

# **BATH AND NORTH EAST SOMERSET**

## **STANDARDS COMMITTEE**

### **MINUTES OF THE MEETING OF TUESDAY, 23RD APRIL, 2024**

PRESENT:-

**Independent Members:** Dr Axel Palmer, Sophie Sidonio and Roger Morris

**Parish Representatives:** Ronald Hopkins and Kathy Thomas

**Bath and North East Somerset Councillors:** Toby Simon, Michelle O'Doherty, Alan Hale and Alison Streatfeild-James

**Officers:** Michael Hewitt (Head of Legal and Democratic Services and Monitoring Officer), Donna Marks (Legal Services Manager and Deputy Monitoring Officer) and Enfys Hughes (Democratic Services Officer)

**Independent Person:** Roger Morris

#### **27 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **28 EMERGENCY EVACUATION PROCEDURE**

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

#### **29 APOLOGIES FOR ABSENCE AND SUBSTITUTION**

Apologies had been received from Kate Skelton (Parish Councillor), Tony Drew (Independent Person) and Councillor June Player.

#### **30 DECLARATIONS OF INTEREST**

Item 10 on the agenda – Withholding Councillors' Home Addresses from the Register of Interests – this item applied to all councillors and co-opted members of the Committee, but not the Independent Persons. The Monitoring Officer explained that he could give a dispensation in cases such as this to enable the meeting to consider the item properly. The dispensation was given for item 10 for all councillors and co-opted members.

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

There was no urgent business.

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

## Alex Hansen

Before he made his statement Alex Hansen stated that Councillor Alan Hale had failed to declare hospitality for a dinner on 28<sup>th</sup> June 2016. Councillor Hale explained that this was when he was Chair of Council when he attended many events in his role as Chair. He had never not declared anything knowingly. He suggested that for future Chairs of Council a declaration always be made for events for transparency. The Monitoring Officer said he would check the policies at the time referred to but explained that he could not do anything retrospectively. The complaint referred to had gone to the Ombudsman as councillors had not appreciated that the value of the university dinner was above the level they should declare. Since that complaint councillors were aware they needed to be transparent and declare any interests and were doing that.

Alex Hansen made a statement to the Committee for 3 minutes which related to the Code of Conduct, amendments to it, perceived breaches of the Code and the consideration of complaints by the former Monitoring Officer, the former Independent Chair and the Independent Person. It went on refer to the University of Bath and invitations to dinners there, negotiations following that dinner in respect of Community Asset Land, land owned by the university and land at New Leaf Farm and valuations of the land and reference in the HM Land Registry relating to the parcels of land.

The only question related to Councillor Hale about the event. This was clarified by Mr Hansen from a Freedom of Information request.

Later in the meeting Councillor Hale confirmed that the date referred to was a Chancellor's Dinner which he had attended.

Mr Hansen provided his statement to the Democratic Services Officer.

The Monitoring Officer could review the statement and advise accordingly, as necessary, as he had with previous statements from Mr Hansen. He had submitted a report to the Committee previously, about declaring interests, which had been considered. He did not intend to advise further as this would only perpetuate this issue and keep raking over events that took place in 2016.

## Steve Osgood/Phil Corbett

Steve Osgood/Phil Corbett made a 3 minute statement on behalf of the Friends of the Recreation Ground and drew attention to irregularities in the Council's position relating to the public realm. He referred to the use of the Rec, a 1956 conveyance, a lease variation, the charges register, Bath Rugby's wishes to extend the Rec, the misuse of a community resource and the Rec being a designated flood alleviation area.

The Monitoring Officer stated that the High Court had determined the Council's application for a declaration on the status of the land as either a corporate asset or a charitable asset. The High court determined it to be a charitable asset and as a result of subsequent tribunal cases acknowledging the Council's conflict of interest the asset had been transferred to an independent body of trustees. Bath Rec Ltd now owned the asset and it was for them to answer questions.

There were no questions.

The statement was provided to the Democratic Services Officer.

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

There were none.

**34 MINUTES OF THE MEETING OF 17TH OCTOBER 2023**

**RESOLVED** that the minutes of the meeting held on 17<sup>th</sup> October 2023 be confirmed as a correct record and signed by the Chair.

**35 ANNUAL REPORT 2023-2024**

The Monitoring Officer presented the report and referred to the changes following local elections in 2023 and recent training for members. He explained that some meetings were cancelled due to lack of agenda items. He went on to refer to the complaint statistics which only went back two years since the adoption of the new Model Code in 2022. In reference to a recent item to committee relating to Bristol City Council and the number of complaints that went to a hearing, BANES had had one complaint go to a hearing. He commented that BANES was parished whereas Bristol was not.

Councillor Toby Simon would present the report to Council.

**RESOLVED** to note the Annual Report.

**36 WITHHOLDING COUNCILLORS' HOME ADDRESSES FROM THE REGISTER OF INTERESTS**

The Monitoring Officer presented the report which sought support for him to treat councillors' home addresses as sensitive if requested to do so. He explained that previously he needed to have evidence of a serious risk. The Committee for Standards in Public Life had recommended a change to the Localism Act to remove the requirement to register a home address, however, due to government delays this had not yet been addressed. The recent Minister's letter was no substitute for a change in legislation.

During discussion the following points arose:

- At a recent Council meeting several horrific stories had been recounted and some councillors felt vulnerable. Political discussions are polarised but if there was evidence then the Monitoring Officer could use his discretion to treat their address as sensitive. This affected those in rural and urban areas and councillors were entitled to a private life (Councillor Michelle O'Doherty)
- At another council their addresses could be noted as 'land at an address known to the Monitoring Officer' so if felt appropriate an address should not

be on the register. There was a risk for some colleagues (Councillor Toby Simon)

- Having been a councillor for a long time my address has been in the public domain and locals know where I live. However, in this day and age with access to IT and social media we must think differently and should consider the safety of colleagues to give them peace of mind (Councillor Alan Hale)
- Some people would still be able to find out this information but abuse of people in public life was more significant now (Roger Morris Independent Person)
- Support for option 3 as councillors do a lot of work and should not be put at risk. Evidence should not be required (Councillor Alison Streatfeild-James)
- The Monitoring Officer would be writing to all councillors and co-opted members about this issue. It was his duty to advise councillors on lawfulness. In respect of Parish Councillors, he would approach ALCA (Avon Local Councils' Association).

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

**RESOLVED** to support the Monitoring Officer to treat Councillors' home addresses as a sensitive interest if requested to do so by a Councillor.

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

The Monitoring Officer presented the report and explained that if a complaint did not meet the threshold, then it was not investigated. Any breaches were reported to the Standards Committee. It was explained that BANES had two independent persons relating to complaints, one to advise the Monitoring Officer and one to be available to the Subject Member to offer discussion and an independent view in confidence.

**RESOLVED** to note the report on the assessment of complaints.

### **38 WORKPLAN FOR THE STANDARDS COMMITTEE**

The Monitoring Officer explained that all members had been trained on the Code but he would like to do training on the hearing process for an investigation. This committee was of the view that training would be more useful if done prior to any actual need to hold a hearing and could be done online via Teams. Currently there was no business for the July meeting.

**RESOLVED**

- 1) To note the workplan; and
- 2) to keep the July date in the calendar and if it is to be cancelled to do that closer to the meeting.

The meeting ended at 6.19 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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Maria Lucas, Monitoring Officer (now former MO), Sue Toland, Independent Chair (now former IP) and an Independent Person appear to have agreed to amend the Code of Conduct for Councillors *after* that Monitoring Officer had been made aware of multiple breaches of that Code. It then appears that a trio, including Tony Drew, Independent Person, considered complaints related to the failures to declare hospitality, against a Code not in force at the time of the complaints, it appears that these individuals operated as a cabal.

From 2011 to 2016 inclusive, the University of Bath sent individual invites to every B&NES Councillors for the Founders Day Dinners, a total of 418 invites. In 2018 the then Leader of The Council was requested by the University to identify members of Bath and North East Somerset Council to be invited as guests, this list included Mark Shelford, then Deputy Leader of the Council & Cabinet Member for Transport and Environment, currently he is the Police and Crime Commissioner.

Following the 2018 Dinner it appears that the University, the Council, the National Trust, and the owners of New Leaf Farm entered negotiations regarding Community Asset Land, Land owned by the University, and land at New Leaf Farm, all in the Bathampton area.

The Community Asset Land, and New Leaf Farmland were independently valued at approximately £15,000 per acre, round figures.

The Community Asset Land was given to the National Trust for free, even though it is understood the National Trust offered the full £915,000 valuation. The New Leaf Farmland was valued at £775,000 (round figures) by the National Trust, documents at HM Land Registry indicate the price paid for New Leaf Farmland was £1,749,531.00, more than *twice* its valuation, a sum not dissimilar to the valuations of Bathampton Meadows, University Land and New Leaf Farm combined.

The National Trust are expecting the University land for free. The National Trust indicated that land has **no** fiscal value. The Councils valuation suggests £45,000, or £99,000 using data extrapolated from the Land Registry records, the maths suggest £58,569.00

It has been brought to the attention of HM Land Registry that **two** of the three parcels of land purchased by the National Trust on the same day, include two areas each with different descriptive names, yet their Plans appears to show the same area of land.

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Steve Osgood / Phil Corbett, speaking on behalf of the **Friends of the Recreation Ground**, will say.....

1

Our representation is to draw this Committee's attention to **irregularities** in Council's position for a significant part of the public realm.

2

In **2002** the Council applied to the High Court for clarification of the restrictions affecting use of **Bath's Recreation Ground**. In giving Judgement, Justice Hart upheld the terms of the **1956 Conveyance**, at the same time stating that the property was *not within the Council's estate*, was a *charitable gift* and should be so *managed by a separate body*. There was no Appeal. 1956 stands.

3

The Council subsequently applied to the Charity Commission for a **Scheme** of management. A First Tier Tribunal stated that the use was **recreational open space**, that professional / commercial rugby was **not a charitable activity**, and Leases for such be **rescinded**. This has not been done.

4

In 2014 the Council, then acting as Custodian Trustee, issued a **Lease Variation** in favour of Bath Rugby plc, **contrary to the above Judgement** and Charity Commission requirements.

5

In 2018 Bath Rugby Ltd applied to HM Land Registry for Title. The **Charges Register** of AV256173 requires adherence to the Terms of the 1956 Conveyance. This is not done.

6

Ambivalence in this Council's **Obligations** has encouraged the Tenant to **progressively extend** over the property, well beyond that envisaged by the High Court, the Charity Commission and the Custodian Trustee. There is no excuse for flagrant **breaches of the law** and an **unashamed land grab**.

7

The wish of Bath Rugby Ltd to build a Stadium on the Rec requires a further Lease Variation **extending the presently leased boundary** eastwards and upwards. Any such action in the full knowledge of the referenced illegalities would I suggest expose the Council to a claim of maladministration. This is a matter for **this** Committee.

8

Commercial rugby is played on this charity property perhaps a dozen times every season. The remaining 350 or so days of the year the site is dormant, unavailable to charity beneficiaries. This is an appalling misuse of a community resource, the **maladministration** of which lies with this Council.

9

One further matter for this Committee is that the Rec is a **Designated Flood Alleviation** Area for the city. The Council has allowed the progressive extension of hardstanding to now about 50% of the whole, thus compromising the effectiveness of that Designation. The Rec also acts as a release to ground water capacity, changes in which can adversely impact on the structural character of the ground supporting the Grade 1 Listed Buildings of Great Pulteney St, Johnstone St, Laura :Place and Argyle **Street**.

10

These matters have been raised in two Election hustings, since 2016 there has been a Demonstration, 4 Citizen written Representations and numerous letters to the Council. The conflict brings our present Council into disrepute which we suggest is a matter for the **Standards Committee**.

11

What are we now asking this Committee to do ?

To **check the facts** presented perhaps in conjunction with the Scrutiny Committee, prior the association's Representation to Cabinet on May 9th for the Council to exercise its **right to annul its Lease** with Bath Rugby, at its review date in June 2024.

*With Easter's fine weather, schoolchildren wanted to get out and kick a ball. Victoria Park playground was way overloaded. The crush of visitors on Great Pulteney Street was significant. **Why was the Rec deserted ?***

**We are happy to** respond to any technical questions you may have.



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