

Standards Committee

Date: Thursday, 12th March, 2020

Time: 6.15 pm

Venue: Kaposvar Room - Guildhall, Bath

To: All Members of the Standards Committee

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

Parish/Town Councillors: Tony Crouch, Clive Fricker and Kathy Thomas

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

Independent Person: Tony Drew

Chief Executive and other appropriate officers

Press and public

The agenda is set out overleaf.



Enfys Hughes

Democratic Services

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NOTES

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 Guildhall - Bath.

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. 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.

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 can be found at:

<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, 12th March, 2020

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 19TH SEPTEMBER 2019 (Pages 5 - 8)
9. REPORT ON THE ASSESSMENT OF COMPLAINTS (Pages 9 - 14)
10. WORKPLAN FOR THE STANDARDS COMMITTEE (Pages 15 - 16)
11. FUTURE MEETINGS
To consider the day and time of the week for future meetings.
12. TRAINING SESSION ON HEARINGS

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, 19TH SEPTEMBER, 2019

PRESENT:-

Independent Members: Dr Axel Palmer and Deborah Russell

Parish Representatives: none present

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 Enfys Hughes (Democratic Services Officer)

Independent Person: Tony Drew

12 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting. It was noted that there was a Parish Councillor vacancy. The Democratic Services Officer informed the meeting that ALCA (Avon Local Council Association) had been informed and it was on the agenda for their September 2019 meeting. She was waiting to be notified of the details of the new Parish Councillor representative.

13 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer announced the emergency evacuation procedure.

14 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Cyril Davies, Tony Crouch and Clive Fricker.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

17 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.

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

There were no items from councillors.

19 MINUTES OF THE MEETING OF 4TH JULY 2019

The minutes of the meeting of 4th July 2019 were confirmed and signed as a correct record.

20 ANNUAL REPORT ON COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND (LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN) COMPLAINTS

The Committee was asked to note the Annual Review and determinations made by the Ombudsman and determine what, if any, further action was required.

The Monitoring Officer stated that she had been informed that the appendix relating to compliance had been re-issued as it had been noted that though the cases were correct, the reference numbers were incorrect. A new appendix had been circulated.

The Monitoring Officer informed the meeting that there were four less complaints upheld this year, which was very good. In addition, of the five cases that were upheld, remedies were found in two cases. Of the others, all the remedies had been followed and lessons had been learned.

Following a question from an independent member, the Monitoring Officer stated that compared to other local authorities of a similar size, it would be unusual to have more than ten cases upheld, but the numbers were usually lower.

RESOLVED to note the Annual Report on the Commission for Local Administration in England.

21 ANNUAL REPORT OF THE STANDARDS COMMITTEE 2018-2019

The Committee was asked to comment on the Annual Report and recommend it to Council.

The Monitoring Officer informed the meeting that section 7 of the report had been re-written to include further work that had been undertaken during the year.

During discussion the following issues were noted:

- Most of the issues were low level, not breaches
- Several of the complaints arose from non-declaration in relation to dinners at the University. As a result the Committee had revised the Policy on Gifts and Hospitality
- It was confirmed that the subject member complaints were in respect of either Bath and North East Somerset Councillors or Parish Councillors
- The previous table referred to complaints against the Council

The Chair confirmed that he would add the foreward to the report prior to it being submitted to Council.

RESOLVED to note the Annual Report of the Standards Committee 2018-2019 and recommend it to Council.

22 REPORT ON THE ASSESSMENT OF COMPLAINTS

The Committee was asked to consider the report and make any recommendations.

The Chair stated that any complaints received would be progressed to consider any breaches and both he and Tony Drew (Independent Person) would be notified.

The Monitoring Officer reported that there were two outstanding complaints, one would require no further action and the other would proceed to an investigation.

There was a timescale in relation to complaints and usually if the issue was over six months old it would not be progressed. There could be exceptions to this if the facts of the issue were clear. The Monitoring Officer referred to some complaints being stored up to be used before a local by-election and this was not the purpose of the Standards Committee. The Independent Person also had experience of this.

RESOLVED to note the Report on the Assessment of Complaints.

23 WORKPLAN FOR THE STANDARDS COMMITTEE

The Monitoring Officer informed the meeting that in light of an investigation hearing it would be sensible to have training on this. This would be added to the Workplan in November 2019.

RESOLVED to note the Workplan for the Standards Committee.

The meeting ended at 7.06 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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Bath & North East Somerset Council		
MEETING	Standards' Committee	
MEETING	12th March 2020	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 September 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 September 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.

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

Standards Committee - Assessment of Complaints September 2019

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
2016								
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

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O - Officer

Standards Committee - Assessment of Complaints September 2019

2017								
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
2018								
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
2019								
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	Initial assessment by MO and IP	25.08.19	Breach/NFA	Complete
08-19 PPC	11.06.19	MoP	P Cllr	Bringing council into disrepute	Initial assessment by MO and IP	01.07.19	Not acting in capacity as a cllr. Withdrawn.	Complete
09-19 PwPPC	24.06.19	P Cllr	P Cllr	disrepute (inappropriate behaviour)	Initial assessment by MO and IP - Independent Investigator appointed	25.10.19		Investigator has recommended mediation

KEY

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

Standards Committee - Assessment of Complaints September 2019

10-19 (a) and (b) EHPC	01.09.19	MoP	P Cllrs	disrepute (inappropriate behaviour)	Initial assessment by MO and IP	03.11.19	No breach/NFA	Complete
11-19 PPC	24.11.19	MoP	P Cllr	disrepute (inaappropriate behaviour)	Initial assessment by MO and IP	06.01.2020	No breach/NFA	Complete
2020								
01-10 BPC	10.01.20	MoP	P Cllr	disrepute (inappropriate behaviour)	Initial assessment by MO and IP			Allocated to independent MO for initial assessment
Bristol complaints								
2020A & B	13.011.20	Cllr	Cllr	disrepute (inappropriate behaviour)	Initial assessment by MO and IP			Ongoing

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O - Officer

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STANDARDS COMMITTEE WORKPLAN

Date of meeting	Title	Report author
Thursday 21 st November 2019 (provisional)		
CANCELLED	Hearing Training	ML
Thursday 16th January 2020 (substantive)		
CANCELLED		
Thursday 12th March 2020 (provisional)		
	Hearing training	
Thursday 16 th April 2020 (special)		
	Possible hearing into complaint	ML
Thursday 21 st May 2020 (substantive)		

Thursday 9th July 2020 (provisional)		
	Annual Review of the Code of Conduct	Maria Lucas
Thursday 17th September 2020 (substantive)		
	Annual Report on Local Government Ombudsman complaints Annual report of the Standards Committee	Maria Lucas
Thursday 19th November 2020 (provisional)		

Every meeting – Report on the assessment of complaints
Workplan