

Democratic Services

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19 February 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: Wednesday, 27th February, 2013

You are invited to attend a meeting of the **Standards Committee**, to be held on **Wednesday, 27th February, 2013** at **5.30 pm** in the **Council Chamber - 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 – Wednesday, 27th February, 2013
at 5.30 pm in the Council Chamber - 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 17 JANUARY 2013 (Pages 5 - 10)

9. COMPLAINT AGAINST A COUNCILLOR - 12-12 B&NES (Pages 11 - 128)

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 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, 17TH JANUARY, 2013

PRESENT:-

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

Parish Representatives: Axel Palmer and Tony Crouch

Bath and North East Somerset Councillors: Sally Davis, Sarah Bevan and Malcolm Lees

Officers:

59 WELCOME AND INTRODUCTIONS

The Chair, Ms Deborah Russell, welcomed everyone to the meeting.

60 EMERGENCY EVACUATION PROCEDURE

The clerk drew attention to the emergency evacuation procedure.

61 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies had been received from Sue Toland, B&NES councillors Eleanor Jackson and Nigel Roberts and Parish Councillors Veronica Packham, Nick Stevens, Reg Williams.

62 DECLARATIONS OF INTEREST

There were none.

63 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

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

There were none.

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

There were none.

66 MINUTES OF THE MEETING OF 13TH DECEMBER 2012

Consideration of these minutes was deferred to the next meeting of the Committee.

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

The Monitoring Officer introduced the report which detailed a complaint that alleged that Councillor X had breached the Code of Conduct.

The Chair asked the Committee Members, with reference to Appendix 1 of the report (Exclusion of access by the public to Council meetings), whether they wished the complaint to be heard in private session. On a proposal by Councillor Palmer, seconded by Councillor Bevan, it was agreed that the hearing would be heard in private.

The Committee agreed that the hearing process would follow the Local Hearings Procedure.

Following the hearing, the Committee adjourned to make its decision. The Committee then re-convened and the Chair announced the decision in the presence of the complainant and Councillor X.

Decision

- 1) With regard to the issue of Councillor X's ownership of a parcel of land, the Committee decided that he had not breached the Code of Conduct and that he should be exonerated in respect of that part of the complaint.
- 2) With regard to the issue of the house which is owned by a relative of Councillor X, the Committee found that Councillor X had failed to comply with the Code of Conduct. At the Development Control Committee on 26th September 2012, at which a planning application relating to the house was considered, Councillor X should have declared a non-disclosable pecuniary or other interest in the light of his family connection and should not have spoken or voted on the application.

The Committee therefore recommends to Council that Councillor X be censured.

The meeting ended at 6.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Bath & North East Somerset Council	
MEETING:	Standards Committee
MEETING DATE:	27th February 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	

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Appendix 1

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: RFI 177/13
Meeting: Standards Committee
Date: 27th February 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: <ol style="list-style-type: none">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 set 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.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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