

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 22ND NOVEMBER, 2018

PRESENT:-

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

Parish Representatives: Tony Crouch and Veronica Packham

Bath and North East Somerset Councillors: Sally Davis, Sarah Bevan, Geoff Ward, Brian Simmons and Ian Gilchrist (substitute)

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

Independent Person: Tony Drew

23 WELCOME AND INTRODUCTIONS

The Chair welcomed Councillor Gilchrist to the meeting.

24 EMERGENCY EVACUATION PROCEDURE

The Chair invited the Clerk to announce the emergency evacuation procedure.

25 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were submitted for Deborah Russell and Nigel Roberts, Ian Gilchrist attended as his substitute.

26 DECLARATIONS OF INTEREST

There were no declarations of interest.

27 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

Training session

The Monitoring Officer asked the Chair if a short training session might be possible at the end of the meeting, due to the short agenda. Having sought the views of those present, who were in agreement, the Chair announced that a training session would go ahead.

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

There were no items from the public.

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

There were no items from Councillors.

30 MINUTES OF THE MEETING OF 19TH JULY 2018 - EXEMPT

RESOLVED the exempt minutes of 19th July 2018 were approved as a correct record and signed by the Chair.

31 MINUTES OF THE MEETING OF 20TH SEPTEMBER 2018

RESOLVED the minutes of 20th September 2018 were approved as a correct record and signed by the Chair, subject to the following amendment to Minute Number 15 Urgent Business:

Complaints procedure

The Monitoring Officer explained that as requested by the Standards Committee, the criteria for considering complaints had been amended to state:

If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be investigated, dealt with informally or rejected:

- Whether the complaint is about something that happened over 6 months ago as those involved are not likely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now.

32 REPORT ON THE ASSESSMENT OF COMPLAINTS

The Committee considered the report from the Monitoring Officer and noted five complaints had been received in October. She would shortly be issuing decision notices of no breach on four and one which required investigation. There was a typo in the appendix on the complaint received on 30.08.18. which should be 30.10.18.

RESOLVED that the report on the assessment of complaints be noted.

33 WORKPLAN FOR THE STANDARDS COMMITTEE

RESOLVED to note the workplan for Standards Committee.

34 REPORT ON GIFTS AND HOSPITALITY

The Monitoring Officer presented the report which had arisen from a recent complaint highlighting that the Council did not have a separate policy on gifts and hospitality.

During discussion the following points were raised:

- The complaint arose in relation to a dinner provided to Councillors by the University of Bath. It was noted it was difficult to assess at the time how much a dinner was worth and if it was over £50 (the amount over which Councillors currently had to declare gifts or hospitality).
- Parish Councils had their own Code of Conduct so the amount when a gift was declared could vary. Some used the Bath and North East Somerset Council code.
- When thinking about a declaration Councillors should ask the question why have I been given this and for what reason?
- The policy from Test Valley Borough Council was not the most up-to-date and it was suggested that Camden had a more up-to-date policy.
- Another suggestion was ALCA (Avon Local Council Association).
- If the amount was lower, say £25, then most things would need to be declared which would be more transparent. This figure could be reviewed along with the policy.
- Items should only be declared in the capacity of, or in the course of, being a Councillor.
- The Chair of Council and Mayor had different roles and policies for declaration.
- Any changes would result in more work for Councillors, so was it really necessary.
- If the Councillor was a member of an outside body or statutory body they would not need to declare hospitality provided by that body as part of their membership.
- If invitations to dinners and events were made through one council office, this would create unnecessary work.
- Once a Councillor ceased to be a Councillor, the declarations should be removed.
- On re-election the Councillors would declare again.
- Whether the gifts and hospitality policy should apply to Councillors after the election in May 2019 or as soon as possible.
- It was important that Standards Committee take this issue seriously.
- There could and had been exceptions to the '6 month rule' for not considering complaints.

It was agreed that the Monitoring Officer draft a short Gifts and Hospitality policy for Councillors with a reduced value for such items of £25. This was put to a vote (4 in favour, 1 against).

On a motion from Councillor Sally Davis, seconded by Councillor Sarah Bevan, it was

RESOLVED that the policy drafted by the Monitoring Officer on Gifts and Hospitality, with a value of over £25, be submitted to Council in March 2019 (4 in favour, 1 against).

35 TRAINING SESSION - CODE OF CONDUCT

The Code of Conduct scenarios were circulated to members at the meeting for them to consider. The meeting discussed the answers to the scenarios and the issues.

The questions and answers would be circulated with the minutes.

The meeting ended at 7.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services