

# Standards Committee

**Date: Thursday, 4th July, 2019**

**Time: 6.15 pm**

**Venue: Kaposvar Room - Guildhall, Bath**

**To: All Members of the Standards Committee**

**Independent Members:** Dr Cyril Davies, Dr Axel Palmer and Deborah Russell

**Parish/Town Councillors:** Tony Crouch and Clive Fricker

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

**Chief Executive and other appropriate officers**

**Press and Public**



**Enfys Hughes**

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1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

Paper copies are available for inspection at the **Public Access points:-** Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

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.

### 3. **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. We request that those filming/recording meetings avoid filming public seating areas, children, vulnerable people etc; however, the Council cannot guarantee this will happen.

The Council will broadcast the images and sounds live via the internet [www.bathnes.gov.uk/webcast](http://www.bathnes.gov.uk/webcast). The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

### 4. **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 also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

### 5. **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 signposted. Arrangements are in place for the safe evacuation of disabled people.

### 6. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

**Standards Committee - Thursday, 4th July, 2019**  
**at 6.15 pm in the Kaposvar Room - 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 21ST MARCH 2019 (Pages 5 - 10)
9. ANNUAL REVIEW OF THE CODE OF CONDUCT (Pages 11 - 42)
10. REPORT ON THE ASSESSMENT OF COMPLAINTS (Pages 43 - 46)
11. WORKPLAN FOR THE STANDARDS COMMITTEE (Pages 47 - 48)

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

**BATH AND NORTH EAST SOMERSET**

**STANDARDS COMMITTEE**

**MINUTES OF THE MEETING OF THURSDAY, 21ST MARCH, 2019**

**PRESENT:-**

**Independent Members:** Dr Cyril Davies, Dr Axel Palmer and Deborah Russell

**Parish Representatives:** Tony Crouch and Clive Fricker

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

**Officers:** Maria Lucas (Director of Legal and Democratic Services and Monitoring Officer) and Marie Todd (Democratic Services Officer)

**Independent Person:** Tony Drew

**36 APPOINTMENT OF CHAIR**

RESOLVED: To appoint Dr Axel Palmer as Chair of the Committee.

**37 WELCOME AND INTRODUCTIONS**

The Chair welcomed Parish Representative, Cllr Clive Fricker, to his first meeting of the Standards Committee.

**38 EMERGENCY EVACUATION PROCEDURE**

The Democratic Services Officer announced the emergency evacuation procedure.

**39 APOLOGIES FOR ABSENCE AND SUBSTITUTION**

Apologies for absence were received from Parish Representative, Cllr Veronica Packham.

**40 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**41 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was no urgent business.

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

Mr Alex Hansen, from the Woodland Grove Community Group, made a statement regarding the way that the Council records and retains members' declarations of

interest. He also spoke about the policy for a time restriction on complaints. A copy of Mr Hansen's statement is attached as *Appendix A* to these minutes.

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

There were no items from Councillors.

**44 MINUTES OF THE MEETING OF 22ND NOVEMBER 2019**

The minutes of the meeting held on 22 November 2018 were confirmed and signed as a correct record.

**45 PROTOCOL BETWEEN BATH AND NORTH EAST SOMERSET COUNCIL AND AVON AND SOMERSET CONSTABULARY**

The Monitoring Officer presented the report which asked the Committee to consider and approve the use of a protocol between B&NES Council and Avon and Somerset Constabulary. The Constabulary had prepared the protocol and the Monitoring Officer welcomed this opportunity for collaboration.

During discussion the following matters were discussed:

- The protocol would operate between the Police and the Council and provided a framework for dealing with offences. If necessary some matters could be referred on to specialist teams as appropriate.
- The Monitoring Officer confirmed that point number 5 referring to "interests held by family members living at the same address" was correct and referred to co-habiting. This was in line with the relevant legislation.
- The "Guardian/Niche" system was a system used by the Police Service.
- The Monitoring Officer had, so far, not referred any offences to the Police but had informed them of one allegation received and of her decision not to take the matter any further.

On a motion by Dr Axel Palmer, seconded by Cllr Geoff Ward it was:

RESOLVED: To approve the use of the Protocol between B&NES Council and Avon and Somerset Police, for Investigations and Offences under the Localism Act 2011 Section 34, as set out in Appendix 1 of the report.

**46 REPORT ON MEMBER'S GIFTS AND HOSPITALITY**

The Monitoring Officer presented the report which asked the Committee to consider the proposed guidance for Councillors on registering gifts and hospitality and to recommend the guidance to the Council.

During discussion the following matters were raised:

- It was noted that paragraph 4(e) refers to the register of interest setting out all relevant declarations covering both the current and immediate previous terms

of the Council. It was felt that this addressed some of the concerns raised by the public speaker earlier in the meeting.

- The Monitoring Officer agreed to ensure the Parish Clerks are aware of the guidance and, in particular, of the requirement to register gifts and hospitality in excess of £25. Members felt that it would be sensible if Parishes were to take the same approach.
- The Monitoring Officer explained that the national guidance suggested that registrations should be made for amounts in excess of £50. However, individual local authorities could decide on a different amount if they felt that this was appropriate. It was noted that the recommendations of the Committee for Standards in Public Life had not yet been adopted and members felt that there was no harm in B&NES taking a more stringent approach. If necessary this could be reviewed at a later date.
- Deborah Russell proposed that paragraph 6, should be amended to specify a maximum value for cumulative gifts and hospitality stating that those “over a value of £100 should be declined.”

On a motion by Cllr Sally Davis, seconded by Cllr Sarah Bevan it was:

RESOLVED: Subject to the inclusion of wording specifying that cumulative gifts and hospitality over a value of £100 should be declined, to recommend the Council to approve the proposed guidance on registering gifts and hospitality as set out in Appendix 1 of the report.

#### **47 REVIEW BY COMMITTEE ON STANDARDS IN PUBLIC LIFE**

The Monitoring Officer presented the report which set out details of the Review by the Committee on Standards in Public Life. The Standards Committee was asked to consider the recommendations and best practice suggestions set out in the report.

Members briefly discussed the recent case of R (Harvey) v Ledbury Town Council [2018]. The court held that a council cannot run a grievance procedure alongside, or as an alternative to, a standards regime procedure under the Localism Act 2011, and that complaints regarding a councillor's conduct have to be dealt with under the authority's standards arrangements. The Monitoring Officer agreed to send a copy of this case to the Chair for information.

The Committee discussed each of the best practice recommendations which were directed to local authorities. It was noted that the Council already complies with Best Practice Recommendations 5, 7, 8, 9, 10, 12, 13 and 14.

RESOLVED: To take the following actions in respect of the best practice recommendations set out in the Review:

- **Best Practice 1** – *Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.*

**Action** – To ask the Monitoring Officer to bring a report to the next meeting setting out a proposed list of examples of the sort of behaviour covered by the definition of bullying and harassment.

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

**Action** – To ask the Monitoring Officer to bring a report to the next meeting setting out revisions to the code of conduct for consideration.

- **Best Practice 3** – *Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.*

**Action** – To ask the Monitoring Officer to carry out an annual review of 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.*

**Action** – To ask the Monitoring Officer to ensure that the code of conduct is in a prominent position on the council website as part of the current website review that is taking place. To carry out a review of Parish Councils to ensure that they are also compliant with this recommendation.

- **Best Practice 6** – *Councils should publish a clear and straightforward public interest test against which allegations are filtered.*

**Action** – To request the Monitoring Officer to review the Council's public interest test.

- **Best Practice 11** – *Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.*

**Action** – To ask the Monitoring Officer to draw this to the attention of Parish Councils.

- **Best Practice 15** – *Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.*

**Action** – To ask the Monitoring Officer to meet twice yearly with Group Leaders to discuss standards issues.

## 48 COUNCILLOR ROLE PROFILES

The Committee considered a report which set out Councillor Role Profiles which were designed to provide clarity for Councillors about their roles and responsibilities.



Cllr Sarah Bevan expressed some concern around No. 2(d) on the “All Councillors” role description which stated that members worked with partners and outside bodies as a representative of the Council. Cllr Bevan queried whether this was appropriate for an opposition group member whose role was to hold the Council to account.

On a motion by Cllr Geoff Ward and seconded by Deborah Russell it was,

RESOLVED: To recommend the Council to amend the Code of Conduct to include the following paragraph:

*“Members are expected to work within the Role Descriptions that have been adopted and any Councillor complaints considered by the Standards Committee will use these as a guide.”*

#### **49 REPORT ON THE ASSESSMENT OF COMPLAINTS**

The Committee considered the report from the Monitoring Officer and noted that four complaints were currently outstanding.

- One complaint, which had been received last year, was at the final stage of investigation.
- Three complaints had been received so far this year:
  - One was ongoing with further clarification being sought.
  - One was at the initial assessment stage.
  - One had been referred to Bristol City Council to carry out the investigation.

The Monitoring Officer stated that there were no particular trends which the Committee needed to be aware of in relation to complaints received.

RESOLVED: To note the report on the assessment of complaints.

#### **50 WORKPLAN FOR THE STANDARDS COMMITTEE**

RESOLVED: To note the workplan for the Standards Committee.

The meeting ended at 7.25 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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Bath & North East Somerset Council		
MEETING	Standards Committee	
MEETING	Thursday 4 <sup>th</sup> July 2019	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Annual review of the Code of Conduct	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix A – Extract from Report of Committee on Standards in Public Life.		
Appendix B - Bath & North East Somerset Councillors’ Code of Conduct		

## **1 THE ISSUE**

- 1.1 To review the Councillors' Code of Conduct in the light of the discussions at the previous meeting on the Report of the Committee on Standards in Public Life (CSPL). The Committee is asked to recommend amendments to Council.

## **2 RECOMMENDATION**

- 2.1 That the Committee consider the Councillors' Code of Conduct and recommend any actions that can be implemented to the Council.

## **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 None.

## **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The Council is under a duty to promote and maintain high standards of conduct.

## 5 THE REPORT

5.1 The composition of the councillors on the Standards Committee has changed due to the Local Elections in May 2019. The Standards Committee at its last meeting in March 2019 made the following resolutions:

- (1) To add an annual review of the code of conduct to the Standard Committee's work plan.
- (2) To set out a proposed list of examples of the sort of behaviour covered by the definition of bullying and harassment.
- (3) To revise the code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.
- (4) To review the Council's public interest test as part of the annual review.

5.2 The new members may wish to consider the Report of the Committee on Standards in Public Life (CSPL) and the debate on this set out in the minutes of the last meeting.

## 6 RATIONALE

6.1 To ensure the Councillors' Code of Conduct reflects best practice.

## 7 OTHER OPTIONS CONSIDERED

7.1 None.

## 8 CONSULTATION

8.1 Not applicable.

## 9 RISK MANAGEMENT

9.1 A risk assessment has been undertaken, in compliance with the Council's decision making risk management guidance.

<b>Contact person</b>	Maria Lucas, Director of Legal & Democratic Services & Monitoring Officer (01225) 394329
<b>Background papers</b>	None
Please contact the report author if you need to access this report in an alternative format	

## **Appendix A**

### **Extract from the Report of Committee on Standards in Public Life January 2019**

(The full report can be found at

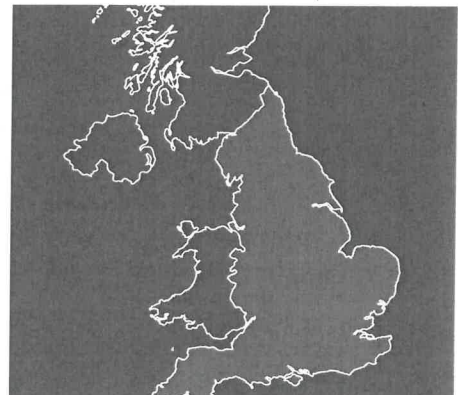
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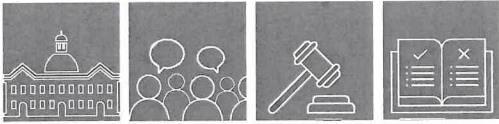
**Bath & North East Somerset Councillors' Code of Conduct**

# **Local Government Ethical Standards**

**A Review by the  
Committee on  
Standards in Public Life**

**Committee on  
Standards in  
Public Life**





# Executive summary

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

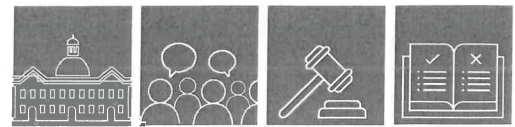
authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public office-holders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

## Codes of conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.





There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

### **Declaring and managing interests**

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

### **Investigations and safeguards**

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially, and that councillors are protected against politically-motivated, malicious, or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

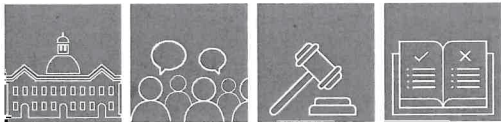
Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

### **Sanctions**

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.



## **Town and parish councils**

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

## **Supporting officers**

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

## **Councils' corporate arrangements**

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

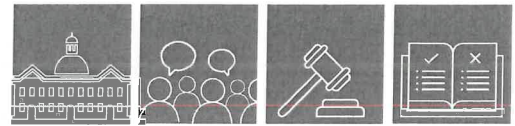
Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

## **Leadership and culture**

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

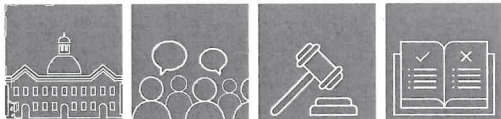
Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be



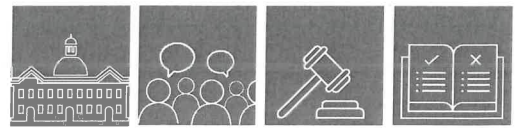
written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.



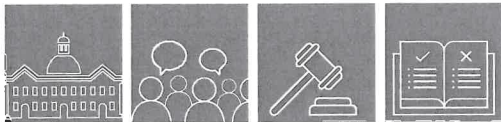
# List of recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government



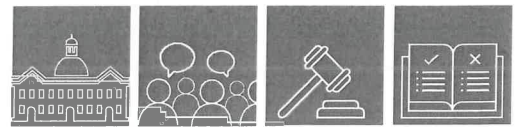
Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government



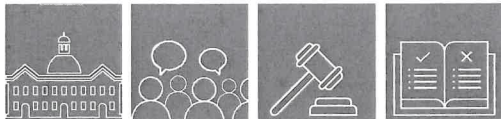


## List of recommendations

Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government



Number	Recommendation	Responsible body
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association



# List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**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.

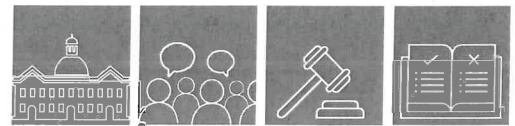
**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.





**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.



# **The Code of Conduct for Members and Co-Opted Members together with**

# **The Rules for Registration of Interests and Conflicts of Interest**

*Approved by the Council on  
19th July 2012*

## **Contents**

### **Part 1 The Code of Conduct for Members of Bath and North East Somerset Council**

- I. Purpose of the Code
- II. Scope of the Code
- III. Public Duties of Members
- IV. General Principles of Conduct
- V. Expectations of Conduct
- VI. Rules of Conduct
- VII. Registration and Declaration of Interests
- VIII. Duties in respect of the Authority's Standards Committee and the Monitoring Officer

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- I. Registration and disclosure of Interests
- II. Gifts and Hospitality
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## **Part 1 The Code of Conduct for Members of Bath and North East Somerset Council**

### **I. Purpose of the Code**

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Authority, their local communities and the public at large by:
  - (a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in so doing
  - (b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

Members should have regard to the Councillor Role Descriptions that have been adopted. Any Councillor complaints considered by the Standards Committee may use these as information.

### **II. Scope of the Code**

2. The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business, ward/division business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
3. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Authority and the rulings of the Chair

### **III. Public Duties of Members**

4. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.
5. Members have an overriding duty to act in the interests of the Authority's area as a whole, but also have a special duty to represent the views of the residents and communities of their ward.

### **IV. General Principles of Conduct**

6. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Member, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

**“Selflessness** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material

benefits for themselves, their family, or their friends.

### *Integrity*

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

### *Objectivity*

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

### *Accountability*

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

### *Openness*

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### *Honesty*

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### *Leadership*

Holders of public office should promote and support these principles by leadership and example.”

## **V. Expectations of Conduct**

7. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
8. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
9. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

## **VI. Rules of Conduct**

10. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority:

(1) **Do** treat others with respect and courtesy.

(2) **Do not** –

(a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be –

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) Do not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

**Do** be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity connected with the Authority or any activity to be performed by or on behalf of the Authority or others should be performed improperly.

(4) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the authority

(5) **Do not** prevent another person from gaining access to information to which that person is entitled by law.

(6) **Do not** conduct yourself in a manner which could reasonably be regarded as

bringing your office or authority into disrepute.

11. Members shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others:

- (1) **Do** act in accordance with the authority's reasonable requirements;
- (2) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- (4) **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.

12. Members shall observe the following rules when making decisions on behalf of or as part of the Authority:

- (1) **Do** have regard to any relevant advice provided to you by the Council's chief financial officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.
- (2) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

## **VII. Registration and Declaration of Interests**

13. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in Part 2.

## **VIII. Duties in respect of the Authority's Standards Committee and the Monitoring Officer**

14. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's Standards Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.

15. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct.

16. No Member shall lobby a member of the Authority's Standards Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.



## **Part 2 - Registration, Disclosure and Duties on Interests Held by Members and Co-Opted Members**

### **I. Registration of Interests**

- 1 **DO** fulfil the requirements of the law and the Authority in registering your interests in the Register of Members' Interests.
- 2 **DO** draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Authority or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member
- 3 **DO** approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation

### **PART A: Disclosable Pecuniary Interests**

#### ***Non-disclosure of a pecuniary interest is a potential criminal offence.***

1. **DO** comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest.
2. **DO** ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests.
3. **DO** make verbal declaration of the existence and nature of an disclosable pecuniary interest at any meeting at which you are present at which an interest of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

[Meeting" means any meeting organised by or on behalf of the authority, including –

- (i) any meeting of the Council, or a Committee or Sub-Committee of Council
- (ii) any meeting of the Cabinet and any Committee of the Cabinet
- (iii) in taking a decision as a Ward Councillor or as a Member of the Cabinet
- (iv) at any briefing by officers; and
- (v) at any site visit to do with business of the authority]

### **PART B: Other Interests**

1. In addition to the requirements of the preceding section, if you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item;-

**DO** make a verbal declaration of the existence and nature of that interest at or before the consideration of that item of business or as soon as the interest becomes apparent.

In such circumstances;-

**DO** consider whether your participation in the consideration of that item of business would be reasonable, particularly if the interest may give rise to a perception of a conflict of interests in that item of business.

2. You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business where;-

2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent that it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or

2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, in respect of yourself, a relevant person, a member of your family or a person with whom you have a close association and that interest is not a disclosable interest.

## **II. Councillors' Gifts and Hospitality Guidance**

### **1. Meaning of gifts and hospitality**

- (a) The expressions 'gifts' and 'hospitality' have wide and evolving meanings and no conclusive definition is either possible or desirable
- (b) The Council shall interpret gifts and hospitality to include:
  - Gifts of any goods or services.
  - The opportunity to acquire any goods or services freely or at a discount or other terms not available to the general public;
  - The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.
- (c) Where the gift or hospitality has an estimated value in excess of £25 (in accordance with Paragraph 5 of this Guidance), it must be registered. Where the gift or hospitality has an estimated value below £25, you should consider whether a declaration would be appropriate in the circumstances.
- (d) When considering whether to declare, you should:
  - (i) define gifts and hospitality widely; and
  - (ii) ask yourself "would I have been given this if I was not a member of the Council"? and "what was in the mind of the giver"?; and
  - (iii) always register a gift or hospitality if it could be seen as something given because of your position.
- (e) If you are in doubt as to the motive behind a gift or hospitality, it is recommended that you register it or speak to Bath & North East Somerset Council's Monitoring Officer.
- (f) You do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family.

### **2. General Caution**

- (a) The fundamental principle must always be that any offer of a gift or hospitality should be treated with great care and carefully considered.
- (b) Your prime duty as a Councillor is to ensure that there is no conflict of interest in the performance of your duties.
- (c) Treat with caution any gift or hospitality that is made to you personally. Your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- (d) You should consider carefully all the circumstances surrounding the offer of a gift or hospitality, including:
  - the scale
  - amount of the offer
  - potential frequency
  - the source

- (e) Also be sensitive to the timing of the offer in relation for example to decisions which the Council may be taking, affecting those making the offer.
- (f) You should usually avoid hospitality in situations where you would be the sole guest or at the least treat such situations with particular care.

### **3. Councillor's decision**

- (a) The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived by an ordinary member of the public.
- (b) The rules within this guidance do not cover every circumstance as to what is appropriate or inappropriate.
- (c) To refuse may cause misunderstanding or offence. However to accept may give rise to questions of impropriety or conflict of interest, which are likely to be of more significance to you when making your decision.
- (d) When you need to decide whether to accept hospitality, you must ask yourself some basic questions, for example:
  - is there a benefit to the Council in accepting the invitation?;
  - is the entertainment is lavish?;
  - are you accepting too much hospitality from the same source?;
  - whether just your attendance at an event might be open to interpretation as a signal of support?
- (e) In any case of doubt, advice should be sought from the Monitoring Officer.

### **4. Requirements**

- (a) The Councillors' Code of Conduct incorporates this document and you are required to comply with its terms.
- (b) You must register, the receipt any gifts or hospitality with an estimated value of £25 or more, which are received and accepted by you:
  - in the conduct of the business of the Council, or
  - the business of the office to which you have been elected; or
  - appointed or when you are acting as representative of the Council.
- (c) You must also register the source of the gift or hospitality.
- (d) You must register the gift or hospitality within 28 days of its receipt/acceptance.
- (e) You must ensure that your register of interests sets out all relevant declarations covering both the current and immediate previous terms of the Council. Entries older than this may be removed at the Councillors' discretion, but should be retained if considered relevant.

- (f) If you are dealing with Council business at a meeting (or otherwise) where the donor of the gift or hospitality is affected, you need to consider whether to make a declaration of the gift or hospitality to the meeting for the purpose of complete transparency. Declaration will not mean that you cannot participate in the Council business; however you may consider it appropriate not to participate depending on the circumstances.
- (g) Where any gift (no matter the value) is accepted, it may be advisable (depending on the circumstances) to inform the donor is advised that acceptance will not confer any advantage for that donor in his/her dealings with the Council.

## **5. Series of gifts or hospitality adding up to £25 or more in value**

- (a) If you receive:
  - a gift or hospitality; or
  - a series of gifts or hospitality from the same source that add up to £25 or more, then this must be registered on the Register of Interests as an accumulation in a municipal year
- (b) You may have to estimate the value of the gifts or hospitality.

## **6. Cumulative impact of Gifts and Hospitality from numerous third parties**

Councillors can accept gifts and hospitality when it is appropriate and in furtherance of their role in the Council. While it is accepted therefore that the numbers of gifts and numbers of occasions when hospitality could be accepted will vary according to role, there will be a point where Councillors will, in accepting either gifts or hospitality even from different third parties, be in breach of the Code of Conduct. The excessive receipt of gifts and hospitality could undermine the selflessness of the role of councillor and could be considered to have brought the Council into disrepute. Cumulative gifts which would add up to over £100 should be declined.

## **7. Gifts and hospitality below the £25 threshold**

You can still register any gift or hospitality you receive which you estimate to be below the £25 threshold should you consider that in all the circumstances this would be appropriate and in your best interests.

## **8. What to avoid**

- (a) In deciding whether it is appropriate to accept any gift or hospitality, you may want to apply the following principles:
  - (i) do not accept a gift or hospitality as an inducement or reward for anything you do as a Councillor. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward, you must decline it. 'Reward' includes remuneration, reimbursement and fee;
  - (ii) do not accept a gift or hospitality of significant value or whose value is excessive in all the circumstances;

- (iii) do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence;
  - (iv) do not solicit any gift or hospitality and avoid giving any perception of doing so;
  - (v) be very cautious in accepting a gift or hospitality, if acceptance might be open to misinterpretation e.g. from persons in litigation with the Council, bidding for work from the Council or applying for any sort of license or consent.
- (b) **It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council.** It is therefore particularly important that great caution is exercised in receiving any hospitality or gifts from contractors of the Council.
- (c) Cash or monetary gifts should always be refused without exception and the refusal notified to the Monitoring Officer.
- (d) It is a well-established and recognised rule that no Councillor or other public servant should accept gifts, hospitality, or services from anyone, which would or might appear to place him/her under an obligation.

## 9. Chair

- (a) There are no special rules for those who serve as Chair.
- (b) However, gifts that are clearly made to the authority, for example a commemorative goblet which is kept on display in the authority's offices, do not need to be registered in the member's register of gifts and hospitality. However, such gifts ought to be recorded by the authority for audit purposes. Although the Chair may attend many social functions the office holder is not exempt from the requirement to register hospitality.
- (c) Where the Chair is invited to social functions or gifted with presents in the capacity of the "Chair", he/she will not be required to register the gifts or hospitality received/accepted in this role. Where the Councillor acting as Chair, receives any gifts or hospitality in his/her capacity of a Councillor, there is a requirement to register such gifts and hospitality. The question a Councillor needs to ask themselves is "Would I have received this hospitality even if I were not the chair?" If the answer is yes, then it must be registered.

## 10. Gifts and hospitality declined

There is no requirement to register gifts and hospitality offered but declined. However, as a matter of good practice, it would be advisable to inform the Monitoring Officer particularly if they are of value. When gifts or hospitality are declined, the offeror should be courteously but firmly informed of the procedures and standards operating within the Council, which prevent the gift or hospitality from being accepted.

## **11. Reporting of inappropriate gifts and hospitality offered**

- (a) It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council.
- (b) You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you. You may thereafter be required to assist the Police in providing evidence.

### III. Appendix – Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p>



(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

- “the Act” means the Localism Act 2011;
- “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- “director” includes a member of the committee of management of an industrial and provident society;
- “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- “M” means a member of a relevant authority;
- “member” includes a co-opted member;
- “relevant authority” means the authority of which M is a member;
- “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;
- “relevant person” means M or any other person referred to in section 30(3)(b) of the Act namely your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners;
- “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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Bath & North East Somerset Council		
MEETING	Standards' Committee	
MEETING	4 <sup>th</sup> July 2019	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 and make any recommendations required.

## **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 An up-dated table providing information on the complaints received since the last report was sent to the Standards Committee in March 2019 is attached as Appendix 1 for the consideration of the Committee.

## **6 RATIONALE**

6.1 To update the Standards' Committee on complaints received since March 2019.

## **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.

<b>Contact person</b>	Maria Lucas, Head of Legal & Democratic Services, Monitoring Officer & Council Solicitor (01225) 395171
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## Standards Committee - Assessment of Complaints November 2018

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Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position
04-15 Dunkerton PC	18.05.15	P Cllr	P Cllr	Bullying/Intimidation. Improperly conferring a disadvantage	Initial assessment by MO and IP - investigation	Standards Hearing 10.12.15	No breach	Complete
05a-15 Dunkerton PC	29.05.15	P Cllr	P Cllr	Bullying/Intimidation. Improperly conferring a disadvantage. Disrespectful behaviour.	Initial assessment by MO and IP - investigation	Standards Hearing 10.12.15	Breach	Complete
05b-15 Dunkerton PC	29.05.15	P Cllr	P Cllr	Bullying/Intimidation. Improperly conferring a disadvantage. Disrespectful behaviour.	Initial assessment by MO and IP - investigation	Standards Hearing 10.12.15	No breach	Complete
05c-15 Dunkerton PC	31.07.15	P Cllr	P Cllr	Bullying/Intimidation. Disclosure of confidential information. Potential criminal offence. Disrespectful behaviour.	Initial assessment by MO and IP - investigation	Standards Hearing 10.12.15	No breach	Complete
06-15 BANES	17.05.15	MoP	Cllr	Disrespectful behaviour.	Initial assessment by MO and IP	23.09.15	No breach	Complete
07-15 BANES	01.06.15	MoP	Cllr	Disrespectful behaviour.	Initial assessment by MO and IP	29.06.15	No breach	Complete
08-15 BANES	23.06.15	O	Cllr	Inappropriate behaviour.	Initial assessment by MO and IP	08.07.15	Breach - apology made	Complete
09-15 Chew Stoke PC	20.07.15	P Cllr / MoP	P Cllr	Non disclosure of DPI.	Not proportionate for police to allocate further resources due to the limited public interest. Independent investigation.	1.3.16	Breach/NFA	Complete
10-15 Paulton PC	18.08.15	P Cllr	P Cllr	Non disclosure of DPI	Referred to police. Not proportionate for police to allocate further resources due to the limited public interest.	Standards Hearing 31.03.16	Breach	Complete
11-15 BANES	28.08.15	MoP	Cllr	Non disclosure of interest	Initial assessment by MO and IP	29.09.15	No breach	Complete
12-15 BANES	18.10.15	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	18.02.15	No breach	Complete
13-15 Shoscombe PC	05.11.15	P Cllrs	P Cllr	Bullying/Intimidation	Initial assessment that as cllr is no longer a councillor, no jurisdiction for complaint to be further investigated	20.12.15	No further investigation required	Complete
01-16 BANES	24.12.15	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP - cllr to send apology to Somerset Guardian	11.02.16	No breach	Complete
02-16 Hinton Blewett PC	04.01.16	MoP	P Cllr	Non disclosure of interest	Initial assessment by MO and IP	21.03.16	No further action	Complete
03-16 Paulton PC	25.01.16	P Cllrs	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
04-16 Paulton PC	25.01.16	P Cllrs	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
05-16 Paulton PC	19.01.16	P Cllr	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
06-16 Paulton PC	19.01.16	P Cllr	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
07-16 BANES	26.01.16	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	25.03.16	No breach	Complete
08-16 BANES	26.01.16	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	25.03.16	No breach	Complete
09-16 Paulton PC	02.02.16	P Cllr	P Cllr	Inappropriate behaviour	Initial assessment by MO and IP	21.03.16	No further action	Complete
10-16 BANES	25.02.16	MoP	Cllr	Non disclosure of interest	Initial assessment by MO and IP	25.03.16	No breach	Complete
11-16 a,b,c High Littleton PC/BANES	25.08.16	MoP	P Cllr	Non disclosure of interest	Initial assessment by MO and IP	17.10.16	No further action	Complete
12-16 a,b BANES	05.09.16	MoP	Cllr	Non disclosure of interest	Initial assessment by MO and IP	24.10.16	Breach/NFA	Complete
13-16 BANES	01.09.16	Cllr	Cllr	Non disclosure of interest	Initial assessment by MO and IP	24.10.16	Breach/NFA	Complete
14-16 BANES	26.08.16	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	24.10.16	No further action	Complete
15-16 BANES	07.12.16	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	7.2.17	No further action	Complete

## KEY

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

## Standards Committee - Assessment of Complaints November 2018

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Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position
1.17 Chew Stoke PC	5.1.17	MoP	P Cllr	Bullying	Initial assessment by MO and IP	1.3.17	No further action	Complete
2.17 BANES	1.3.17	MoP	Cllr	Inappropriate behaviour	Initial assessment by MO and IP	2.5.17	Breach / NFA	Complete
3.17 BANES	12.04.17	MoP	Cllr	Disrepute	Initial assessment by MO and IP	16.06.17	No Breach	Complete
04-17 BANES	08.05.17	MoP	Cllr	Disrepute (breach of the Council's Code of Conduct on pre-election publicity)	Initial assessment by MO and IP	31.05.17	No further action	Complete
05-17 BANES	01.07.17	MoP	Cllr	Inappropriate behaviour - bullying	Initial assessment by MO and IP	30.11.17	No breach	Complete
06-17 BANES	01.07.17	MoP	Cllr	Inappropriate behaviour - bullying	Initial assessment by MO and IP	06.09.17	No breach	Complete
07-17 BANES	20.09.17	MoP	Cllr	Inappropriate behaviour - bullying	Initial assessment by MO and IP	30.11.17	No breach - further action	Complete
08-17 BANES	22.09.17	MoP	Cllr	Inappropriate behaviour/non-disclosure of interest	Initial assessment by MO and IP	30.11.17	No breach - further action	Complete
09-17 BANES	09.10.17	CX	Cllr	Non disclosure of interest	Initial assessment by MO and IP / Investigation	Hearing 18.01.17	Breach	Complete
10-17 BANES	06.10.17	MoP	Cllr	Disrepute (Inappropriate behaviour - misuse of council resources)	Initial assessment by MO and IP	08.12.17	No breach	Complete
11-17 BANES	16.10.17	MoP	Cllr	Non disclosure of interest	Initial assessment by MO and IP	26.02.18	No breach	Complete
12-17 BANES	13.12.17	MoP	Cllrs	Non disclosure of interest	Initial assessment by MO and IP	26.02.18	No breach	Complete
13-17 SSPC	10.11.17	MoP	P Cllr	Disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	23.04.18	No breach	Complete
<b>2018</b>								
01-18 HBPC a & b	07.02.18	MoP	P Cllr	Non disclosure of interest	Initial assessment by MO and IP / Investigation	Standards Hearing 19.07.18	Breach / NFA	Complete
02-18 HBPC	26.02.18	MoP	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	08.03.18	withdrawn	Withdrawn (closed)
03-18 BaNES	07.03.18	Cllr	Cllr	Bringing council into disrepute	Initial assessment by MO and IP	09.04.18	Breach / NFA	Complete
04-18 BPC a	06.04.18	MoP	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	25.06.18	Breach / NFA	Complete
04-18 BPC b	06.04.18	MoP	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	25.06.18	Breach / NFA	Complete
05-18 BPC	01.05.18	MoP	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	25.06.18	Breach / NFA	Complete
06-18 HBPC	02.06.18	P Cllr	P Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	23.07.18	Breach	Complete
07-18 BANES	08.06.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	31.07.18	No breach/NFA	Complete
08-18 BANES	09.07.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	02.08.18	No breach/NFA	Complete
09-18 BANES (various)	31.07.18	MoP	Cllrs	Non disclosure of interest	Initial assessment by MO and IP	12.11.18	No breach/NFA	Complete
10-18 BANES (various)	31.07.18	MoP	Cllrs	Non disclosure of interest	Initial assessment by MO and IP	12.11.18	Breach/NFA	Complete
11-18 BANES	24.08.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	07.10.18	No breach/NFA	Complete
12-18 PPC	24.09.18	Parish Clerk	P Cllrs	Bullying and failing to treat councillors with respect	Initial assessment by MO and IP / Investigation	20.11.18 / 29.05.19.	No breach / recommendations	Complete
13-18 (a) & (b) BPC	01.10.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	20.11.18	No breach/NFA	Complete
14-18 BANES	01.10.18	MoP	Cllr	disrepute (Inappropriate behaviour)	Initial assessment by MO and IP	20.11.18	No breach/NFA	Complete
15-18 (a) & (b) & (c) & (d) - BANES	12.10.18	MoP	Cllrs	Non disclosure of interest	Initial assessment by MO and IP	20.11.18	No breach/NFA	Complete
16-18 BANES	15.10.18	MoP	Cllr	Bringing council into disrepute	Initial assessment by MO and IP	12.02.19	No breach/Attends training	Complete
17-18 BANES(various)	06.12.18	MoP	Cllrs	Non disclosure of interest	Initial assessment by MO and IP	12.02.19	No breach/NFA	Complete
<b>2019</b>								
01-19 BANES	08.01.19	MoP	Cllr	Non disclosure of interest	Initial assessment by M) and IP	12.02.19	No breach/NFA	Complete
02-19 BPC	08.01.19	MoP	P Cllr	Bullying	Initial assessment by MO and IP	07.05.19	No breach/NFA	Complete
03-19 BANES	18.02.19	MoP	Cllr	Bringing council into disrepute	Initial assessment by MO and IP	11.04.19	No breach/NFA	Complete
04-19 HBPC	24.02.19	Parish Clerk	P Cllr	Bullying	Initial assessment by MO and IP	30.05.19	Discontinued	Complete
05-19 BANES	12.03.19	O	Cllr	Lack of respect	Initial assessment by MO and IP	03.06.19	Withdrawn	Complete
06-19 HBPC	04.04.19	P Cllr	P Cllr	Bringing council into disrepute	Initial assessment by MO and IP	05.06.19	No breach/NFA	Complete
07-19 BPC	09.04.19	MoP	P Cllr	Bringing council into disrepute				
08-19 PPC		MoP	P Cllr	Bringing council into disrepute				

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O - Officer

**STANDARDS COMMITTEE WORKPLAN**

<b>Date of meeting</b>	<b>Title</b>	<b>Report author</b>
Thursday 4 <sup>th</sup> July 2019		
	Annual report of the Standards Committee Annual Review of the Code of Conduct	Maria Lucas Maria Lucas
Thursday 19 <sup>th</sup> September 2019 (substantive)		
	Annual Report on Local Government Ombudsman complaints	Maria Lucas
Thursday 21 <sup>st</sup> November 2019 (provisional)		
Thursday 16 <sup>th</sup> January 2020 (substantive)		

Thursday 12th March 2020 (provisional)		
Thursday 21 <sup>st</sup> May 2020 (substantive)		
Thursday 9th July 2020 (provisional)		
Thursday 17th September 2020 (substantive)		
Thursday 19th November 2020 (provisional)		

**Every meeting –** Report on the assessment of complaints  
Workplan