

# Standards Committee

**Date: Tuesday, 17th October, 2023**

**Time: 5.00 pm**

**Venue: Kaposvar Room - Guildhall, Bath**

**To: All Members of the Standards Committee**

**Independent Members:** Dr Axel Palmer, Dr Cyril Davies, Sophie Sidonio

**Parish/Town Councillors:** Kathy Thomas, Ron Hopkins, Kate Skelton

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

**Independent Person:** Tony Drew, Roger Morris

**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](http://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 - Tuesday, 17th October, 2023**

**at 5.00 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

Apologies were submitted from Tony Drew and Councillor Michelle O'Doherty.

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.

(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 4.4 Appendix 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)

Mr Alex Hansen has requested to speak to the meeting about Public Declarations, Gifts and Hospitality.

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

8. MINUTES OF THE MEETING OF 4TH JULY 2023 (Pages 5 - 10)

9. RETAINING REGISTERS OF INTEREST OF FORMER COUNCILLORS (Pages 11 - 22)

10. ANNUAL REPORT ON COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND (LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN) COMPLAINTS (Pages 23 - 30)
11. REVIEW OF THE LGA MODEL CODE OF CONDUCT (Pages 31 - 32)
12. REPORT ON THE ASSESSMENT OF COMPLAINTS (Pages 33 - 36)
13. WORKPLAN FOR THE STANDARDS COMMITTEE (Pages 37 - 38)

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 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 12<sup>th</sup> 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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<b>Bath &amp; North East Somerset Council</b>		
MEETING	<b>Standards Committee</b>	
MEETING DATE	<b>17 October 2023</b>	EXECUTIVE FORWARD PLAN REFERENCE: <i>[Cabinet reports only]</i>
		<b>E 9999</b>
TITLE:	<b>Retaining Registers of Interest of former councillors</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM/</b>		
<b>List of attachments to this report:</b> Appendix 1 Statement of Alex Hansen		

## **1 THE ISSUE**

- 1.1 At its meeting on the 4 July 2023 a member of the public requested that the committee decide whether it should recommend to Council a change in the way that the Council retains copies of the Register of Interests of former councillors. The committee decided that it would request the Monitoring Officer to bring a report to the next committee meeting setting out the relevant issues to enable it to make an informed decision in respect of the request.

## **2 RECOMMENDATION**

**The Committee is asked to;**

- 2.1 Reject the proposal that Council retains in perpetuity the register entries of former councillors.

## **3 THE REPORT**

- 3.1 A copy of the statement of Mr Alex Hansen setting out the reasons for retaining in perpetuity the Registers of Interests of former Councillors is appended to this report at **Appendix 1**.

3.2 Mr Hansen's statement draws a distinction in relation to the Gifts and Hospitality entries (G&H entries) that are recorded in the Registers of interests of councillors serving consecutive terms of office and councillors that return to office following a break in service.

3.3 The Local Government Act 1972 provides for elections of Councillors once every 4 years (Term).

3.4 The Localism Act 2011 provides at section 29 (3) as follows:

29 Register of interests

- (1) The monitoring officer of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority.
- (2) Subject to the provisions of this Chapter, it is for a relevant authority to determine what is to be entered in the authority's register.
- (3) Nothing in this Chapter requires an entry to be retained in a relevant authority's register once the person concerned—
  - (a) no longer has the interest, or
  - (b) is (otherwise than transitorily on re-election or re-appointment) neither a member nor a co-opted member of the authority.

3.5 The Localism Act 2011 (Act) and regulations made pursuant to it set out the interests that a councillor must register in their register of interest and these are known as Discloseable Pecuniary Interests (items 1 to 7 in Appendix 2).

3.6 Section 35 of the Act provides that failure to record (within 28 days of election) or declare such an interest and taking part in any debate or vote in relation to any decision relating to such an interest, is a criminal offence. Any complaint to the Council relating to DPs that could give rise to a potential criminal offence under S.35 of the Act must be communicated to the Police in compliance with a Protocol in place between the Council and the Avon and Somerset Constabulary.

3.7 The B&NES code of conduct (Code) also requires that Councillors register any Other Registerable Interest (item 8 in Appendix 2) and any Gift and Hospitality received by a councillor (item 9 in Appendix 2). Failure to record such an interest or declare such an interest and taking part in any debate or vote in relation to any decision relating to such an interest are not criminal offences but could give rise to a complaint of breach of the Code.

3.8 Councillors re-elected or reappointed after each Term are required to complete a new register of interests but their previous G&H entries are carried forward from their previous register. In respect of those councillors that are not re-elected or reappointed their register entries are deleted. This happens in practice because the councillor elected to the ward of a councillor that stood for election and who were not re-elected or who did not stand for re-election is overwritten by entering the details of the new incoming councillor. In addition, any paper record, if held, is destroyed in compliance with Data Protection requirements of not retaining information for longer than is required. The Council's practice is expressly permitted by S.29 (3) of the Act and in particular section 29 (3) (b) i.e., they are no longer a member of the authority.

3.9 Mr Hansen's request of the committee is that councillor's item 9, G&H entries are retained in perpetuity. It is argued that failure to do so produces an anomaly between those councillors serving consecutive terms and those who do not.

3.10 The Council's code provides that it only applies when a member is acting as a councillor or giving the impression of acting as a councillor. Consequently, the code no longer applies once a Councillor is not re-elected or does not stand for election. In addition the Council's procedure for dealing with code of conduct complaints is found [HERE](#) paragraphs 5.4 & 5.5 provide that a complaint against a former councillor or more than 6 months old will not be investigated. Consequently, retaining G&H entries for former councillors serves no useful purpose. Deleting those entries complies with the Data Protection Act duty not to retain information for longer than is necessary and is permissible under S.29 (3) (b) of the Localism Act.

3.11 It could be argued that an historic G&H entry for a councillor should be retained because it might still be relevant after a break in service. However, it is, a very tenuous argument that the Council should retain data for the unusual occurrence, that a councillor is re-elected after an absence of a Term (4 years). That would not outweigh the legitimate expectation, of a former councillor, that their G&H entries would be deleted following their departure from office. The Council would find it extremely hard to justify Mr Hansen's proposed retention in perpetuity in the event of a complaint to the Information Commissioner. To do so would expose the Council to challenge and the potential for payment of compensation.

3.12 The Standards Committee cannot make a decision to comply with Mr Hansen's proposal itself. Council is responsible for the Code of Conduct and its procedure. If the committee is minded to support the request then it must set out its reasons for doing so and a report would then be made to enable Council to decide the issue.

## **4 STATUTORY CONSIDERATIONS**

4.1 The body of the report sets out the legislative considerations and rationale for the recommendation.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 Storing data for an indefinite period either physically or electronically commits the Council to expend resource and energy. To do so requires a legitimate reason to address a legitimate concern.

## **6 RISK MANAGEMENT**

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

## **7 EQUALITIES**

7.1 A retiring or departing councillor has a right to a private and family life. However, it is legitimate to interfere with such a right provided it is proportionate and in the public interest.

## **8 CLIMATE CHANGE**

8.1 See 5.1 above.

## 9 OTHER OPTIONS CONSIDERED

9.1 None.

## 10 CONSULTATION

10.1 None.

<b>Contact person</b>	Michael Hewitt, Monitoring Officer, <a href="mailto:Michael_hewitt@bathnes.gov.uk">Michael_hewitt@bathnes.gov.uk</a> tel: 01225 39 5125
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

### Statement to Standards Committee 4<sup>th</sup> July 2023 from Mr Alex Hansen

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.

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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.



**REGISTER OF MEMBERS' INTERESTS**

**GENERAL NOTICE OF REGISTRABLE INTERESTS**

.....Council's Code of Conduct adopted ..... 20...

I, .....

a Member/Co-opted Member of the Council give notice that

**Either**

I have no registrable interests which are required to be declared under the Council's Code of Conduct, and I have put 'none' where I have no such interests under any heading.

**OR**

I have set out below under the appropriate headings my interests, and those of my spouse/civil partner (or person with whom I am living as such) of which I am aware, which I am required to declare under the Council's Code of Conduct. These include any disclosable pecuniary interests under sections 29 to 31 of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and the Council's Code of Conduct for Councillors and I have put '**none**' where I have no such interests under any heading.

*Note:*

1. *Where you consider that information relating to any of your interests is a 'Sensitive Issue' you need not include that interest provided you have consulted with the Monitoring Officer and he agrees that it need not be included. A 'Sensitive Interest' is an interest which could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*
2. *Where the interest is no longer a 'Sensitive Issue' you must notify the Monitoring Officer within 28 days of that change.*
3. *This form gives general guidance but is not comprehensive. The Localism Act and the Regulations named above should be referred to where necessary. Continuation sheets should be used where needed and clearly marked.*
4. *Please note the significant change under the new rules requiring disclosure of not only your own interests but also known interests of your spouse/civil partner or person with whom you are living as such. There is no need to identify, if there is one or more interests, to which of you it belongs.*

<b>1. Employment, Office, Trade, Profession or Vocation</b>
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1.1 You should disclose any employment, office, trade, profession or vocation carried on for profit or gain, including the name of any person or body who employs or has
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appointed you.

## **2. Sponsorship**

2.1 You should declare any payment or provision of any other financial benefit (other than from the Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your duties as a member, or towards your election expenses.

*Note – This includes any payment or financial benefit from a trade union.*

## **3. Contracts**

3.1 You should declare any current undischarged contract made between you, or a body in which you have a beneficial interest, and the Council under which goods or services are to be provided or works are to be executed.

*Note – A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for the Council).*

## **4. Land**

4.1 You should declare any beneficial interest in land located within the Council's area (excluding any easement, or right in or over land which does not carry the right to occupy or receive income).

*Note – A beneficial interest may be described as a proprietary interest for your own benefit. You should give the address or a brief description to identify the land. You should include your home under the heading as owner, leasee or tenant. This includes joint ownership, leasees, tenants. You should also include any property from which you receive rent or of which you are a mortgagee. Land ‘including any buildings or parts of buildings’.*

## **5. Licences**

5.1 You should detail any licence (alone or jointly with others) to occupy land in the Council’s area for a month or longer.

*Note – This includes allotments, garages, licenses and other short term arrangements to use land or property.*

## **6. Corporate Tenancies**

6.1 You should detail any tenancy where to your knowledge, the Council is the landlord and the tenant is a body in which you have a beneficial interest.

*Note – A beneficial interest is a proprietary interest for your own benefit.*

## **7. Securities**

7.1. You should detail any beneficial interest in securities of a body which has to your knowledge a place of business or land in the Council's area and **either** the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital, **or** one hundredth of the total issued share capital of any class of shares issued.

*Note – If you own shares or other form of equity in a company or other body which has a place of business in the Council's area, you will need to consider whether the interest is to be included. Identify the nominal value – this is the amount of shares indicated on the certificate, not the market value. If this exceeds £25,000, you need to register the name of the company or body. If this is less than £25,000 but your holding is more than 1% of the total issued share capital, you also need to register the name of the company or body.*

## **8. (Other Registerable Interests)**

8.1. You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (II) (ii) directed to charitable purposes or
  - (III) (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

**of which you are a member or in a position of general control or management.**

### **Add Description of Interests**

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**9. Disclosure of Gifts and Hospitality**

9.1 You must reveal the name of any person or organisation from whom you have received a gift or hospitality with an estimated value of at least £    which you have received in your capacity as a member of the Council.

Date of receipt of Gift/Hospitality	Name of Donor	Reason and Nature of Gift/Hospitality

*You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at last £    by completing a continuation sheet*

**10. Changes to Registered Interests**

10.1 I understand that I must, within 28 days of becoming aware of any new or change in the above interests, including any change in relation to a sensitive interest, provide written notification thereof to the Council’s Monitoring Officer.

10.2 I recognise that it is a breach of the Council’s Code of Conduct to:

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to
  - bring up to date information given in this notice;
  - declare an interest that I acquire after the date of this notice and have to declare

and that any breach of the Code of Conduct can be referred to the Standards Committee.

10.3 I note that failure (without reasonable excuse) to

- (a) register a DPI
- (b) disclose any unregistered interest in a matter under consideration if present at a meeting or
- (c) notify the Monitoring Officer of any unregistered DPI within 28 days of its disclosure at a meeting and
- (d) participation in any discussion or vote when a DPI exists

are criminal offences and risk a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

**Signed** (electronic signature) .....

**(Councillor/Co-opted Member)**

**Date:** .....

**Received:**

**Date** .....

**Signed** .....

**Parish Clerk on behalf of the Monitoring Officer for Bath & North East Somerset Council**

## Bath &amp; North East Somerset Council

MEETING	<b>Standards Committee</b>	
MEETING	<b>17<sup>th</sup> October 2023</b>	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	<b>Annual Report on Commission for Local Administration in England (Local Government &amp; Social Care Ombudsman) complaints</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
Appendix 1 Annual letter from the Ombudsman		
Appendix 2 Anonymised determinations made by the Ombudsman 2022-23		

**1 THE ISSUE**

- 1.1 To report the Ombudsman's Annual Review and determinations for 2022 – 2023 and provide an opportunity for the Standards Committee to comment on these.

**2 RECOMMENDATION**

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

**3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 None.

**4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The duty under s.5(2) Local Government & Housing Act 1989 requiring the Monitoring Officer to prepare a formal report to Council where the Ombudsman has found maladministration, can be discharged by an annual periodic report to the Council. The Council has delegated the consideration of any report of the Local Government Ombudsman to the Standards Committee.

## 5 THE REPORT

5.1 This report covers the year ending 31<sup>st</sup> March 2023. During this period 32 decisions were made by the Ombudsman. Of the 11 detailed investigations undertaken by the Ombudsman, 5 were not upheld and 6 were upheld. Appendix 2 to the report details the upheld cases in anonymised form and any recommendations made by the Ombudsman.

	Year 18-19	Year 19-20	Year 20-21	Year 21-22	Year 22-23*
Investigated cases upheld with fault	5	6	2	3	6
Investigated cases dismissed with no fault	7	6	1	4	5
Other cases assessed & dismissed without fault	41	32	23	27	21
<b>TOTAL escalated cases</b>	<b>53</b>	<b>44</b>	<b>26</b>	<b>34</b>	<b>32</b>

\* Note The LGSCO restricted cases it investigated for capacity reasons and statistics are not comparable (see Appendix 1 for full explanation.)

## 6 RATIONALE

6.1 To allow consideration of the complaints and recommend any actions required.

## 7 OTHER OPTIONS CONSIDERED

7.1 None

## 8 CONSULTATION

8.1 S.151 Officer

## 9 RISK MANAGEMENT

9.1 A risk assessment has been undertaken, in compliance with the Council's decision-making risk management guidance.

<b>Contact person</b>	Michael Hewitt tel 01225 395125
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	



Local Government &  
Social Care  
**OMBUDSMAN**

19 July 2023

*By email*

Mr Godfrey  
Chief Executive  
Bath and North East Somerset Council

Dear Mr Godfrey

### **Annual Review letter 2022-23**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2023. The information offers valuable insight about your organisation's approach to complaints. As always, I would encourage you to consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

The end of the reporting year, saw the retirement of Michael King, drawing his tenure as Local Government Ombudsman to a close. I was delighted to be appointed to the role of Interim Ombudsman in April and look forward to working with you and colleagues across the local government sector in the coming months. I will be building on the strong foundations already in place and will continue to focus on promoting improvement through our work.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** – We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.

Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, I recommend comparing this statistic with that of similar organisations, rather than previous years, to better understand your organisation's performance.

**Compliance with recommendations** – We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** – In these cases, the organisation upheld the complaint and we were satisfied with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

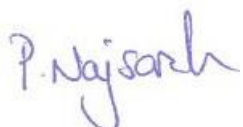
Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 26 July 2023. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Supporting complaint and service improvement**

I know that complaints offer organisations a rich source of intelligence and insight that has the potential to be transformational. These insights can indicate a problem with a specific area of service delivery or, more broadly, provide a perspective on an organisation's culture and ability to learn. To realise the potential complaints have to support service improvements, organisations need to have the fundamentals of complaint handling in place. To support you to do so, we have continued our work with the Housing Ombudsman Service to develop a joint complaint handling code that will provide a standard for organisations to work to. We will consult on the code and its implications prior to launch and will be in touch with further details.

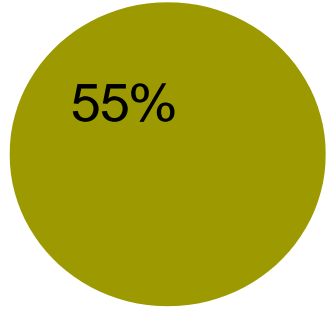
In addition, our successful training programme includes practical interactive workshops that help participants develop their complaint handling skills. We can also offer tailored support and bespoke training to target specific issues your organisation might have identified. We delivered 105 online workshops during the year, reaching more than 1350 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training) or get in touch at [training@lgo.org.uk](mailto:training@lgo.org.uk).

Yours sincerely,



Paul Najsarek  
Interim Local Government and Social Care Ombudsman  
Interim Chair, Commission for Local Administration in England

### Complaints upheld



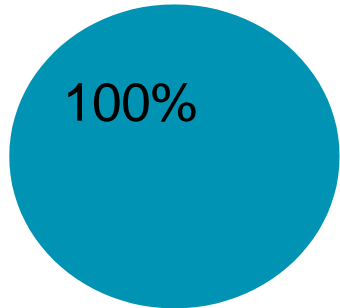
**55%** of complaints we investigated were upheld.

This compares to an average of **72%** in similar organisations.

**6**  
upheld decisions

Statistics are based on a total of **11** investigations for the period between 1 April 2022 to 31 March 2023

### Compliance with Ombudsman recommendations



In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **4** compliance outcomes for the period between 1 April 2022 to 31 March 2023

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

### Satisfactory remedy provided by the organisation

0%

In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **13%** in similar organisations.

0

satisfactory remedy decisions

Statistics are based on a total of **6** upheld decisions for the period between 1 April 2022 to 31 March 2023

## Appendix 2

1	Reference	Authority	Category	Received
2	21014477	Bath and North East Somerset Council	Adult Care Services	13/07/2022
3	21017264	Bath and North East Somerset Council	Housing	06/04/2022
4	22000074	Bath and North East Somerset Council	Education & Childrens Services	09/08/2022
5	22000909	Bath and North East Somerset Council	Adult Care Services	20/05/2022
6	22001257	Bath and North East Somerset Council	Planning & Development	07/07/2022
7	22001411	Bath and North East Somerset Council	Highways & Transport	02/05/2022
8	22001973	Bath and North East Somerset Council	Adult Care Services	29/06/2022
9	22002449	Bath and North East Somerset Council	Highways & Transport	24/05/2022
10	22002451	Bath and North East Somerset Council	Benefits & Tax	24/05/2022
11	22002577	Bath and North East Somerset Council	Corporate & Other Services	26/05/2022
12	22003029	Bath and North East Somerset Council	Planning & Development	08/06/2022
13	22003161	Bath and North East Somerset Council	Benefits & Tax	09/06/2022
14	22003320	Bath and North East Somerset Council	Benefits & Tax	21/06/2022
15	22004077	Bath and North East Somerset Council	Planning & Development	05/07/2022
16	22005205	Bath and North East Somerset Council	Corporate & Other Services	20/01/2023
17	22006752	Bath and North East Somerset Council	Planning & Development	18/08/2022
18	22007381	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	25/11/2022
19	22008178	Bath and North East Somerset Council	Highways & Transport	15/09/2022
20	22009364	Bath and North East Somerset Council	Adult Care Services	12/10/2022
21	22010291	Bath and North East Somerset Council	Education & Childrens Services	26/10/2022
22	22011772	Bath and North East Somerset Council	Highways & Transport	24/11/2022
23	22011850	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	02/12/2022
24	22012710	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	16/12/2022
25	22013772	Bath and North East Somerset Council	Planning & Development	16/01/2023
26	22014814	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	01/02/2023
27	22014862	Bath and North East Somerset Council	Benefits & Tax	02/02/2023
28	22015226	Bath and North East Somerset Council	Education & Childrens Services	22/03/2023
29	22016344	Bath and North East Somerset Council	Adult Care Services	27/02/2023
30	22016708	Bath and North East Somerset Council	Benefits & Tax	08/03/2023
31	22017440	Bath and North East Somerset Council	Adult Care Services	22/03/2023
32	22017994	Bath and North East Somerset Council	Adult Care Services	30/03/2023

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy
20010005	Bath and North East Somerset Council	Education & Childrens Services	20/04/2022	Upheld	fault no inj	
21012022	Bath and North East Somerset Council	Education & Childrens Services	07/04/2022	Upheld	fault no inj	Provide training and/or guidance
21012909	Bath and North East Somerset Council	Highways & Transport	12/12/2022	Not Upheld	no fault	
21014003	Bath and North East Somerset Council	Education & Childrens Services	16/09/2022	Upheld	fault & inj	Apology,Provide information/advice to person affected
21014477	Bath and North East Somerset Council	Adult Care Services	02/08/2022	Closed after initial enquiries	Sch 5.1 court proceedings	
21014981	Bath and North East Somerset Council	Adult Care Services	15/07/2022	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble
21017264	Bath and North East Somerset Council	Housing	16/12/2022	Not Upheld	no fault	
22000074	Bath and North East Somerset Council	Education & Childrens Services	04/01/2023	Not Upheld	no fault	
22000909	Bath and North East Somerset Council	Adult Care Services	12/10/2022	Not Upheld	no fault	
22001257	Bath and North East Somerset Council	Planning & Development	08/07/2022	Closed after initial enquiries	Not warranted by alleged fault	
22001411	Bath and North East Somerset Council	Highways & Transport	30/05/2022	Closed after initial enquiries	Not warranted by alleged fault	
22001973	Bath and North East Somerset Council	Adult Care Services	11/07/2022	Closed after initial enquiries	Not warranted by alleged fault	
22002449	Bath and North East Somerset Council	Highways & Transport	12/12/2022	Upheld	fault & inj	Apology
22002451	Bath and North East Somerset Council	Benefits & Tax	30/11/2022	Not Upheld	no fault	
22002577	Bath and North East Somerset Council	Corporate & Other Services	15/06/2022	Closed after initial enquiries	S27 not by member of the public	
22003029	Bath and North East Somerset Council	Planning & Development	20/06/2022	Closed after initial enquiries	Not warranted by alleged fault	
22003161	Bath and North East Somerset Council	Benefits & Tax	09/06/2022	Referred back for local resolution	Premature Decision - advice given	
22003320	Bath and North East Somerset Council	Benefits & Tax	21/06/2022	Referred back for local resolution	Premature Decision - advice given	
22004077	Bath and North East Somerset Council	Planning & Development	11/07/2022	Closed after initial enquiries	26(6)(b) appeal to Minister	
22005205	Bath and North East Somerset Council	Corporate & Other Services	13/02/2023	Closed after initial enquiries	Not warranted by alleged injustice	
22006752	Bath and North East Somerset Council	Planning & Development	08/09/2022	Closed after initial enquiries	No worthwhile outcome achievable by investigation	
22007381	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	19/12/2022	Closed after initial enquiries	Not warranted by alleged fault	
22008178	Bath and North East Somerset Council	Highways & Transport	15/09/2022	Referred back for local resolution	Premature Decision - advice given	
22009364	Bath and North East Somerset Council	Adult Care Services	22/03/2023	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble,Reass guidance
22011850	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	02/12/2022	Referred back for local resolution	Premature Decision - advice given	
22012710	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	16/01/2023	Closed after initial enquiries	26(6)(a) tribunal Other	
22013772	Bath and North East Somerset Council	Planning & Development	16/01/2023	Referred back for local resolution	Premature Decision - advice given	
22014814	Bath and North East Somerset Council	Environmental Services & Public Protection & Regulation	24/02/2023	Closed after initial enquiries	Not warranted by alleged fault	
22014862	Bath and North East Somerset Council	Benefits & Tax	16/02/2023	Closed after initial enquiries	26B(2) not made in 12 months	
22016344	Bath and North East Somerset Council	Adult Care Services	28/03/2023	Closed after initial enquiries	26B(2) not made in 12 months	
22016708	Bath and North East Somerset Council	Benefits & Tax	08/03/2023	Referred back for local resolution	Premature Decision - advice given	
22017994	Bath and North East Somerset Council	Adult Care Services	30/03/2023	Incomplete/Invalid	Insufficient information to proceed and PA advised	

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
21012022	Bath and North East Somerset Council	Education & Childrens Services	06-Apr-22	Provide training and/or guidance	09-May-22	06-Apr-22	Remedy complete and satisfied
21014003	Bath and North East Somerset Council	Education & Childrens Services	15-Sep-22	ApologyProvide information/advice to person affected	17-Oct-22	29-Sep-22	Remedy complete and satisfied
21014981	Bath and North East Somerset Council	Adult Care Services	14-Jul-22	ApologyFinancial redress: Avoidable distress/time and trouble	15-Aug-22	09-Aug-22	Remedy complete and satisfied
22002449	Bath and North East Somerset Council	Highways & Transport	12-Dec-22	Apology	12-Jan-23	19-Dec-22	Remedy complete and satisfied

<b>Bath &amp; North East Somerset Council</b>		
MEETING	<b>Standards Committee</b>	
MEETING DATE	<b>17 October 2023</b>	EXECUTIVE FORWARD PLAN REFERENCE: <i>[Cabinet reports only]</i>
		<b>E 9999</b>
TITLE:	<b>Review of the LGA Model Code of Conduct</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM/</b>		
<b>List of attachments to this report:</b>		

## 1 THE ISSUE

1.1 The Local Government Association (LGA) published its Model Code of Conduct for Councillors (Model Code) for the first time on the 3 December 2019. In publishing the Model Code the LGA undertook to review this annually. Following its publication the LGA updated the Model Code on the 19 January and 17 May 2021. B&NES Council adopted the LGA Model Code (17 May 2021 version) at its Council meeting on the 22 July 2021.

## 2 RECOMMENDATION

**The Committee is asked to;**

2.1 Note that 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.

## 3 THE REPORT

3.1 The Council is not obliged to adopt any changes to the Model Code made by the LGA but it is good practice for the Committee to consider any changes made by the LGA and then decide whether to recommend to Council that it adopt any changes.

3.2 In this case no changes have been proposed by the LGA since the council adopted the 17 May 2021 version and no review is necessary.

3.3 The situation will be reviewed next year to ensure any proposed changes are considered by the Committee in a timely manner.

#### **4 STATUTORY CONSIDERATIONS**

4.1 None.

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 None.

#### **6 RISK MANAGEMENT**

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision-making risk management guidance.

#### **7 EQUALITIES**

7.1 None arising from this report.

#### **8 CLIMATE CHANGE**

8.1 None arising from this report.

#### **9 OTHER OPTIONS CONSIDERED**

9.1 None.

#### **10 CONSULTATION**

10.1 None.

<b>Contact person</b>	Michael Hewitt, Monitoring Officer, <a href="mailto:Michael_hewitt@bathnes.gov.uk">Michael_hewitt@bathnes.gov.uk</a> tel: 01225 39 5125
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	



<b>Bath &amp; North East Somerset Council</b>		
MEETING	<b>Standards' Committee</b>	
MEETING	<b>17<sup>th</sup> October 2023</b>	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	<b>Report on Assessment of Complaints</b>	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b>		
<b>Annex 1 – Report on assessment of complaints</b>		

**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 July 2023 is attached as Appendix 1 for the consideration of the Committee.

## 6 RATIONALE

6.1 To update the Standards' Committee on complaints received since July 2023.

## 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.

<b>Contact person</b>	Michael Hewitt, Legal Services Manager of Legal & Democratic Services, Monitoring Officer & Council Solicitor (01225) 395124
<b>Background papers</b>	None
<b>Please contact the report author if you need to access this report in an alternative format</b>	

## Standards Committee - Assessment of Complaints October 2023 for period July - October 2023

Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position
<b>2023</b>								
02-23 BANES	12.01.23	MoP	Cllr	5	Initial assessment by DMO and IP	15.03.23	Take no action/rejected	Complete
03-23 BANES	23.02.23	MoP	Cllr	1 & 2 & 5	Initial assessment by DMO and IP	24.03.23	Take no action/rejected	Complete
04-23 BANES	24.02.23	MoP	Cllr	1 & 2	Initial assessment by MO and IP	09.03.23	NFA	Complete
05-23 BANES	01.03.23	MoP	Cllr	5	Initial assessment by DMO and IP		Take no action/rejected	Complete
06-23 BANES	07.03.23	Cllr	Cllr	1 & 2 & 5	Initial assessment by MO and IP	24.03.23	NFA	Complete
07-23 (a)	13.04.23	MoP	PCllr	N/A	Initial assessment by DMO and IP		PCllr not re-elected	Closed
07-23(b)	13.04.23	MoP	PCllr	To be allocated	Initial assessment by DMO and IP		Take no action/rejected	Complete
08-23 BANES	24.04.23	MoP	Cllr	N/A	Initial assessment by DMO and IP	07.06.23	Take no action/rejected	Complete
09-23 PPPC	15.06.23	MoP	PCllr	6	Initial assessment by DMO and IP	14.07.23	Reject/Take no action	Complete
10-23 BANES	11.08.23	MoP	Cllr	5	Initial assessment by DMO and IP	05.09.23	Take no action	Complete
11-23 CPC	11.09.23	MoP	PCllr	9	Initial assessment by DMO and IP			Ongoing

## KEY

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

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**STANDARDS COMMITTEE WORKPLAN**

Report title	Report author
<i>Tuesday 17<sup>th</sup> October 2023 5pm</i>	
Annual Review of the Code of Conduct (or later pending LGA survey)	Michael Hewitt
Retaining registers of former councillor interests	Michael Hewitt
Annual LGSCO report	David Langman
<i>Tuesday 23<sup>rd</sup> January 2024 5pm</i>	
<i>Tuesday 23<sup>rd</sup> April 2024 5pm</i>	
<i>Tuesday 16<sup>th</sup> July 2024 5pm</i>	
Annual report of the Standards Committee	Shaine Lewis
<i>Tuesday 15<sup>th</sup> October 2024 5pm</i>	
Annual LGSCO report	David Langman

**To be considered -**

**Every meeting -** Report on the assessment of complaints  
Workplan

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