

Democratic Services

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11 May 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, 19th May, 2016

You are invited to attend a meeting of the **Standards Committee**, to be held on **Thursday, 19th May, 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, 19th May, 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 31ST MARCH 2016 - PUBLIC AND EXEMPT (Pages 7 - 12)

If members wish to discuss the exempt minutes they will have 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.”

9. WORKPLAN FOR THE STANDARDS COMMITTEE (Pages 13 - 14)
10. REPORT ON THE ASSESSMENT OF COMPLAINTS (Pages 15 - 20)

If members wish to discuss the exempt appendix they will have 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.”

11. CODE OF CONDUCT - DECLARATION OF PECUNIARY INTERESTS AND THE ABILITY TO SPEAK ON AN ITEM - TRAINING

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, 31ST MARCH, 2016

PRESENT:-

Independent Members: , Deborah Russell (Independent Member)

Parish Representatives:

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

Officers: Maria Lucas (Head of Legal and Democratic Services), Enfys Hughes and Shaine Lewis (Principal Solicitor and Deputy Monitoring Officer)

26 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the Committee.

27 EMERGENCY EVACUATION PROCEDURE

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

28 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were apologies from Sue Toland, therefore Councillor Sally Davis chaired the meeting. There were also apologies from Dr Cyril Davies, Tony Crouch, Veronica Packham, Dr Axel Palmer and Councillor Nigel Roberts.

29 DECLARATIONS OF INTEREST

Councillor Geoff Ward declared an interest in the investigation into the complaint report as he had worked with one of the parish councillors 15 years ago. This did not affect his consideration of the matter and he remained in the meeting.

30 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

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

There were none.

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

There were none.

33 MINUTES OF THE MEETING OF 10TH DECEMBER 2015

RESOLVED that both the public and exempt minutes of the meeting on 10th December 2015 be confirmed as a correct record and be signed by the Chair(person).

34 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.

35 INVESTIGATION INTO COMPLAINT 10-15 PAULTON PARISH COUNCIL

As all the parish representatives had sent apologies, Councillor Sarah Bevan for this meeting, also sat as a parish representative.

The Chair followed the procedure where an investigating officer has been appointed. Shaine Lewis, Principal Solicitor, presented the report and outlined the complaints.

Two of the complainants were present along with the subject member of the complaint. One complainant and one subject member made a statement to the Committee and were questioned.

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

RESOLVED that

The Standards Committee, having read all the evidence presented in the report and at the meeting, found there were breaches in the Code of Conduct in paragraphs 4, 6, 9, 13. Whilst the Committee accepted there were breaches they were clearly inadvertent, unintentional and there was no malice aforethought in relation to the non-disclosure of interests. The Committee recommended that the complainants, subject member and clerk attend refresher training on the Code of Conduct especially in relation to the disclosure of interests. The evidence for this recommendation was on page 59 (handwritten 45) and page 61 (handwritten 47) in the investigation report in respect of the councillors and there was no evidence of any advice given by the clerk to parish councillors in respect of the disclosure of interests.

36 RETURN TO OPEN SESSION

RESOLVED that the meeting return to open session.

37 REPORT ON THE ASSESSMENT OF COMPLAINTS

The Monitoring Officer presented this report and stated there were a large number of complaints, including several from the parish council the subject of the report on the agenda. Steps were being taken to sort out the complaints and decision notices were going to be issued shortly.

RESOLVED that the report be noted.

38 WORKPLAN FOR THE STANDARDS COMMITTEE

RESOLVED that the Workplan for the Standards Committee be noted.

The meeting ended at 7.27 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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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

Bath & North East Somerset Council		
MEETING	Standards' Committee	
MEETING	19th May 2016	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Report on Assessment of Complaints	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex 1 – Report on assessment of complaints		

1 THE ISSUE

- 1.1 The Committee is asked to consider Annex 1 (report on assessment of complaints) 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 Maria Lucas, Head of Legal & Democratic Services, Monitoring Officer & Council Solicitor joined Bath & North East Somerset Council, is attached as Appendix 1.

6 RATIONALE

- 6.1 To update the Standards' Committee on 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>List here any background papers not included with this report, and where/how they are available for inspection.</i>
Please contact the report author if you need to access this report in an alternative format	

Key –

P Cllr	Parish Councillor
MoP	Member of the Public
Cllr	BANES Councillor
O	Officer

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