

Democratic Services

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14 September 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, 22nd September, 2016

You are invited to attend a meeting of the **Standards Committee**, to be held on **Thursday, 22nd September, 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, 22nd September, 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 19TH MAY 2016 (Pages 7 - 10)

9. REPORT ON THE ASSESSMENT OF COMPLAINTS

There will be a verbal report from the Monitoring Officer.

10. 2015-2016 ANNUAL REPORT (Pages 11 - 22)

11. 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.

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BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 19TH MAY, 2016

PRESENT:-

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

Parish Representatives: Dr Axel Palmer

Bath and North East Somerset Councillors: Les Kew (sub for Sally Davis), Nigel Roberts, Geoff Ward and Brian Simmons

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

1 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the Committee.

2 EMERGENCY EVACUATION PROCEDURE

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

3 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were apologies from Councillor Sally Davis, Councillor Les Kew was her substitute, Councillor Sarah Bevan and Veronica Packham.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR - INDEMNITIES FOR MEMBERS AND OFFICERS

The Monitoring Officer announced to the meeting that there was an item of urgent business, a report on Indemnities for Members and Officers. She explained that at a meeting of Standards Committee on 23rd October 2014 this report had been agreed and should have gone to Council previously but it had not. She had reviewed the report and made a few minor amendments which were highlighted in Appendix 1.

The Chair agreed to add this urgent item to the agenda for the meeting and members took some time to read the report.

The Monitoring Officer explained her reasoning for changing the limit to costs incurred up to £2,000 per individual issue, was to prevent any abuse of the indemnity procedure. During discussion of this issue the importance of the Council being transparent and accountable was raised. The Monitoring Officer explained that if an

indemnity were granted then a decision notice would be published, providing an auditable trail. It was agreed that subject to a small amendment to reflect this, the report be accepted.

RESOLVED to recommend to Council that they grant an indemnity to members and officers of the Council in the terms set in the appendix to the report, with the agreed amendment see below, and authorise the extension of the Council's liability under this indemnity in so far as such insurance would be financially prudent.

Appendix 1 - amendment

Section 6 – last sentence to read "... and the Monitoring Officer is authorised to endorse the payment of indemnity to any Member or officer up to a maximum of £50,000, such consent to be recorded in an officer decision notice, where such indemnity is not covered by insurance, and that any sums in excess of that figure must be referred to Council for approval."

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

There were none.

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

There were none.

8 MINUTES OF THE MEETING OF 31ST MARCH 2016 - PUBLIC AND EXEMPT

RESOLVED that both the public and exempt minutes of the meeting on 31st March 2016 be confirmed as a correct record and be signed by the Chair(person).

9 WORKPLAN FOR THE STANDARDS COMMITTEE

RESOLVED that the Workplan for the Standards Committee be noted.

10 REPORT ON THE ASSESSMENT OF COMPLAINTS

The Monitoring Officer presented this report. The appendix in its current format was exempt and it was explained that if there was a wish for the document to be public, this could be achieved by the complaints being noted as either against a Parish Councillor or a Bath and North East Somerset Councillor without names.

RESOLVED that the report be noted and in the future the appendix be changed to be a 'public' document.

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

The Monitoring Officer explained that this was a training item and would take the form of a quiz. Once the quiz had been undertaken then the answers would be discussed.

Following the quiz the Chair stated, and Members agreed, that it had been a very useful training exercise.

RESOLVED to note the information in the training session.

The meeting ended at 7.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council		
MEETING	Standards Committee	
MEETING	22nd September 2016	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Standards Committee Draft Annual Report 2015-16	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Please list all the appendices here, clearly indicating any which are exempt and the reasons for exemption</p> <p>Appendix 1. Standards Committee Draft Annual Report 2015-16</p> <p>Appendix 2. Work programme/action plan 2015-16</p>		

1 THE ISSUE

- 1.1 To introduce the Standards Committee Draft Annual Report for 2015-16 for consideration by the Committee prior to its finalisation and submission to the Council meeting on 10th November 2016.

2 RECOMMENDATION

The Committee is asked to;

- 2.1 Consider and suggest any additions and amendments to the Draft Annual Report 2015-16 attached at Appendix 1 as appropriate; and
- 2.2 Grant delegated authority to the Head of Legal & Democratic Services in consultation with the Chair of the Standards Committee to finalise the report, including the addition of a Chair's Foreword and taking into account any comments received pursuant to recommendation 1 above, prior to its submission to the Council meeting.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

3.1 There are no direct implications arising from this report.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 The Standards Committee is not required to produce an annual report however it is good practice to do so.

5 THE REPORT

5.1 The Standards Committee has agreed it would provide an annual report to the Council summarising the work of the Committee over the previous year.

The Standards Committee Draft Annual Report 2015-16 is attached at Appendix 1.

6 RATIONALE

6.1 The Committee is responsible for the promotion of ethical standards within the Authority, helping to secure adherence to the Members' Code of Conduct; monitoring the operation of the Code with Bath & North East Somerset Council, conducting hearings, following investigation, and determining complaints made against Councillors in respect of alleged breaches of the Code of Conduct.

7 OTHER OPTIONS CONSIDERED

7.1 None.

8 CONSULTATION

8.1 None.

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, Council Solicitor and Monitoring Officer (01225) 395171</i>
Background papers	<i>None.</i>
Please contact the report author if you need to access this report in an alternative format	

Standards Committee

Annual Report 2015-16

Chair's Foreword

To be completed following discussion with Chair of Standards Committee.

Sue Toland
Chair of the Standards Committee

1. Standards Committee

Introduction

The Standards Committee has agreed that it will submit for the consideration of Council, an annual report summarising the work the Committee has carried out during the previous year.

This report comprises the Annual Review covering the period April 2015 to March 2016, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2015-16 in the report refer to this time period.

2. Background information

The Code of Conduct for Elected Members and Co-opted Members ('The Code of Conduct')

The Localism Act 2011 requires the Authority to have a Code of Conduct. In 2012 BANES adopted a code which sets out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity.

The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected councillor or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority.

'Co-opted member' means any person who is a member of any committee or sub-committee of the Authority with a right to vote but who is not one of its elected members.

The Code is intended to be consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Councillors will act with selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

The Monitoring Officer

The Monitoring Officer holds a statutory role and is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or

to the Cabinet (as set out in s.5(1) of the Local Government and Housing Act 1989).

The Monitoring Officer and her team administer the local arrangements for addressing complaints made under the Code of Conduct.

The Monitoring Officer's role includes the assessment and review of every complaint received under the Code of Conduct. Following consideration and consultation with the Authority's Independent Person and Chair of the Standards Committee, the Monitoring Officer decides whether the complaint will be investigated.

The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Council's adopted assessment criteria.

The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate.

Independent Persons

The Authority had appointed an Independent Person and a Deputy, who are invited to attend all meetings of the Standards Committee. The appointment of Independent Persons is determined by a meeting of Full Council.

The Independent Person(s) must be consulted by the Council before it makes a decision on a matter that has been referred to it for investigation; they can also be consulted by the Council in respect of a code of conduct complaint at any other stage; and can also be consulted by a member or co-opted member of the Council against whom a complaint has been made.

The Standards Committee

The Standards Committee is responsible for the promotion of ethical standards within the Council, helping to secure adherence to the Code; monitoring the operation of the Code; conducting hearings following investigation and determining complaints made under the Code.

The Standards Committee's terms of reference are set out in the Council's Constitution in Part 5, Terms of Reference.

The Committee conduct proceedings using Article 9 of the Constitution and

the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a Final Report from an Investigating Officer recommends a finding that there is no breach of the Code, the Committee determines whether to accept the report; refer the report back to the Investigating Officer if it is considered incomplete; or refer the report to a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a Final Report from an Investigating Officer recommends a finding that there has been a breach of the Code, the Committee undertakes a hearing in accordance with the Council's Local Arrangements for dealing with complaints under the Code.

The Committee is also responsible for granting dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Code.

3. Training for Standards Committee Members

Initial and refresher training for Members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, and this is refreshed annually, before they can serve on the Standards Committee. This training includes the duties and responsibilities of the Standards Committee.

Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

4. Standards Committee Membership 2015-16

In 2015/16 the Standards Committee comprised the following Members:

Cllrs Sally Davis, Sarah Bevan, Nigel Roberts, Geoff Ward and Brian Simmons. Parish Cllrs Tony Crouch, Veronica Packham and Dr Axel Palmer. Independent Members: Sue Toland (Chair), Deborah Russell and

Dr Cyril Davies.

5. The Authority's Independent Persons

The Authority's Independent Persons were Lee O'Bryan and Raymond Morrison, who were first appointed by Council in April 2013 in accordance with the requirements of the Localism Act 2011. Mr Morrison resigned in October 2015 and Mr O'Bryan in July 2016. New Independent Persons are currently being recruited.

6. Committee Meetings

At the start of each year the Standards Committee agree its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. The Work Programme/Action Plan for 2015-16 is attached at Appendix 1 to this report and is commented upon further in paragraph 9 below.

The Standards Committee met on

- 31 March 2015
- 17 September 2015
- 10 December 2015
- 31 March 2016

7. Complaints under the Code of Conduct for Members and Co-opted Members

Type of complainant	2013/14	2014/15	2015/16	Total
Councillor	0	0	0	0
Parish Councillor	8	0	8	16
Member of the public	13	16	16	46
Total	22	16	24	62

Subject of the complaint	2013/14	2014/15	2015/16	Total
BANES	8	13	11	32
Parish Councillor	13	3	13	29

Type of complaint	2013/14	2014/15	2015/16	Total
Failure to declare an interest	11	0	5	16
Bullying/failure to treat with respect	0	1	7	8
Bringing Council into disrepute	9	14	10	33
Improperly conferring an advantage/disadvantage	2	1	0	3
Disclosure of confidential information	0	0	1	1
Improper use of Council resources	0	0	0	0

Local Assessment Decisions	2013/14	2014/15	2015/16
No Action	19	16	21
Informal Resolution	1	0	0
Referred for Investigation	2	1	3
Total	22	16	24

Outcomes	2013/14	2014/15	2015/16
Other Action	1	1	0
Ongoing	0	0	1
Apology	0	0	1
No Further Action	0	0	9
Withdrawn	3	1	0
Breach	0	0	1
No Breach	18	14	12
Total	22	16	24

8. Decision of complaints following investigation

1 complaint from 2015/16 is to be considered in the immediate future by the Standards Committee following receipt of the completed investigation report.

9. Review of Standards Committee Work Programme and Action Plan for 2015/16

The Standards Committee's Work Programme/Action Plan for 2015/16 is attached at Appendix 1. The Standards Committee met on 4 occasions during the year. At each meeting the Committee monitored its Action Plan. The matters undertaken include:

- A. Two Complaint Hearings.
- B. Training session for Members of Standards on the Code of Conduct; declaration of pecuniary interests and the ability to speak on an item.

10. Conclusion

The Committee has dealt with a variety of matters in the past year. The Committee's aim is to continue to develop and maintain the Authority's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.

STANDARDS COMMITTEE WORKPLAN 2015 - 2017

Date of meeting	Title	Report author/responsible officer
10 th December 2015		
	Hearing of Complaint – 04-15, 05a-15, 05b-15 & 05c-15 DPC	ML
28 th January 2016 (postponed)	Rearranged for 31 st March	
31 st March 2016		
	Hearing of Complaint - 10-15 PPC	SL
19 th May 2016 (substantive)		
	Training session for Members of Standards	ML
22 nd September 2016		
	Annual report - include a review of the complaints since 2013.	ML
24 th November 2016 (provisional)		
	Hearing of Complaint	
26 th January 2017 (substantive)		
	Code of Conduct – declaration of pecuniary interests and the ability to speak on an item	ML
30 th March 2017 (provisional)		
	Training session for Members of Standards	ML

18 th May 2017 (substantive)		
	Preparation of annual report	Maria Lucas