

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF TUESDAY, 17TH OCTOBER, 2023

PRESENT:-

Independent Members: Dr Axel Palmer and Sophie Sidonio

Parish Representatives: Kathy Thomas, Ron Hopkins and Kate Skelton

Bath and North East Somerset Councillors: Toby Simon and June Player

Officers: Michael Hewitt (Head of Legal and Democratic Services and Monitoring Officer), Enfys Hughes (Democratic Services Officer) and David Langman (Customer Feedback and Standards Manager)

Independent Person: Roger Morris

14 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting, including the two new parish councillors Kate Skelton and Ron Hopkins.

15 EMERGENCY EVACUATION PROCEDURE

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

16 APOLOGIES FOR ABSENCE AND SUBSTITUTION

Apologies were received from Councillors Michelle O'Doherty, Alan Hale, Cyril Davies (Independent Member) and Tony Drew (Independent Person).

17 DECLARATIONS OF INTEREST

There were none.

18 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair raised an item of urgent business from Councillor Toby Simon on behalf of Councillor Joanna Wright. The item related to a review of the councillor complaints procedure in a neighbouring authority where in 6 years there had been no complaints upheld. The Monitoring Officer reminded the meeting that they received a regular report on complaints and their progress and outcome, in order to be transparent. He suggested he submit a report to the next meeting so the Committee could make an informed decision and that Councillor Wright be invited to attend.

RESOLVED that the Monitoring Officer submit a report on a review of the councillor complaints procedure to the next meeting of Standards Committee.

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

Mr Alex Hansen made a statement and referred to the Monitoring Officer's report on the agenda in respect of his last statement to Committee. He stated that a complaint against a Councillor more than 6 months old would not be investigated and referred to how this was introduced. He had found evidence that the University of Bath had sent invitations to Councillors and Officers to an annual dinner which had not been declared and complaints had been made to the Monitoring Officer about this but they were outside of six months.

He went on to state that a Councillor had accepted tickets for Bath Rugby matches. This Councillor has been re-elected to the Council, following a break of one term and sat on the Planning Committee. If a planning application from Bath Rugby was considered by the Committee he would not have to declare any gifts and hospitality from previous years and have done nothing wrong.

Mr Hansen would provide his statement to the Democratic Services Officer.

Following some questions for clarification, the Monitoring Officer stated that a complaint had been raised with the Local Government Ombudsman and the outcome was no maladministration.

In respect of other information referred to, Mr Hansen would send it to the Monitoring Officer.

RESOLVED to note the statement and when the information was provided to the Monitoring Officer he would decide if a further report to the Committee was necessary.

Mr Alex Hansen statement on declarations of interest

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

There were none.

21 MINUTES OF THE MEETING OF 4TH JULY 2023

RESOLVED that the minutes of the meeting held on 4th July 2023 be confirmed as a correct record and signed by the Chair.

22 RETAINING REGISTERS OF INTEREST OF FORMER COUNCILLORS

The Monitoring Officer presented the report and explained that it arose from a statement from member of the public Mr Alex Hansen, at the Standards Committee in July. It requested a change in the way Register of Interests of former councillors are retained. He went on to explain that where a councillor who had previously been elected, was not re-elected, the new ward councillor's interests would be entered on the register and records of any councillor that was not re-elected, would be destroyed. The request from Mr Hansen, in regard of his example where a councillor

was elected, having been a councillor previously but having a gap of a term, was that all interests be retained.

According to the Localism Act (2011) a local authority is not required to carry forward the register of interests of someone who is no longer a councillor. There is a legitimate expectation that personal details that are no longer required are deleted.

During discussion the following points were raised:

- The register of interests was a snapshot in time and in nature is not kept in its entirety historically.
- Interest information from previous councillors is overwritten by the newly appointed councillors.
- The electronic register is the most up-to-date.
- There are paper copies of declarations of interests that are completed when councillors are first appointed, which are transferred to the electronic register.

On a motion from Councillor Toby Simon, seconded by Councillor June Player it was

RESOLVED to reject the proposal that Council retain in perpetuity the register entries of former councillors.

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

The Monitoring Officer explained that if a complainant is not satisfied they can make a complaint to the Local Government and Social Care Ombudsman (LGO). David Langman (Customer Feedback and Standards Manager) presented the annual report on Ombudsman Complaints. He highlighted the following points:

- He briefly explained the figures
 - Corporate complaints – 3,000+
 - Statutory complaints children and adults – circa 150
 - Member Code of Conduct complaints 15-16 per year
 - Of all those, 32 went to the LGO and 11 were investigated
- He briefly explained the stages in the Council corporate complaints process and stated it was his role to ensure there were robust process in place with appropriate training for specialist Customer Feedback Officers embedded in all Service Teams
- As a local authority we look to encourage our service teams to utilise customer feedback and learn from it
- There was a good relationship with the Local Government Ombudsman and the local authority and the LGO acted as an arbitrator between the local authority and the complainant in escalated cases
- Outcome reports from the LGO were circulated to managers and if there was a finding of fault it was reported to a body of the Council
- The LGO expected a Council to accept and make arrangements to remedy complaints in respect of cases of fault
- Financial redress in cases of fault are rare. Remedies are based on putting the complainant back in a position, had the fault had not occurred.

RESOLVED to note the Annual Review.

24 REVIEW OF THE LGA MODEL CODE OF CONDUCT

The Monitoring Officer presented the report and explained that in July 2021 the Model Code of Conduct was adopted. Recently gifts and hospitality had been considered and the previous figure of £50 was lowered to £25.

RESOLVED to note the version of the LGA Model Code adopted by Council is the current May 2021 version of the LGA Model Code and there have been no updates that would necessitate a review of the Council’s adopted Code at this time.

25 REPORT ON THE ASSESSMENT OF COMPLAINTS

The Monitoring Officer presented the report. As mentioned under the urgent item this report was considered at every meeting of Standards Committee. Members could see the numbers of complaints and their progress and outcome. The complaints process was briefly explained – initially there were checks to see if the complaint was worthy of investigation and met the threshold, in consultation with the Independent Person and Chair of the Committee. The Code of Conduct applies only when acting as a councillor.

In respect of the report on the urgent item, the Monitoring Officer would go back 6 years and look at the complaints in a similar way to the neighbouring authority.

During discussion the following points were raised:

- For the benefit of the new parish councillors – in 3 years there had only been one complaint that had come before the Committee
- Appropriate training was given to members before such a hearing
- There were experienced Independent Persons and an Independent Chair on the Committee
- BANES has parishes within its boundary whereas the neighbouring authority does not.

RESOLVED to note the report.

26 WORKPLAN FOR THE STANDARDS COMMITTEE

RESOLVED to note the workplan.

The meeting ended at 6.25 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Paragraph 3.10 of the Monitoring Officers report explains that a complaint against a Councillor more than 6 months old will not be investigated.

This clause was introduced at a meeting of this Committee on the 20th September 2018. The Minutes state, "The Monitoring Officer, as requested by the Standards Committee". The Council have been unable to provide any evidence that members of said Committee made any such request to the Monitoring Officer, (now former Officer).

Two months before that Committee meeting, on the 19th July, the Monitoring Officer was given a dossier of evidence that between 2011 and 2018, excluding 2017, the University of Bath sent 418 individual invitations to Councillors, some Senior Council Officers, and Council CEOs, to an annual dinner, each dinner with a budget of £15,000, £105,000 in total.

Not one Councillor or Officer who attended, declared the receipt of hospitality. Between 2013 and 2018 the Dinners exceeded £50 per head, whereby a Declaration was a requirement of the Code.

The Monitoring Officer received a complaint for *each* undeclared Dinner. Complaints outside of six months, were recorded as "No Breach, No Further Action",

It appears that the Monitoring Officer, on their own initiative, introduced a change to the Code of Conduct, and apparently with the agreement of the Independent Person and the Chair of the Committee, considered all of the complaints against the revised Code that was not in force at the time of breach.

This Monitoring Officer explains in paragraph 3.6 of the Report, that failure to record Disclosable Pecuniary Interests (DPI) could give rise to a potential criminal offence and *must* be communicated to the Police in compliance with the Protocol agreed between this Council and Avon and Somerset Constabulary.

The Police have reviewed their records and confirm that complaint 08-20, relating to a failure to register multiple DPis was not referred to the Police. It appears the Protocol is not being applied correctly. The Chair and Independent Person were consulted regarding 08-20.

Press reports explained that a Councillor had accepted 23 free tickets for Bath Rugby matches in 25 months. The Councillor explained that he has always been transparent in declaring interests, the Councillor has previously stated that he will not take part in planning considerations related to Bath Rugby, That Councillor has been re-elected to the Council following a break of one term, That Councillor currently sits on the Planning Committee which may soon consider an application from Bath Rugby. but under current regulations the Councillor is allowed to be a member of the Planning Committee, consider any application, while having no obligation to declare any gifts and hospitality from previous years, and not have done anything wrong.

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