

## **BATH AND NORTH EAST SOMERSET**

### **STANDARDS COMMITTEE**

#### **MINUTES OF THE MEETING OF THURSDAY, 17TH SEPTEMBER, 2020**

PRESENT:-

**Independent Members:** , Dr Axel Palmer

**Parish Representatives:** Clive Fricker and Kathy Thomas

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

**Officers:**

**Independent Person:**

#### **11 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.

#### **12 APOLOGIES FOR ABSENCE AND SUBSTITUTION**

Councillor June Player and Deborah Russell (Independent Member) had sent their apologies for this meeting. Cyril Davies arrived for the last item on the agenda.

#### **13 DECLARATIONS OF INTEREST**

There were none.

#### **14 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

The Chair informed the meeting that he has agreed to bring a report on a complaint received from a member of the public as urgent item. The Chair confirmed that all Members of the Committee have received the papers on this matter in advance of the meeting.

The Chair suggested that this item should be considered in exempt session as it dealt with personal information in relation to several officers and the complainant after the last item on the agenda. The Committee agreed with Chair's suggestion.

#### **EXCLUSION OF THE PUBLIC NOTICE**

The Committee unanimously **AGREED** with the following resolution;

That, having been satisfied that the public interest test would be better served by not disclosing relevant information, and in accordance with the provisions of Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Scheduled 12A for the Act as amended.

Note: The Information Governance Manager has issued a certificate of exemption (attached as Appendix 1) in accordance to Access to Information Arrangements - Exclusion of access by the public to Council meetings.

#### **Appendix 1 - LGA 1072 20**

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

There were none.

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

There were none.

#### **17 MINUTES OF THE MEETING OF 9TH JULY 2020**

**RESOLVED** that the minutes of the meeting held on 9<sup>th</sup> July 2020 be confirmed as a correct record and signed by the Chair.

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

Maria Lucas (Monitoring Officer) introduced the report.

It was **RESOLVED** to note the assessment of complaints.

#### **19 ANNUAL REPORT ON LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS**

Maria Lucas took the Committee through the report, as printed.

Councillor Michelle O'Doherty said that the Council had been doing quite well in complaints department and asked how the Council would monitor outcomes from the recommendations received through Ombudsman's feedback.

Maria Lucas responded that the Council's Complaints Officer, who was employed by Audit West, monitored the Local Government complaints to Ombudsman. Appendix 2 of the report set out information on whether the Council complied with those complaints, which were analysed by the Complaints Officer. Maria Lucas also added that she met regularly with the Complaints Officer, to review complaints on a quarterly basis.

Councillor Jess David said that she welcomed the report. With regard to the last upheld complaint, which was about a parent complaining about the child's access to education, whilst they were unable to attend school, Councillor David thought that some of the remedies that were suggested there were quite interesting and she asked whether this could be forwarded to the relevant Policy Development and Scrutiny Panel (Children) for inclusion in their forward plan.

The Committee welcomed this proposal from Councillor Jess David and would inform the Chair of this suggestion.

It was **RESOLVED** to note the Annual Review and note the determinations made by the Ombudsman.

## **20 PARISHES LIAISON MEETING - TERMS OF REFERENCE**

Maria Lucas informed the Committee that under the Constitution she has the authority, to make minor amendments to the Constitution and then to bring those amendments to the attention of the Standards Committee. All other amendments must be agreed by Council.

This amendment was requested by the Parish Liaison Committee, and it was agreed by Maria Lucas in her capacity of the Monitoring Officer of the Council under these constitutional arrangements.

The Standards Committee noted the amendment as presented in the agenda.

## **21 WORKPLAN FOR THE STANDARDS COMMITTEE**

Maria Lucas took the Committee through the Workplan for Standards Committee.

The Committee agreed that the Annual Report of the Standards Committee should be considered at 19<sup>th</sup> November 2020, rather than 19<sup>th</sup> January 2021 meeting.

It was **AGREED** to have the Annual Report of the Standards Committee for 19<sup>th</sup> November 2020 (subject to its readiness).

## **22 REPORT ON COMPLAINT**

The Chair invited Maria Lucas to take the Committee through the report.

The Committee decided that having considered the terms of reference of the Standards Committee it was outside the remit of Standards Committee to investigate this matter.

On a motion from Councillor Michelle O'Doherty, seconded by Councillor Duncan Hounsell, it was **AGREED** (unanimously) to decline the investigation of the complaint.

**2020.09.17 - Standards Committee - Report on Complaint received**

The meeting ended at 4.25 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**Access to Information Arrangements**

**Exclusion of access by the public to Council meetings**

Information Compliance Ref: LGA 1072/20
Meeting / Decision: Standards Committee Meeting
Date: Thursday 17 <sup>th</sup> September 2020
Author: Maria Lucas
<b>Exempt report title: Report on request</b>
<b>Exempt Appendix 1 - i and ii – correspondence</b>
<b>Exempt Appendix 2 - i and ii– Decision letters from LGSCO dated 2017 and 2020</b>

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the meeting resolve to exclude the public and that the Report and Appendices be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

**PUBLIC INTEREST TEST**

If the Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters:

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972.

The Officer responsible for this item believes that this information falls within the following exemptions and this has been confirmed by the Council's Information Compliance Manager.

The following exemptions are engaged in respect to this report:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.

Exemptions 1 and 2 above must be considered in conjunction with the Principles of the Data Protection Act (DPA). It is considered that disclosure of the information in this report would breach the first principle of the DPA, which requires personal data to be fairly and lawfully processed.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. It is considered that there is a public interest in Standards Committee decisions.

Other factors in favour of disclosure include:

- Further public understanding of the issues involved;
- Further public participation in the public debate of issues, in that disclosure would allow a more informed debate;
- Promoting accountability and transparency by the Council for the decisions it takes;
- Allowing individuals and companies to understand decisions made by the Council and assist individuals to challenge these decisions.

However there is a real risk that the first Principle of the DPA will be breached by this disclosure, and that the individual/s identified within the Report and appendices could bring a successful action against the Council if the disclosure occurred. Therefore it is recommended that exemptions 1 and 2 in Schedule 12A stand, and that the report be discussed in exempt session and that any reporting on the meeting is prevented in accordance with Section 100A(5A)

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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