

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF THURSDAY, 9TH JULY, 2020

PRESENT:-

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

Parish Representatives: Clive Fricker and Kathy Thomas

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

Officers: Maria Lucas

Independent Person: Tony Drew

1 WELCOME AND INTRODUCTIONS

The Chair (Dr Axel Palmer) welcomed everyone to the meeting by explaining that this meeting is being held under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The Council has agreed a protocol to cover virtual meetings and this meeting will operate in line with that protocol. The meeting has the same status and validity as a meeting held in the Guildhall.

2 APOLOGIES FOR ABSENCE AND SUBSTITUTION

There were none.

3 DECLARATIONS OF INTEREST

There were none.

4 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair informed the meeting that he has agreed to bring the list of best practice recommendations for Local Government produced by the Committee on Standards in Public Life (attached as Appendix 1) for consideration at this point, as urgent business.

The Monitoring Officer confirmed that Standards Committee Members have received the list of best practice recommendations for Local Government paper. The reason why this item had been asked for urgent consideration by the Committee was that the Cabinet Office had contacted the Monitoring Officer to request feedback on the progress from the Council against the recommendations made in the paper. The Monitoring Officer reminded the Committee that this report and the list has been considered previously at the Standards Committee meetings on 21st March and 4th July 2019.

The Monitoring Officer took the meeting through the list by highlighting the current Council's position in terms of all 15 best practice recommendations. These were:

- Best practice 1 – these were agreed on 4th July 2019 and recommended to the Council;
- Best practice 2 – provisions were in the Code of Conduct requiring Councillors to comply with any formal Standards investigation.
- Best practice 3 – this was in the workplan for Standards Committee, and it was last reviewed on 4th July 2019.
- Best practice 4 - the Code of Conduct is now on Council's website and in Council's premises. The Monitoring Officer confirmed that she was yet to re-do the Parish Council Audit (as some of Parish Councils did not have their Code of Conduct on their websites).
- Best practice 5 – gifts and hospitality were in accessible formats. The register is on the Council website and councillors reminded to update annually.
- Best practice 6 – these arrangements were already in the Code of Conduct.
- Best practice 7 – the Council has already had one independent person, and access to another independent person from neighbouring authorities.
- Best practice 8 – these practices were already in the Arrangements for dealing with Complaints.
- Best practice 9 – these were already published and available on Council's website.
- Best practice 10 – these were already in place, and recently improved by adding an online form for the submission of complaint.
- Best practice 11 – all Parish Councils have been reminded of this practice.
- Best practice 12 – all Parish Clerks were aware that they could get in touch with the Monitoring Officer for help, as well as with ALCA.
- Best practice 13 – the Council has agreed with neighbouring authorities to undertake investigations in case of a conflict of interest by the Monitoring Officer.
- Best practice 14 – the Council has two separate Council owned companies which were governed by the separate Governance Protocol including the Code of Conduct.
- Best practice 15 – the Monitoring Officer informed the Committee that she has regularly attended Group Leaders meeting and raised standards issue in May and June 2020.

The Chair thanked Monitoring Officer for taking the meeting through this paper and added that the Committee has considered these issues at past meetings, and this could be reported back to the Committee on Standards in Public Life.

The following points were highlighted:

- The Annual review of the Code of Conduct would be postponed until after the LGA Model Code of Conduct consultation had been concluded.
- Parish/Town Councils had, or could have, different Code of Conducts. This was why the Model Code of Conduct had been proposed, for consistency.

It was **RESOLVED** that the Committee agreed to instruct the Monitoring Officer to make the response on the best practice recommendations for Local Government to the Committee on Standards in Public Life as discussed.

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

There were none.

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

There were none.

7 MINUTES OF THE MEETING OF 19TH SEPTEMBER 2019

RESOLVED that the minutes of the meeting held on 19th September 2019 be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Page 3, Minute 23, an additional paragraph should read:

‘Training Session – Code of Conduct: the scenarios on best practice in using social media had been circulated to members to consider. The meeting discussed the answers to the scenarios and the issues raised.’

8 REPORT ON THE CONSULTATION ON THE MODEL CODE OF CONDUCT

The Chair invited the Monitoring Officer to introduce the report.

The Monitoring Officer introduced the report by explaining that the Local Government Association (LGA) has provided this Model Code of Conduct for consultation as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The document covered the following issues:

- Purpose;
- Application of the Code;
- Model member conduct;
- Specific obligations of general conduct;
- Civility
- Bullying and harassment;
- Impartiality of officers of the council;
- Confidentiality and access to information;
- Disrepute;
- Your position;
- Use of council resources and facilities;
- Interests;

- Gifts and hospitality;
- Breaches of the Code of Conduct;
- Example LGA guidance and recommendations

The consultation on the draft would run for 10 weeks until Monday, 17 August 2020. Currently all Councils were required to have a Member Code of Conduct, however there was no model Code.

The Monitoring Officer gave a brief overview of the Code pointing out areas that might be of interest to the Committee and requesting comments on the Code of Conduct consultation questions (as per appendix 2? to the report). It was agreed that Committee members should provide their comments and responses to questions on the form directly to the Monitoring Officer after the webinar on the LGA draft Model Member Code of Conduct arranged for Wednesday, 29 July 2020.

It was **RESOLVED** that the Standards Committee considered and noted the LGA draft Model Member Code of Conduct.

It was also **RESOLVED** that all Standards Committee Members would send their comments to Monitoring Officer (on the Code of Conduct consultation questions) after the consultation webinar on the LGA draft Model Member Code of Conduct (29th July 2020) and no later than 10th August 2020. The Monitoring Officer would then draft a response on behalf of the Council and send it to the LGA before the consultation close date (17th August 2020).

9 REPORT ON ASSESSMENT OF COMPLAINTS

The Chair invited the Monitoring Officer to take the meeting through the report.

The Monitoring Officer highlighted the following updates from the report:

- Complaint 01-20 BPC – due to a conflict of interest, an independent Monitoring Officer has done an assessment of the complaint, and the recommendation was that there should be a mediation.
- Complaint 02-20 RTC – this complaint has been assessed as requiring investigation, and so is likely to come back to Standards Committee.
- Complaint 03-20 RTC – a complaint was made to the Local Government Ombudsman, who having looked at the decision notice, has decided he is taking no further action.

The Chair thanked Monitoring Officer for an update on current cases and added that planned Standards Committee training in September on hearings would be quite timely for potential hearing of complaint 02-20 RTC.

It was **RESOLVED** to note the Report on Assessment of Complaints.

10 WORKPLAN FOR THE STANDARDS COMMITTEE

The Committee noted that the following items were in the future workplan:

- Annual Review of the Code of Conduct – date to be confirmed depending on the review of the Model Code of Conduct (as per agenda item 8)
- Annual Report of the Standards Committee – for September 2020.

The meeting ended at 5.15 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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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.