

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 4TH JULY, 2019

PRESENT:-

Independent Members: Dr Cyril Davies, Dr Axel Palmer (Chair) and Deborah Russell

Parish Representatives: Tony Crouch and Clive Fricker

Bath and North East Somerset Councillors: Jess David, Sally Davis, Duncan Hounsell and Michelle O'Doherty

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

Independent Person: Tony Drew

1 WELCOME AND INTRODUCTIONS

The Chair welcomed the newly appointed Bath and North East Somerset Councillors to the Committee. He briefly explained the membership of the Committee - 5 BANES councillors, 3 parish councillors, 3 independent members and an independent person. The key officers were the Monitoring Officer, Maria Lucas and Enfys Hughes, Democratic Services Officer.

Currently there was a parish councillor vacancy as Veronica Packham had not stood for re-election. The Democratic Services Officer would contact ALCA (Avon Local Council Association) for another parish councillor replacement.

2 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer announced the emergency evacuation procedure.

3 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Cllr Jess David who would be a few minutes late to the meeting.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was an explanation of how the Standards Committee worked from the Chair and Monitoring Officer. Since 2012 the Chair of Standards had been independent, removing any bias when looking at standards issues. The general procedure worked on consensus, though it was noted that the parish councillors, independent members and independent person could not vote. If it came to a vote then Councillor Duncan

Hounsell (vice-chair) would take over as Chair of the meeting and the BANES councillors would take account of the views of the other members of the Committee when voting.

6 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.

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

There were no items from councillors.

8 MINUTES OF THE MEETING OF 21ST MARCH 2019

The minutes of the meeting of 21st March 2019 were confirmed and signed as a correct record.

9 ANNUAL REVIEW OF THE CODE OF CONDUCT

The Committee considered the report in light of the discussion at the meeting on 21st March 2019 (Report of the Committee on Standards in Public Life) and discussed recommendations to Council.

The Monitoring Officer explained that at the last meeting of the Committee they considered a review report on Standards in Public Life and agreed several actions, one of which was an annual review of the Code of Conduct (*Best Practice 3*).

Best Practice 2 – Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigations and prohibit trivial or malicious allegations by councillors.

She explained that paragraph 15 in the BaNES Code of Conduct referred to members co-operating, at all stages, with any investigation. The Council had the arrangements for dealing with complaints on the website and stated that on the initial assessment criteria would be applied and referred to malicious, vexatious or tit-for-tat complaints. The subject member of the complaint would always receive a copy of the complaint arrangements and there would be a cross-reference to the arrangements in the Code of Conduct.

Best Practice 4 – An authority’s code should be readily accessible to both councillors and the public, in a prominent position on a council’s website and available in council premises.

The BaNES Code of Conduct was accessible on the Council website and available on Council premises.

Discussion followed about a scenario if there was a complaint against a councillor who had then stood down. The Monitoring Officer stated that usually the complaint would be discontinued, however if there was police involvement or exceptional circumstances then it would continue.

An advice note for Councillors on bullying and harassment was circulated from the Monitoring Officer. Members took a few moments to consider this. During discussion it was agreed to take out “which has no legitimate workplace purpose and” in the definition of harassment, so it would read – “Harassment is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated or frightened and/or uncomfortable at work.”

It was noted that harassment was often viewed as actions that were repeated however it could be a one-off incident.

On a motion from Axel Palmer, seconded by Deborah Russell it was

RESOLVED to formerly adopt the advice note for Councillors on bullying and harassment as Appendix 4 to the Code of Conduct and recommend the Council (at its next meeting) to accept the amendments to the Code of Conduct. In the meantime the advice note could be used as best practice.

There was further discussion in relation to social media. The Monitoring Officer explained that Social Media Guidance was available for Councillors which could be referenced in the Code of Conduct. (*This is on the Councillor dashboard under Communications– a Councillor’s Guide*). As the next meeting of Council was not until October, the issue of social media could be discussed at the meeting of the Standards Committee in September.

The Monitoring Officer clarified that the recommendations made by the Standards Committee on the Member’s Gifts and Hospitality policy in March 2019, had been agreed at the Annual meeting of Council. The policy was now attached to the Code of Conduct. Parish councils had been informed of the policy, by the Monitoring Officer writing to the Clerk and the Chair. It should be noted that parish councils were not required to use the BaNES Code of Conduct, but could agree their own or use the ALCA (Avon Local Council Association) model.

The Monitoring Officer briefly explained the background to the Gifts and Hospitality report, which had arisen from several complaints that councillors, attending dinners at the University of Bath worth more than £50, had not declared these.

The Chair invited all members to provide any further comments on the Code to the Monitoring Officer so these could be considered before the next meeting.

10 REPORT ON THE ASSESSMENT OF COMPLAINTS

The Committee considered the report from the Monitoring Officer. The Chair explained that all complaints were subject to review by the Independent Person and the Chair. The Monitoring Officer stated that there had been some delay in issuing decision notices on complaints as she had had to prioritise arranging the EU election in the middle of the local election in May 2019.

- No investigations were outstanding
- There were two recent complaints
 - One was delayed as the councillor had not responded as they were up for re-election. Having been re-elected, they would be providing their

response. The other one was again awaiting a response from the subject member

The Monitoring Officer (MO) briefly explained the process to the new members of the Committee:

1. The MO considers the complaint in the light of the arrangements, including the criteria and decides whether to progress or not
2. The complaint is sent to the Independent Person and the Chair for their views
3. The MO takes these into account and makes an initial assessment
4. If no further action is required, the MO issues the decision notice, outlining the issues and decision
5. There is no right of appeal but the complainant can write to the Local Government Ombudsman
6. If the complaint requires an investigation due to a potential breach of the Code of Conduct, the MO appoints an Investigator
7. If the Investigator finds a breach then the complaint is considered by the Standards Committee

The Chair explained that if the Monitoring Officer had a conflict of interest, eg if a previous complaint had been made about her decision, there was an informal agreement that the initial assessment would be undertaken by a senior legal officer from a neighbouring local authority.

RESOLVED to note the report on the assessment of complaints.

11 WORKPLAN FOR THE STANDARDS COMMITTEE

RESOLVED to note the workplan for the Standards Committee.

The meeting ended at 7.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services