

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA
Telephone (01225) 477000 main switchboard
Direct Line (01225) 394416
Email: democratic_services@bathnes.gov.uk
Web site: <http://www.bathnes.gov.uk>

16 April 2013

To: All Members of the Standards Committee

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

Parish/Town Councillors: Veronica Packham and Axel Palmer

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

Chief Executive and other appropriate officers

Press and Public

Dear Member

Standards Committee: Wednesday, 24th April, 2013

You are invited to attend a meeting of the **Standards Committee**, to be held on **Wednesday, 24th April, 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 – Wednesday, 24th April, 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)

9. MINUTES OF THE MEETING OF 27TH FEBRUARY 2013 (Pages 7 - 12)

10. COMPLAINT AGAINST A COUNCILLOR - 12-12 B&NES (Pages 13 - 146)

Before discussing the matters contained in Appendices 3 and 4 of this report, the Committee is invited to pass the following resolution:

Having been satisfied that the public interest would be better served by not disclosing relevant information, the Committee resolves, in accordance with the provisions of section 100(A)(4) of the Local Government Act 1972, that the public 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 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 AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF WEDNESDAY, 27TH FEBRUARY, 2013

PRESENT:-

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

Parish Representatives: Veronica Packham, Axel Palmer and Tony Crouch

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

Officers: Vernon Hitchman (Divisional Director, Legal and Democratic Services) and Ann Swabey

68 WELCOME AND INTRODUCTIONS

The Chair (Mrs Sue Toland) welcomed everyone to the hearing.

69 EMERGENCY EVACUATION PROCEDURE

The Clerk drew attention to the Emergency Evacuation Procedure.

70 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies had been received from Dr Cyril Davies (Independent member).

71 DECLARATIONS OF INTEREST

Councillor Malcolm Lees declared a non-pecuniary interest in that he had arranged an insurance policy for the subject councillor's company. Councillor Eleanor Jackson declared a non-pecuniary interest in her role as Chair of the Task and Finish Group on river dwellers whose remit was confined to boats as dwellings and had nothing do to do moorings. Councillor Sarah Bevan declared a non-pecuniary interest relating to her membership of the River Trust.

72 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none. The Chair reminded the Members of the need for observing strict confidentiality in their dealings with these hearings.

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

There were none.

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

There were none.

75 MINUTES OF THE MEETING OF 17 JANUARY 2013

The minutes were agreed as a correct record.

76 COMPLAINT AGAINST A COUNCILLOR - 12-12 B&NES

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

The Chair asked the Committee, 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 Lees, seconded by Parish Councillor Axel Palmer, it was agreed that hearing would be heard in private.

The Committee further 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

The Standards Committee has carefully considered all the information provided by the complainant and Councillor X. The Committee has concluded that, in the interests of fairness, the complaint would benefit from an independent investigation and report into the allegations. It therefore asks the Monitoring Officer to arrange an investigation and report back to the Committee by the end of March 2013.

The meeting ended at 8.00 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

By virtue of paragraph(s) 3 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:	24 th April 2013
TITLE:	Investigation into Complaint – 12-12 B&NES
WARD:	ALL
LIKELY TO BE TAKEN IN EXEMPT SESSION	
<p>List of attachments to this report:</p> <ol style="list-style-type: none"> 1. Public Interest Test (Open) 2. Hearing procedure (Open) 3. Report of Investigating Officer (Exempt) 4. Papers previously before the Committee (Exempt) 5. Submissions received from Cllr X (Exempt) 	

1 THE ISSUE

1.1 The Committee is asked to consider the complaint.

2 RECOMMENDATION

The Committee is asked to consider the report of the Investigating Officer.

3 FINANCIAL IMPLICATIONS

3.1 None.

4 THE REPORT

4.1 The Committee at its previous meeting deferred consideration of a complaint and asked for an investigating officer to be appointed.

4.2 The investigating officer has completed his enquiries and his report is attached at exempt Appendix 3.

4.3 The Committee is asked to consider the report under the procedure attached at Appendix 2.

5 RISK MANAGEMENT

5.1 N/A

6 EQUALITIES

a) An Equality Impact Assessment has not been completed as it is not relevant.

7 CONSULTATION

7.1 The subject member and complainant and Committee Chair have been consulted.

Contact person	<i>Vernon Hitchman Monitoring Officer and 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 (Open)

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 – reconvened 24th April 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 concerning Appendices 3 and 4 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.

Appendix 2 (Open)

STANDARDS COMMITTEE HEARING

PROCEDURE WHERE INVESTIGATING OFFICER HAS BEEN APPOINTED

1. Investigating Officer presents his report.
2. Committee asks any questions of clarification of the Investigator.
3. Complainant and subject member (in both cases with the agreement of the Chair) seek any points of clarification of the Investigator.
4. The Complainant may address the Committee on the issues contained in the report.
5. The subject member may address the Committee on the issues contained in the report.
6. The Committee excludes all other parties and considers the issues.

Other parties are invited back to the meeting.

7. The Committee announces its decision with brief reasons.

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

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