset area.

**Standards Committee – Thursday, 17th January, 2013
at 5.30 pm in the Kaposvar Room - Guildhall, Bath**

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out on the Agenda.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTION

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**,
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared under the Access to Information provisions.

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

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

8. MINUTES OF THE MEETING OF 13TH DECEMBER 2012 (Pages 5 - 6)

To approve the minutes of the meeting of 13th December 2012 as a correct record.

9. COMPLAINT AGAINST A COUNCILLOR - 10-12 B&NES (Pages 7 - 10)

The Committee will, in the first instance, consider the Public Interest Test (Appendix 1) as to whether the press and public should be excluded for this item.

The Committee is then asked to determine the complaint (Appendix 2).

The Committee Administrator for this meeting is Ann Swabey who can be contacted on 01225 394416.

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 13TH DECEMBER, 2012

PRESENT:-

Independent Members: Susan Toland (Chair), Deborah Russell (Independent Member) and Dr Cyril Davies (Independent Member)

Parish Representatives: Tony Crouch and Reg Williams

Bath and North East Somerset Councillors: Sally Davis, Sarah Bevan, Eleanor Jackson, Nigel Roberts and Malcolm Lees

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

49 WELCOME AND INTRODUCTIONS

The Chair, Mrs Sue Toland, welcomed everyone to the meeting.

50 EMERGENCY EVACUATION PROCEDURE

The clerk drew attention to the emergency evacuation procedure.

51 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies had been received from Parish Councillors Tony Marwood, Veronica Packham, Axel Palmer and Nick Stevens.

52 DECLARATIONS OF INTEREST

There were none.

53 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

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

Mr Ian Barclay (a member of the public) asked the following question;

“In July 2012, the council approved "The Code of conduct for members and co-opted members together with the rules for registration of interests and conflicts of interest.

What guidance is given to elected members when they are appointed to the Cabinet and how they should reconcile their two roles and any conflicts of interest that this may raise, particularly when dealing with ward issues such as with local groups and constituents?”

The Monitoring Officer said that guidance was given to Cabinet Members on an ad hoc basis and that they were encouraged to seek advice. Following a request from Mr Barclay, the Chair agreed to provide a written reply to his question.

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

The Chair asked whether there had been any progress on the appointment of the Independent Person and was informed that it was hoped to appoint someone in the New Year.

56 MINUTES OF THE MEETING OF 20TH SEPTEMBER 2012

The minutes of the meeting on 20th September 2012 were agreed as a correct record and signed by the Chair.

57 LOCAL HEARINGS PROCEDURE

The Monitoring Officer introduced this report which sets out the procedure to be followed for Local Hearings of complaints against Councillors.

Councillor Reg Williams asked whether this procedure was applicable to Parish and Town Councils. The Monitoring Officer confirmed that it was. Councillor Tony Crouch asked whether the same rules applied regarding non-pecuniary interests as they did before and was informed that it was not necessarily the same system as Parish and Town Councils may have chosen to adopt slightly different codes from the one which applied to B&NES councillors. However, the Standards Committee's role remained the same.

Councillor Nigel Roberts thanked the Monitoring Officer for his clear and concise report.

58 COMPLAINT AGAINST A COUNCILLOR - 10-12B&NES

Before commencing this item, it was noted that several Members had not received the papers for the case in question before the meeting. On a motion proposed by Councillor Bevan, seconded by Councillor Lees, and agreed by the majority of those present, it was decided that in order to ensure a fair hearing, consideration of this complaint would be postponed until January 2013.

The Chair closed the meeting by wishing all present a Merry Christmas and a Happy New Year.

The meeting ended at 6.05 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Standards Committee
MEETING DATE:	17 th January 2013
TITLE:	Complaint about a Councillor
WARD:	ALL
LIKELY TO BE TAKEN IN EXEMPT SESSION	
<p>List of attachments to this report:</p> <p>Appendix 1 – Public Interest Test</p> <p>Appendix 2 – Summary report on complaint</p>	

1 THE ISSUE

1.1 To ask the Committee to determine the complaint.

2 RECOMMENDATION

The Committee is asked

2.1 Consider whether the press and public should be excluded and

2.2 Determine the complaint.

3 FINANCIAL IMPLICATIONS

3.1 None.

Contact person	<i>Vernon Hitchman Monitoring Officer & Divisional Director (Legal & Democratic Services)</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix 1

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-12-014

Meeting: Standards Committee

Date: 17th January 2013

Author: Vernon Hitchman Monitoring Officer & Divisional Director (Legal & Democratic Services)

Report: Complaint concerning Councillor X

Indicate which of the following categories the report / appendix falls in to;

1. The report/appendix constitutes confidential information, and the meeting must therefore resolve to exclude the public.

Confidential information is defined as:

- (i) Information furnished to the Council by a Government department upon terms which forbid the disclosure of the information to the public;
- (ii) Information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

2. The report/appendix constitutes exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the meeting resolve to exclude the public. The paragraphs below sets out the relevant public interest issues in this case.

Factors for withholding:

- The report contains what are, at this stage, unproven allegations. The stage at which there is a significant public interest in openness is when a view has been taken by the Committee on whether the allegations are true or false.

Factors for disclosure:

- There is a general presumption in favour of openness.

Reasons why the public interest favours withholding:

- It is considered that the prejudice to the interests of the member the subject of the complaint were the report to be made public at this stage outweigh any benefit of openness.
- It is considered that the public interest is not served by having possible unfounded allegations entered into the public domain until such time as a body that is competent has dealt with and decided on the allegations made.

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