

Democratic Services

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23 March 2016

To: All Members of the Standards Committee

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

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

Bath and North East Somerset Councillors: Councillor Sally Davis, Councillor Sarah Bevan, Councillor Nigel Roberts, Councillor Geoff Ward and Councillor Brian Simmons

Chief Executive and other appropriate officers

Press and Public

Dear Member

Standards Committee: Thursday, 31st March, 2016

You are invited to attend a meeting of the **Standards Committee**, to be held on **Thursday, 31st March, 2016 at 6.15 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

Yours sincerely

Enfys Hughes
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 Enfy's Hughes who is available by telephoning Bath (01225) 394416 or by calling at the Guildhall, Bath (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 – Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central 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 Democratic Services prior to the commencement of the meeting.
- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

5. 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).

6. Attendance Register: Members should sign the Register which will be circulated at the meeting.

7. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

8. 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

9. 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, 31st March, 2016
at 6.15 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 or a member of his staff 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 (COMPLAINTS MUST GO THROUGH THE STANDARDS COMPLAINTS PROCEDURE)

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

8. MINUTES OF THE MEETING OF 10TH DECEMBER 2015 (Pages 7 - 10)

9. EXCLUSION OF THE PUBLIC

The Committee is asked to consider passing the following resolution:

“that having been satisfied that the public interest would be better served by not disclosing relevant information, in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business and the reporting of the meeting be prevented under Section 100A(5A) 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.

10. INVESTIGATION INTO COMPLAINT 10-15 PAULTON PARISH COUNCIL (Pages 11 - 74)
11. RETURN TO OPEN SESSION
12. REPORT ON THE ASSESSMENT OF COMPLAINTS
13. WORKPLAN FOR THE STANDARDS COMMITTEE

The Committee Administrator for this meeting is Enfys Hughes who can be contacted on 01225 394410.

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations

- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 10TH DECEMBER, 2015

PRESENT:-

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

Parish Representatives: Tony Crouch, Veronica Packham and Dr Axel Palmer

Bath and North East Somerset Councillors: Sally Davis, Sarah Bevan, Geoff Ward and Brian Simmons

Officers: Maria Lucas (Head of Legal and Democratic Services) and Enfys Hughes

14 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the Committee.

15 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure as set out on the agenda.

16 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Cyril Davies sent his apologies for the meeting.

17 DECLARATIONS OF INTEREST

Councillor Sarah Bevan declared a non-pecuniary interest in Agenda Item 12, in that her ward was next to Dunkerton.

18 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

19 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS (COMPLAINTS MUST GO THROUGH THE STANDARDS COMPLAINTS PROCEDURE)

There were none.

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

There were none.

21 MINUTES OF THE MEETING OF 17TH SEPTEMBER 2015

RESOLVED that the minutes of the meeting on 17th September 2015 be confirmed as a correct record and be signed by the Chair(person).

22 STANDARDS COMMITTEE - SCHEDULE OF DATES 2015-19

RESOLVED

- 1) that the schedule of dates for the Standards Committee be noted;
- 2) that the 28th January 2016 meeting be cancelled; and
- 3) that a further date be sought between the January and March meetings.

23 WORKPLAN FOR THE STANDARDS COMMITTEE

RESOLVED that the Workplan for Standards Committee be noted.

24 EXCLUSION OF THE PUBLIC

RESOLVED that, the Committee having been satisfied that the public interest would be better served by not disclosing relevant information in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972, the public shall be excluded from the remainder of meeting 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.

**25 INVESTIGATION INTO COMPLAINT 04-15, 05A-15, 05B-15, 05C-15
DUNKERTON PARISH COUNCIL**

The Chair followed the procedure where an investigating officer has been appointed (appendix 2 open).

Simon Barnes, the Investigating Officer, presented the report and outlined the complaints.

One of the subject members/complainant was present and made a statement to the Committee.

Following an adjournment where the officers and the subject member/complainant left the meeting to allow members of the Committee to consider their decision, it was

RESOLVED that

The Standards Committee carefully considered the complaints listed 1-12 in the report, the Investigating Officer's report, the evidence presented and the statements made at the meeting. It concluded that there was one breach of the Code of Conduct (complaint 3).

The Committee concluded that there were no breaches of the Code of Conduct in respect of all the other complaints.

As the Councillor in question was no longer a Councillor, the Committee had no power to issue any sanction.

The Committee recommended that the Parish Council and Clerk review their Standing Orders and undertake training in the Code of Conduct.

The meeting ended at 7.38 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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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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Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA 0368/16

Meeting / Decision: Standards Committee

Date: Thursday 31 st March 2016
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Author: Shaine Lewis

Exempt Report Title: Investigation into Complaint 10-15 Paulton Parish Council

List of attachments to this report:
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- | |
|---|
| <ol style="list-style-type: none"> 1. Public Interest Test (Open) 2. Hearing Procedure (Open) 3. Report of Investigation Officer (Exempt) |
|---|

The Report contains 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 Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

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

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act 1998 (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in decisions relating to employee dismissals.

Other factors in favour of disclosure include:

- furthering public understanding of the issues involved;
- furthering public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- promoting accountability and transparency by the Council for the decisions it takes;
- allowing individuals and companies to understand decisions made by the Council and assist individuals to challenge those decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s identified within the appendix could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Standards Committee	
MEETING/ DECISION DATE:	31 March 2016	EXECUTIVE FORWARD PLAN REFERENCE:
		E 9999
TITLE:	Investigation into Complaint 10-15 Paulton Parish Council	
WARD:	ALL	
LIKELY TO BE TAKEN IN EXEMPT SESSION		
<p>List of attachments to this report:</p> <p>1 Public Interest Test (Open)</p> <p>2 Hearing Procedure (Open)</p> <p>3 Report of Investigation Officer (Exempt)</p>		

1 THE ISSUE

- 1.1 The Committee is asked to consider the complaint set out in the report of the Investigation Officer.

2 RECOMMENDATION

- 2.1 The Committee is asked to consider the report of the Investigation Officer.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

None

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Following receipt of the complaint and consideration by the Monitoring Officer and Independent Persons an Investigation Officer was appointed to investigate the concerns raised.
- 4.2 The Investigation Officer has completed their enquiries and their 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 EQUALITIES

5.1 An equality Impact Assessment has not been completed as it is not relevant

6 CONSULTATION

6.1 The subject members; complainant; the Independent Person and Standards' Committee chair have been consulted.

7 RISK MANAGEMENT

7.1 N/A.

Contact person	<i>Maria Lucas Monitoring Officer & Head of Legal & Democratic Services – (01225 395171)</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)

STANDARDS' COMMITTEE HEARING

PROCEDURE WHERE INVESTIGATING OFFICER HAS BEEN APPOINTED

1. The Investigating Officer presents his report.
2. The Committee asks any questions of clarification of the Investigator.
3. The Complainant and then the 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 may ask any further clarification questions (with the agreement of the Chair).
7. The Committee excludes all other parties and considers the issues.
8. Other parties are invited back to the meeting.
9. The Committee announces its decision with brief reasons.
10. The written decision notice is supplied to all parties within 5 working days.

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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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Bath & North East Somerset Council		
MEETING	Standards' Committee	
MEETING	31 st March 2016	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Report on Assessment of Complaints	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Report on assessment of complaints		

1 THE ISSUE

- 1.1 The Committee is asked to consider the report on assessment of complaints (attached as Appendix 1) and discuss any issues arising.

2 RECOMMENDATION

- 2.1 That the Committee consider the report.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The Council is required to have in place adequate arrangements to assess complaints and deal with any further actions required.

5 THE REPORT

- 5.1 A table providing information on the complaints received since June 2015 is attached as Appendix 1.

6 RATIONALE

- 6.1 To update the Standards' Committee on the progress and outcome of complaints received since June 2015.

7 OTHER OPTIONS CONSIDERED

- 7.1 None.

8 CONSULTATION

- 8.1 Not applicable.

9 RISK MANAGEMENT

- 9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>Maria Lucas, Head of Legal & Democratic Services, Monitoring Officer & Council Solicitor (01225) 395171</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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STANDARDS COMMITTEE WORKPLAN 2015 - 2017

Date of meeting	Title	Report author/responsible officer
10 th December 2015 (confirmed)		
	Complaint report	Maria Lucas
28 th January 2016 (postponed)	REARRANGED 3 rd March 2016 Cancelled to go to 31 st March	
	Training session for Members of Standards (before the Committee)	Maria Lucas
	Code of Conduct – declaration of pecuniary interests and the ability to speak on an item	Maria Lucas
31 st March 2016 (confirmed)		
	Complaint - Paulton Council	Shaine Lewis
19 th May 2016 (substantive)		
	Training session for Members of Standards (before the Committee)	ML
	Code of Conduct – declaration of pecuniary interests and the ability to speak on an item	ML
28 th July 2016 (provisional)		
	Annual report - include a review of the complaints received going back to 2009, the numbers; subject matter; parish council or Bath and North East Somerset Council; from members of the public or	Maria Lucas

	councillors and the outcome	
22nd September 2016 (substantive)		
24th November 2016 (provisional)		
26th January 2017 (substantive)		
30th March 2017 (provisional)		
18th May 2017 (substantive)		
	Annual report	Maria Lucas