

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF TUESDAY, 4TH JULY, 2023

PRESENT:-

Independent Members: Dr Axel Palmer, Dr Cyril Davies, Sophie Sidonio, Tony Drew and Roger Morris

Parish Representatives: Kathy Thomas

Bath and North East Somerset Councillors: Toby Simon, Michelle O'Doherty and Alan Hale

Officers: Michael Hewitt (Head of Legal and Democratic Services and Monitoring Officer), Enfys Hughes (Democratic Services Officer) and Shaine Lewis (Legal Services Manager & Deputy Monitoring Officer)

Independent Person: Tony Drew and Roger Morris

1 TO APPOINT CO-CHAIRS OF THE STANDARDS COMMITTEES. APPOINTMENT OF THE INDEPENDENT CHAIR & STATUTORY CHAIR FOR THE PERIOD 2023-2027

The Monitoring Officer presented the report.

On a motion from Councillor Michelle O'Doherty, seconded by Councillor Toby Simon it was

RESOLVED that

- 1) Dr Axel Palmer be appointed as Independent Co-Chair of the Standards Committee in compliance with the Terms of Reference for the Standards Committee set out at clause 2.28.3 of the Constitution; and
- 2) Councillor Toby Simon be appointed as Statutory Co-Chair of the Standards Committee in accordance with the political proportionality rules as determined by Council at the 2023 May AGM.

2 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

He informed the meeting that Parish Councillor Richard Robertson had recently died. There were now 2 parish councillor vacancies on the committee and replacements would be sought.

He thanked the previous Committee members – Sally Davis, Duncan Hounsell, Paul Crossley and June Player – for their work on the Committee.

3 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure as set out on the agenda.

4 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Councillor Alex Beaumont.

5 DECLARATIONS OF INTEREST

There were none.

6 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

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

There was a statement from Mr Alex Hansen on public declarations of councillor interests. It has become apparent that individuals who have previously served as a B&NES Councillor, but not in the directly preceding term, do not have their previous declarations automatically reinstated and this was an anomaly. Mr Hansen wanted these public declarations re-instated.

The Monitoring Officer informed the meeting that he had been in correspondence with Mr Hansen on this issue and suggested that the Committee needed to be fully informed on this issue via a report, before making any decision.

RESOLVED that the Monitoring Officer submit a report on public declarations of councillor interests to the next Standards Committee in October 2023.

Mr Alex Hansen statement on councillor declarations

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

There were none.

9 MINUTES OF THE MEETING OF 12TH JULY 2022

RESOLVED that the minutes of the meeting on 12th July 2022 be confirmed as a correct record and signed by the Chair.

10 ANNUAL REPORT OF STANDARDS COMMITTEE

The Legal Services Manager presented the report and explained that it was good practice to produce the report which would then go to full Council.

He highlighted dates for training:

Half day training sessions, to be held jointly with Avon Fire Authority, on the Local Government Association Model Code of Conduct for Members (adopted by BANES in 2021) have been arranged for:

- 30 October 2023 between 10:00 -12:30 in person at Keynsham Civic Centre
- 10 November 2023 between 14:00 – 16:30 in person at Avonmouth
- 15 November 2023 between 17:00 – 19:30 online via Zoom/Teams

The Monitoring Officer reminded members of the importance of keeping their register of interests up-to-date and confirmed there was nearly 100% compliance.

In the report there was a new table of complaints by type.

RESOLVED that the work of the Standards Committee, as set out in the Annual Report, be noted.

11 REPORT ON THE ASSESSMENT OF COMPLAINTS

RESOLVED that the Report on the Assessment of Complaints be noted.

12 WORKPLAN FOR THE STANDARDS COMMITTEE

The Monitoring Officer presented the workplan and explained that some ‘horizon scanning’ had been done against other local authorities. He explained that there was a need for hearing training with the new members to understand the process, this could take place in person or via Teams.

Other issues raised at the meeting were as follows:

- Lessons-learned or good practice reports from other local authorities
- Many authorities only met when there were investigations
- Some Standards Committees were joined with Corporate Audit
- Councillors’ ability to withdraw details from the register if harassed by the public to protect their home address and safeguards for sensitive information

Further research would be done on these issues by the Monitoring Officer and Legal Services Manager.

RESOLVED to note the workplan and update with future meeting dates.

13 MODEL CODE OF CONDUCT INDUCTION TRAINING - POWERPOINT

The Monitoring Officer presented the training session using the powerpoint slides.

The meeting ended at 6.45 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Councillors are required to complete Public Declarations according to the guidelines in the Code of Conduct for Councillors.

In addition to the Code, the current Council arrangements are that following an election, returning Councillors *automatically* have their previous Public Declaration carried forward and displayed on their Council information page.

It has become apparent that individuals who have previously served as a B&NES Councillor, but not in the directly preceding term, do not have their previous declarations automatically reinstated.

This has created an anomaly, whereby two Councillors could have both received gifts and or hospitality from the same or different sources, yet one will have that information available for the public to see, while the other councillor will not have the information automatically displayed and neither Councillor is doing anything wrong.

This situation was discovered at a recent Public Committee meeting, where one Councillor's Public Declaration was, under the current process, silent on hospitality previously accepted from a third party, while the Committee was considering matters related to that third party.

Public Declarations are not all about "catching councillors out", or stopping what might be considered polite social norms in offering a guest some refreshment.

The Code protects Councillors from individuals and Companies that might wish to exert undue influence, maybe in connection with a development in a Ward. A company may meet multiple Councillors, each on a one-to-one basis. Public Declarations serve to highlight such an event.

It is acknowledged that "lobbying", when correctly applied is an accepted part of the decision-making process, but lobbying should maintain an even playing field. It is wrong that a fully financed company should be able to influence a decision maker, over and above that reasonably available to any resident. Access to decision makers should be comparable, it is less likely a resident's group will be able to fund expensive hospitality for example.

The Localism Act 2011 explains in Section 29, sub section 2.

"Subject to the provisions of this Chapter, it is for the relevant authority to determine what is to be entered in the authority's register".

There is nothing in the Act that states Councils "must delete" information.

It was my understanding that the retention of Public Declarations was already in place following my discussions with the former Monitoring Officer.

The current situation needs to be rectified.

A copy of all the Public Declarations exists from the time immediately prior to the 2019 local elections. If the Standards Committee were so minded, and with the agreement of any Councillors so affected, it would be possible to restore any lacking information.

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