

Standards Committee

Date: Tuesday, 23rd April, 2024

Time: 5.00 pm

Venue: Kaposvar Room - Guildhall, Bath

To: All Members of the Standards Committee

Independent Members: Dr Axel Palmer, Sophie Sidonio

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

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

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. 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, 23rd April, 2024
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

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 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.

Mr Steve Osgood has requested to speak to the meeting about public realm in Bath's World Heritage site.

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

8. MINUTES OF THE MEETING OF 17TH OCTOBER 2023 (Pages 5 - 10)

9. ANNUAL REPORT 2023-2024 (Pages 11 - 44)

10. WITHHOLDING COUNCILLORS' HOME ADDRESSES FROM THE REGISTER OF INTERESTS (Pages 45 - 52)
11. REPORT ON THE ASSESSMENT OF COMPLAINTS (Pages 53 - 56)
12. WORKPLAN FOR THE STANDARDS COMMITTEE (Pages 57 - 58)

The Democratic Services Officer 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, 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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Bath & North East Somerset Council		
MEETING	Standards Committee	
MEETING	23 April 2024	EXECUTIVE FORWARD PLAN REFERENCE:
		E 9999
TITLE:	Standards Committee Annual Report 2023-2024	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 Standards Committee Annual report 2023-2024		

1 THE ISSUE

1.1 To consider the Standards Committee Annual report

2 RECOMMENDATION

The Committee is asked to;

2.1 Note the work of the Standards Committee as set out in the Annual report (Appendix 1).

3 THE REPORT

3.1 The Standards Committee is responsible for the promotion of ethical standards within the Authority, helping to secure adherence to the Members' Code of Conduct, monitoring the operation of the Code within Bath & North East Somerset Council, conducting hearings following investigation, and determining complaints made against Councillors in respect of alleged breaches of the Code of Conduct.

4 STATUTORY CONSIDERATIONS

4.1 The Standards Committee is not required to produce an annual report; however, it is good practice to do so.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 No direct implications

6 RISK MANAGEMENT

6.1 Adherence to robust standards of conduct mitigates potential complaints about standards issues.

7 EQUALITIES

7.1 No direct impact

8 CLIMATE CHANGE

8.1 No direct impact

9 OTHER OPTIONS CONSIDERED

9.1 None

10. CONSULTATION

10.1 The S.151 and Monitoring Officer have been consulted

Contact person	Michael Hewitt – Head of Legal & Democratic Services and Monitoring Officer michael_hewitt@bathnes.gov.uk
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

APPENDIX 1

Standards Committee

Annual Report 2023-2024

Chair's Foreword

The Standards Committee fulfils a most important role for Bath and North East Somerset Council and for the Parish and Town Councils within its area. The Committee members are all volunteers: some are Unitary Councillors; some are Parish or Town Councillors drawn from Parish or Town Councils in the Bath and North East Somerset Council area, whose nominations are facilitated by Avon Local Councils Association, and some are Independent Members, being independent members of the public. In addition, as legally required, the Authority appoints an 'Independent Person', to work alongside the Standards Committee and Monitoring Officer.

All committee members have given willingly and generously of their time and talents in approaching issues most thoughtfully and constructively.

The following detailed report shows the range of matters within the scope of the Standards Committee. In the past year, since July 2023 there have been:

- i. 10 matters raised: of which 8 initial assessments required 'no further action' to be undertaken.
- ii. The remaining matters are currently being investigated.

To put these figures in context, the Standards Committee has within its purview, the unitary authority and 45 Parish and Town Councils: in total over 500 councillors.

In Bath and North East Somerset, the Standards Committee has two Independent Persons: Tony Drew, Roger Morris and in this authority, the Committee is co-chaired by an Independent Member. Since elections in May 2023, a Bath and North East Somerset Councillor has been appointed as co-chair in order to present reports to the Council. I am most grateful to all my colleagues for their help and support and wish to highlight the exceptional commitment of the Independent Persons, Tony Drew and Roger Morris who both provide such valuable service to the standards regime.

Furthermore, I commend the Monitoring Officer Michael Hewitt and his officers for their most professional and successful operation of the Standards regime.

During the year, Shaine Lewis retired as Legal Services Manager and Deputy Monitoring Officer and I pay tribute to his commitment and professionalism in his role and advising the Committee as required. Donna Marks has now joined as Legal Services Manager & Deputy Monitoring Officer and has been in public services since 1998 and I welcome Donna to the Role. In October 2023, Dr Cyril Davies retired as an Independent Member and I wish to take this opportunity to thank him for his many years of service and support for the Standards Committee.

Dr Axel Palmer
Co-Chair of the Standards Committee

1. Introduction

The Standards Committee has agreed that it will submit an annual report summarising the work the Committee has carried out during the previous year for the consideration of Council. This report comprises the Annual Review covering the period 1 April 2023 to 31 March 2024, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2023-24 in the report refer to this time period.

The Standards Committee

The Standards Committee is responsible for the promotion of ethical standards within the Council, helping to secure adherence to the Code; monitoring the operation of the Code; conducting hearings following investigation and determining complaints made under the Code. The Standards Committee's terms of reference are set out in the Council's Constitution in Part 2, Responsibility for Functions. The Committee conducts proceedings using the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members updated in 2022. The Committee is also responsible for granting dispensations to Members.

Where a Final Report from an Investigating Officer recommends a finding that there has been a breach of the Code, the Committee undertakes a hearing in accordance with the Council's Local Arrangements for dealing with complaints under the Code. The Committee will determine the facts, whether there has been a breach and if so any sanction. It can also make recommendations to Council.

The Monitoring Officer

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council and/or to the Cabinet (as set out in s.5 (1) of the Local Government and Housing Act 1989).

The Monitoring Officer and their team administer the local arrangements for addressing complaints made under the Code of Conduct. This includes the assessment of every complaint received under the Code of Conduct. Following consideration and consultation with one of the Authority's Independent Persons and Chair of the Standards Committee, the Monitoring Officer decides whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Council's adopted assessment criteria. The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate. **Annex 1** attached to this Report sets out the process that is followed when investigating a complaint under the Code.

Independent Persons

The Council has appointed two Independent Persons who are invited to attend all meetings of the Standards Committee. One of the Independent Persons must be consulted by the Council before it decides on a matter that has been referred to it for investigation; they can also be consulted by the Council in respect of a code of conduct complaint at any other stage; and the

other Independent Person can also be consulted by a member or co-opted member of the Council against whom a complaint has been made. It has been emphasised that the involvement and consultation of the Independent Person is important at all stages.

Standards Committee Membership

In 2022/23 the Standards Committee comprised the following Members:

Councillors Paul Crossley, Sally Davis, Duncan Hounsell, Michelle O'Doherty, June Player.
Parish Councillors Kathy Thomas (plus 2 vacancies).
Independent Members Dr Axel Palmer (Chair), Dr Cyril Davies, Sophie Sidonio (appointed March 2022).

Following elections on 4 May 2023 the Standards Committee is comprised as follows:

Councillor Michelle O'Doherty
Councillor June Player
Councillor Alan Hale
Councillor Toby Simon (appointed Co-Chair)
[Vacancy]

Independent Members – Dr Axel Palmer [Co-Chair],
Sophie Sidonio, [Vacancy]

Parish Councillors – Councillor Kathy Thomas,
Councillor Kate Skelton,
Councillor Ronald Hopkins

2. The Authority's Independent Persons

The Authority's Independent Persons are Tony Drew and Roger Morris who are non-voting observers of the Standards Committee. The Council also has access to a reserve Independent Person through informal arrangements with neighbouring local authorities.

3. Training for Standards Committee Members and Independent Persons

Initial and refresher training on the duties and responsibilities of members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision-making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, and this is refreshed annually, before they can serve on the Standards Committee. Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

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

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

A training session for Standards Committee Members on Holding Effective Hearings is to be arranged and delivered by the Monitoring Officer and the Legal Services Manager later this year.

5. Review of Standards Committee Work Programme and Action Plan for 2023/24

The Standards Committee's Work Programme/Action Plan for 2023/24 is attached at **Annex 2**. The Committee met on 3 occasions this year [including the 24th April 2024] and at each meeting the Committee monitored its Work Plan and noted the current position with complaints using the Complaints Tracker.

6. Committee Meetings and foremost workstreams

At the start of each year the Standards Committee agrees its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year. Standard Committee sessions are scheduled every 2 months in advance. If not required, these are cancelled. The Standards Committee met on:

Tuesday 4 th July 2023 at 5pm
Tuesday 17 th October 2023 at 5pm
Tuesday 23 rd January 2024 at 5pm
CANCELLED
Tuesday 23 rd April 2024 at 5pm

The following dates are pre-arranged up until 2025

Date of Despatch	Date of Standards Committee
Monday 8 th July	Tuesday 16 th July 2024 at 5pm
Monday 7 th October	Tuesday 15 th October 2024 at 5pm
Monday 13 th January	Tuesday 21 st January 2025 at 5pm
Monday 14 th April	Tuesday 22 nd April 2025 at 5pm
Monday 7 th July	Tuesday 15 th July 2025 at 5pm
Monday 6 th October	Tuesday 14 th October 2025 at 5pm

7. Progress on the Work that the Committee has undertaken since July 2023

Since the election in May 2023 the new Committee has been trained on the code of conduct. There is a continued need to ensure proper training is in place and embedded. Training will be

delivered for Standards Committee Members on Holding Effective Hearings and this is to be arranged and delivered by the Monitoring Officer and the Legal Services Manager later this year.

There has been a consistent approach to how investigations are handled in accordance with the Code of Conduct which has enabled better management of complaints. To assist with the governance of dealing with Complaints an additional process for 'Conflict of Interest Checks' will be undertaken before the Independent Person is appointed in any complaint.

Continued 'horizon scanning' with neighbouring authorities is undertaken to seek to understand the types of complaint[s] being raised and to address this in further training with a focus on:

- Lessons-learned or good practice reports from other local authorities
- Monitoring impact on Councillors' that may be subject to threats and if necessary the ability to withdraw details from the register if councillor[s] are harassed by the public to protect their home address and placing safeguards for sensitive information

8. Complaints under the Code of Conduct for Members and Co-opted Members for the last 5 years

i. Complaints by complainant

Type of complainant	2019/20	2020/21	2021/22	2022/23	2023/2024	Total
BaNES Councillor	0	1	4	4	1	10
Parish / Town Councillor	2	1	0	0	1	4
Member of the public	5	13	13	11	8	50
Council Officer	0	0	1	0	0	1
Parish Clerk	0	1	0	0	0	1
Total	7	16	18	15	10	66

ii. Complaints by subject member

Subject of the complaint	2019/20	2020/21	2021/22	2022/23	2023/2024	Total

BANES Councillor	0	5	13	14	4	36
Parish / Town Councillor	7	11	5	1	6	30
Total	7	16	18	15	10	66

iii. **Complaints by type**

Type of complaint	2022/23	2023/2024	Total
1. Respect	6	1	7
2. Bullying Harassment, discrimination	6	0	6
3. Compromising Impartiality	0	0	0
4. Dealing with Information	0	1	1
5. Disrepute	5	2	7
6. Improper use of position	0	4	4
7. Improper use of resources	0	1	1
8. Co-operating with Code of Conduct	0	2	2
9. Registering/disclosing Interests	3	0	3
10. Gifts & Hospitality	0	0	0
Total	20	11	31

Note: A complainant may make several types of complaint about a councillor.

iv. Initial Assessments

Local Assessment Decisions	2019/20	2020/21	2021/22	2022/23	2023/24	Total
No Further Action/no breach	5	11	11	10	8	45
Informal Resolution	1	2	2	0	0	5
Referred for Investigation	0	0	1	0	0	1
Ongoing	0	0	1	0	2	3
Withdrawn/rejected	1	3	3	5	0	12
Total	7	16	18	15	10	66

v. Outcome of complaints

Outcomes	2019/20	2020/21	2021/22	2022/23	2023/2024	Total
Other Action	2	1	0	0	0	3
Ongoing	0	0	0	0	2	2
Apology	0	1	0	0	0	1
No Action Required	5	0	0	7	8	20
Withdrawn/rejected	0	3	0	5	0	8
Breach	0	0	0	1	0	1
No Breach	0	11	18	2	0	31
Total	7	16	18	15	10	66

A case tracker in spreadsheet format is attached to this Report and is referred to as **Annex 3**

9. Conclusion

The Committee has dealt with a variety of matters in the past year and aims to continue to develop and maintain the Council's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.

ANNEX 1 – ATTACHED TO THIS REPORT

**BATH AND NORTH EAST SOMERSET COUNCIL
ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR
MEMBERS –JULY 2022**

ANNEX 2

STANDARDS COMMITTEE WORKPLAN

Report title	Report author
<p><i>Tuesday 23rd January 2024 5pm</i></p> <p>CANCELLED</p>	
<p><i>Tuesday 23rd April 2024 5pm</i></p>	
<p>Review of Council Complaints</p> <p>Annual report of the Standards Committee</p>	<p>Michael Hewitt</p>
<p><i>Tuesday 16th July 2024 5pm</i></p>	
<p><i>Tuesday 15th October 2024 5pm</i></p>	
<p>Annual LGSCO report</p>	<p>David Langman</p>

To be considered -

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

ANNEX 3

CASE TRACKER ATTACHED TO THIS REPORT

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BATH AND NORTH EAST SOMERSET COUNCIL

ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS –JULY 2022

1. Introduction

- 1.1 Under the Localism Act 2011, the Bath, and North East Somerset Council (“the Council”) must have in place “Arrangements” under which allegations that a member or co-opted member of the Council, or of a committee or Sub-Committee of the Council, has failed to comply with the Code of Conduct for Members (“the Code”) can be investigated and decisions made on such allegations.
- 1.2 Principal councils such as Bath and North East Somerset Council are also required by law to have arrangements in place to investigate and determine code of conduct complaints against councillors of a town or parish council in the district in relation to any allegation of a breach of the code adopted by that body.
- 1.3 These “Arrangements” set out how you may make a complaint that an elected or co-opted member of the Council or a Town or Parish Council has failed to comply with the Code and sets out how the Council will deal with such allegations.
- 1.4 The person making the complaint will be referred to as the “Complainant” and the person against whom the complaint is made will be referred to as the “Subject Member”.
- 1.5 No Member or officer will participate in any stage of the Arrangements if they have, or may have, any personal conflict of interest in the matter.
- 1.6 These Arrangements provide for the Council to appoint at least one Independent Person, whose views must be sought before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member or co-opted member against whom an allegation has been made.

2. The Code

- 2.1 The Code was adopted by the Council in May 2021 and is available on the Council's website. A paper copy of the Code is available on written request to the Standards Committee Clerk, Bath and North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG.
- 2.2 Each Parish/Town Council is also required to adopt a Code of Conduct, which can be requested from the Parish/Town Council Clerk, or which may be available via their website if they have one.

3. Making a complaint

- 3.1 A complaint must be made in writing by post or email to: -

The Monitoring Officer
Bath and North East Somerset Council
Guildhall

High Street
Bath
BA1 5AW

OR

Councillor-Complaints@bathnes.gov.uk

- 3.2 The standard complaint form should be used. This can be obtained from the Monitoring Officer or downloaded from the Council's website in order that all required information is included.
- 3.3 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering these arrangements.
- 3.4 The Monitoring Officer will normally acknowledge receipt of the complaint within 5 working days of receiving it and, at the same time, write to the Subject Member with details of the allegations (subject to any representations from the Complainant on confidentiality, which are accepted as valid by the Monitoring Officer). The Subject Member will, where possible, have access to an Independent Person to offer an impartial view to assist them in responding to the complaint. That Independent Person will not be the same Independent Person assisting the Monitoring Officer.
- 3.5 The Subject Member may, within 10 working days of receipt, make written representations to the Monitoring Officer which must be considered when deciding how the complaint will be dealt with. Representations received after this time may be considered, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued the Complaint Initial Assessment.

4. Confidentiality

- 4.1 If a Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Complaint Initial Assessment stage.
- 4.2 As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint. In exceptional circumstances, however, the Monitoring Officer may, at the request of the Complainant and supported by evidence, withhold the Complainant's identity provided the Monitoring Officer is satisfied that the Complainant has reasonable grounds for believing that they (or any witness to the facts of the complaint) may be at real risk of physical harm. Further, that their employment may be at risk or medical evidence suggests there are medical risks associated should their identity be disclosed.
- 4.3 If the Monitoring Officer decides to refuse a request by a Complainant for confidentiality, the Complainant will be offered the option to withdraw the complaint rather than proceed with his or her identity being disclosed.

5. Will the complaint be investigated?

- 5.1 Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, investigating a complaint involves spending public money as well as the cost of officer and Member time. The Council, therefore, adopts a proportionate approach having regard to all the circumstances and bearing in mind the sanctions which can be imposed if a Subject Member is found to be in breach of the Code. Ultimately the performance of Members in terms of how they represent their Wards is a matter for the electorate to decide should a Subject Member seek re-election.
- 5.2 The Monitoring Officer will review the complaint and, after consultation with the Independent Person and Independent Chair, take one of three decisions:
 - 5.2.1 Take no action
 - 5.2.2 Seek to resolve the complaint informally
 - 5.2.3 Refer the complaint for investigation.
- 5.3 A decision will normally be taken within 20 working days of receipt of a complaint.
- 5.4 A complaint will normally be rejected if:
 - 5.4.1 It is not against one or more named Members or co-opted Members of Council or a Town/Parish Council within the Council's area.
 - 5.4.2 The Subject Member was not in office at the time of the alleged conduct/or a Code of Conduct was not in force at the time.
 - 5.4.3 The complaint, if proven, would not be a breach of the Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct.
- 5.5 If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be investigated, dealt with informally, or take no action:
 - 5.5.1 Whether a substantially similar allegation has previously been made by the Complainant to the Standards Committee, or the complaint has been subject of an investigation by another regulatory authority.
 - 5.5.2 Whether the complaint is about something that happened over 6 months ago as those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in acting now.
 - 5.5.3 Whether the allegation is anonymous.
 - 5.5.4 Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and: -
 - 5.5.4.1 The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations.
 - 5.5.4.2 Whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation.
 - 5.5.5 Whether the complaint appears to be malicious, vexatious, politically motivated, or tit-for-tat.

5.5.6 Whether the complaint suggests that there is a wider problem throughout the authority.

5.5.7 Whether it is apparent that the subject of the allegation has apologised for making an error and the matter would not warrant a more serious sanction.

5.5.8 Whether training or conciliation would be the appropriate response.

5.6 The Monitoring Officer may require additional information to assist them in reaching a decision and may request additional information from the Subject Member. Where the complaint relates to Town/Parish Councillor, the Monitoring Officer will inform and may also seek information from the Clerk of the Town/Parish Council.

5.7 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such informal resolution may involve the Subject Member accepting that their conduct was unacceptable and offering an apology or taking other steps. Where the Subject Member or the authority (in appropriate cases) make a reasonable offer of local resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.

5.8 If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer will refer the matter to the police and other regulatory agencies.

5.9 Both the Complainant and Subject Member will be notified by way of an Initial Assessment Notice.

6. Further Investigation

6.1 If the Monitoring Officer decides that a complaint merits further investigation they may conduct the investigation themselves although an investigating officer will normally be appointed who may be another senior officer of the Council, an officer of another Council or an external investigator (“the Investigating Officer”).

6.2 The Investigating Officer will write to the Subject Member and Complainant to provide them with a copy of the complaint and ask them to provide their explanation of events and details of any supporting documentation or witness they may wish to rely on. The Investigating Officer will decide whether they wish to interview the parties and what, if any, supporting information is taken in to account.

6.3 Where the Monitoring Officer has decided to keep an identity confidential the names and addresses will be redacted from the papers disclosed to the Subject Member.

6.4 Prior to concluding an investigation the Investigating Officer may discuss the matter in confidence with the Independent Person and Independent Chair before producing a draft report (“the Investigation Report”). Copies of the draft Investigation Report will be circulated to the Subject Member and Complainant in confidence giving them both the opportunity to correct any factual inaccuracies.

6.5 Having received and taken account of any comments on the draft Investigation Report the Investigating Officer will send the finalised report to the Monitoring Officer.

7. What happens if the Investigation Report concludes there is no evidence of a failure to comply with the Code?

- 7.1 The Monitoring Officer will review the Investigation Report and following consultation with the Independent Person, if satisfied that the Investigation Report is satisfactory, will within 10 working days confirm by way of Decision Notice the finding of no failure to comply with the Code.
- 7.2 The Monitoring Officer will write to the Complainant and the Subject Member (and to the Clerk of the Town/Parish Council, where the complaint relates to a Town/Parish Councillor), with a copy of the Decision Notice including the Investigating Officer's final report (target timescale 10 working days).
- 7.3 If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, the Investigating Officer may be asked to reconsider their report and conclusion. (This should be done within 10 working days).

8. What happens if the Investigation Report concludes there is evidence of a failure to comply with the Code?

- 8.1 The Monitoring Officer will review the Investigation Report and will then either send the matter for a hearing before the Standards Committee or after consulting the Independent Person seek a Local Resolution.
- 8.2 The decision as to how to proceed will be made by the Monitoring Officer following consultation with the Independent Person and Independent Chair and will be final.

9. Local Resolution

- 9.1 If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing the Independent Person, Independent Chair and the Complainant will be consulted in order to seek agreement on what is considered to be a fair resolution which also helps to ensure higher standards of conduct in the future. Such resolution may include the Subject Member accepting that their conduct was unacceptable and offering an apology and/or other remedial action. If the Subject Member accepts the suggested resolution the Monitoring Officer will report the outcome to the next scheduled Standards Committee (and the Clerk to the Town/Parish Council if appropriate) for information. No further action will be taken. (Timescale: 10 working days of Complaint Initial Assessment).
- 9.2 If the Complainant or the Subject Member refuse Local Resolution in principle, refuse to engage with an agreed outcome or the Monitoring Officer concludes a Local Resolution cannot be reached the complaint will be referred for a Local Hearing to determine whether or not the Code was breached without further reference to the Complainant or Subject Member. (Target Timescale: 15 working days).
- 9.3 At the local resolution stage it is essential that the Monitoring Officer receives Independent, candid and uncensored advice from the Independent Person and Independent Chair to assist the Monitoring Officer in their decision making. It is necessary also to receive a Complainant's candid views on a suitable resolution. Accordingly, in reliance upon section 36 Freedom of Information Act 2000, all advice and views will be treated in confidence and therefore not subject to disclosure to avoid the risk of inhibition and to maintain the effectiveness of the Council's complaint

process and the prospect of early local resolution that might otherwise be undermined.

10. Local Hearing

- 10.1 A Local Hearing is not a Court process but in order to be fair to everyone there is a procedure to be followed. Information about the Standards Committee can be found at Annex A and information on the Hearing Procedure for the Standards Committee can be found at Annex B
- 10.2 If after a Local Hearing the Standards Committee conclude the Subject Member did not fail to comply with the Code the complaint will be dismissed. That will be an end to the matter.
- 10.3 If after a Local Hearing the Standards Committee concludes the Subject Member failed to comply with the Code the Chair will inform the Subject Member of this finding and the Standards Committee will then consider what action, if any, should be taken as a result of the failure to comply with the Code. In doing this, the Subject Member will have an opportunity to make representations and the Independent Person(s) will be consulted.
- 10.4 The Council has delegated to the Standards Committee the power to act in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Standards Committee may –
 - 10.4.1. Publish its findings in respect of the Member's conduct.
 - 10.4.2. Report its findings to Council (or to the Town/Parish Council) for information.
 - 10.4.3. Recommend to Council that the Member be censured.
 - 10.4.4. Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council) that he/she be removed from any or all Committees or Sub-Committees of the Council.
 - 10.4.5. Recommend to the Leader of the Council that the Member be removed from the Cabinet or removed from their Portfolio responsibilities.
 - 10.4.6. Instruct the Monitoring Officer to (or recommend that the Town/Parish Council) arrange training for the Member.
 - 10.4.7. Recommend to Council (or recommend to the Town/Parish Council) that the Member be removed from all outside body appointments to which they have been appointed or nominated by the Council (or by the Town/Parish Council).
 - 10.4.8. Withdraw (or recommend to the Town/Parish Council that it withdraws) facilities provided to the Member by the Council for a specified period, such as a computer, website and /or email and Internet access.
 - 10.4.9. Exclude (or recommend that the Town/Parish Council exclude) the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

10.4.10. Require an apology in suitable terms to the Complainant/the Council.

- 10.5 The Standards Committee has no power to suspend or disqualify the Subject Member.
- 10.6 Within 10 working days the Monitoring Officer will prepare a formal Decision Notice and send a copy to the Complainant, to the Subject Member (and to the Parish/Town Council if appropriate).
- 10.7 The Decision Notice will be published as part of the minutes of the Standards Committee meeting and placed on the Council's website unless the Monitoring Officer determines that it should remain confidential, or it contains exempt information.

11. Appeals

- 11.1 There is no right of appeal against a decision of the Monitoring Officer or of the Standards Committee.
- 11.2 If a Complainant feels that the Council has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman. The Local Government Ombudsman will not, however, consider complaints made by people in their capacity as councillors (against other councillors) and complaints about failures to disclose disclosable pecuniary interests as these may be criminal matters for the police to investigate.

12. Revision of these arrangements

- 12.1 The Committee may by resolution agree to amend these arrangements and delegate to the Chair of the Standards Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter, following consultation by the Chair with the Monitoring Officer and the Independent Persons.

INFORMATION ABOUT THE STANDARDS COMMITTEE

1. Membership of the Standards Committee

- 3 Independent Members (elected every 4 years) (Non-Voting Members)
- 5 B&NES Councillors (Appointments will be made having regard to rules on political proportionality) (Voting Members)
- 3 Parish/Town Councillors (nominated by the B&NES Local Councils group) (Non-Voting Members)

2. Constitution of the Standards Committee when considering a Local Hearing

When the Standards Committee is conducting a Local Hearing, the quorum for the Committee will comprise of 5 members. At least one member will be an independent member and where the Local Hearing relates to the conduct of a Town/Parish Council member, one member must be a town/parish council representative. The Standards Committee is chaired by an Independent Member until voting when the Chair will be taken by the B&NES Councillor allocated as Chair at Council (see Para 7.1 in annex b).

The Independent Person is invited to attend all meetings of the Standards Committee and their views must be sought and taken into consideration before the Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

3. The Independent Person

The Independent Person must be a person who has applied for the post following advertisement of a vacancy for the post and appointed by a positive vote from a majority of all the Members of Council at a meeting of the Full Council.

A person is not eligible for appointment if they:

3.1. Are, or have been within the past 5 years, a Member, co-opted Member or officer of the Council, with the exception that former Independent Members of Standards Committees can be appointed as Independent Persons.

3.2. Are or have been within the past 5 years, a member, co-opted Member or officer of a town/parish council within the Council's area, or

3.3. Are a relative or close friend, of a person within paragraph above. For this purpose, "relative" means –

3.4. Spouse or civil partner;

3.4.1. Living with the other person as husband and wife or as if they were civil partners.

3.4.2. Grandparent of the other person.

- 3.4.3. A lineal descendent of a grandparent of the other person.
- 3.4.4. A parent, sibling, or child of a person within paragraphs or.
- 3.4.5. A spouse or civil partner of a person within paragraphs
- 3.4.6. Living with a person within paragraphs as husband and wife or as if they were civil partners.

LOCAL HEARING PROCEDURE OF THE STANDARDS' COMMITTEE**1. Interpretation**

The Code	The Code of Conduct for Members
Complainant(s)	The person/people making the complaint
Subject Member	The councillor, co-optee, parish or town councillor against whom an allegation has been made
Appointed Representative	The Subject Member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Standards Committee, another person.
Independent Person	An Independent Person will be invited by the Monitoring Officer to attend the Standards Committee and their views are sought and taken into consideration before any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code and any action to be taken following a finding of failure to comply with the Code. The Independent Person remains independent of the standards process.
Investigating Officer	The person appointed by the Monitoring Officer to undertake a formal investigation. The Investigating Officer may be another officer of the Council, an officer of another council or an external investigator.
Legal Advisor	The officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer, or someone appointed for this purpose from outside the Council.
Committee	The Standards Committee.

2. Pre-Local Hearing process

- 2.1 The Monitoring Officer will invite the Subject Member to give their written response to the Investigation Report and identify any agreed or disputed facts. This will assist in narrowing the issues in dispute at the Local Hearing.
- 2.2 The Subject Member will be required to identify any witnesses they wish to call.
- 2.3 The Subject Member will be required to provide the dates upon which both they and their witnesses will be unable to attend a Local Hearing.
- 2.4 The Committee, taking account of the advice of the Monitoring Officer, may issue directions for the Local Hearing including timetabling and witness attendance. Directions may be finalised by way of correspondence and issued beforehand or at a Local Hearing.

- 2.5 Any Committee meeting dealing with pre-hearing processes will be held in private without the Complainant or Subject Member present.

3. Documentation

- 3.1 Local Hearings of the Committee are subject to the normal rules for publication of Council agendas and access to information.
- 3.2 The agenda papers for the Local Hearing will include:
- Monitoring Officer report
 - Complaint form and documentation
 - Investigator's report
 - Subject Councillor's written response
 - For reference: Code of Conduct, Arrangements for Dealing with Complaints about the Code of Conduct, and the Local Hearing Procedure for the Standards Committee
- 3.3 The agenda and documents will be published under the Council's rules for exempt information. Prior to the Local Hearing, any documentation issued or exchanged during the process must be treated by all recipients as confidential unless and until the Committee agrees that the press and public should not be excluded from the meeting at which the allegations are going to be heard.
- 3.4 If the Committee agrees that the meeting should be held in public the Investigation Report will be made available to the press and public in attendance at the meeting.

4. At the Local Hearing

Representation

- 4.1 The Subject Member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person. The Monitoring Officer should be given prior notification where a Subject Members is to be represented

Legal Advice

- 4.2 The Committee may take legal advice, in private, if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the committee should be shared with the Subject Member and the Investigating Officer if they are present.

Procedural Issues

- 4.3 After all members of the Committee and others present have been introduced the chair will explain how the Committee is to proceed.

- 4.4 A Local Hearing will ordinarily follow normal Council meeting procedures. For example, introductions, apologies, declaration of interests and a request that the Monitoring Officer/Investigating Officer introduce the matter to be determined.
- 4.5 If the Subject Member (or appointed representative) is not present the Committee will consider whether to hear the case in absence or defer to another time or date. If the Subject Member has indicated the hearing should continue in absence this will normally happen.
- 4.6 The Committee will resolve any outstanding issues or disagreements about the conduct of the Local Hearing that were not resolved during the pre-hearing process.

Findings of Fact

- 4.7 If there is no disagreement about the facts the Committee will move on to establish whether or not the Subject Member failed to follow the Code
- 4.8 If the Subject Member disagrees with any fact in the Investigation Report without having given notice under the pre-Local Hearing process, they must give good reason why it has been raised at this late stage. After considering the Subject Member's representation the Committee may:
- Continue with the Local Hearing on the facts as presented in the Investigation Report.
 - Allow the Subject Member to make representations on the issue and invite the Investigation Officer to respond with or without witnesses.
 - Defer the Local Hearing in the public interest to enable witnesses and or the Investigation Officer to attend should they be absent.
- 4.9 If there is disagreement on the facts the Investigating Officer will be invited to make any representations and with the Committee's permission call witnesses. The Committee may give the Subject Member an opportunity to challenge any witness evidence put forward by the Investigating Officer.
- 4.10 The Subject Member will have the opportunity to make representations in support of their version of the facts and call witnesses with the Committee's permission. The Investigating Officer may challenge any witness evidence put forward by the Subject Member.
- 4.11 The Committee may at any time question those involved including witnesses and the Investigating Officer.
- 4.12 The Committee, together with the Legal Advisor, will usually move to a private room to consider the representations and evidence.
- 4.13 On their return, the chair will announce the Committee's findings of fact.

Deciding whether the Subject Member failed to follow the Code

- 5.1 The Subject Member will be invited to give a statement as to why the Committee should conclude they have not failed to follow the code.
- 5.2 The Committee will ask the Investigating Officer for any verbal or written representations.
- 5.3 At any time the Committee may question those making representation.
- 5.4 The Subject Member will be invited to make any relevant closing remarks.
- 5.5 The Committee, together with the Legal Advisor, will usually move to a private room to consider the representations.
- 5.6 On their return, the chair will announce the Committee's decision as to whether the Subject Member failed to follow the Code.

If the subject member has not failed to follow the Code of Conduct

- 6.1 If the Committee concludes that the Subject Member did not fail to comply with the Code it will dismiss the complaint and no further action will be taken. In that event, the Committee may still make general recommendations to the Council, Town or Parish Council on any remedial actions if considers necessary to address the issues raised in all the circumstances.

If the subject member has failed to follow the Code of Conduct

- 6.2 If the Committee determines that the Subject Member has failed to comply with the Code the Chair will inform the Subject Member of this finding. The Independent Person will be invited to give their views on the matter and these views will be recorded in the minutes of the meeting. The Chair of the Committee will also explain the reasons why any advice from the Independent Person has or has not been followed in reaching its decision.
- 6.3 The Committee will then consider what action, if any, should be taken as a result of a finding of failure. The Committee will give the Subject Member an opportunity to make representations on any action and the Independent Person will also be consulted in deciding what action, if any, to take. The Independent Person will not act in the capacity of advocate for any party to the proceedings.
- 6.4 The Committee will then deliberate in private to consider what if any sanction to impose and if so, what that sanction should be.
- 6.5 On their return the Chair will announce the Committee's decision.

Voting

- 7.1 When determining whether the Subject Member has failed to comply with the Code and what sanction should be imposed the standards committee will take an indicative vote of all the Non-Voting Members of the hearing panel. The indicative vote will inform the Voting Members decision which is subject to separate vote by Voting members only. The Voting Members of the panel are limited to the B&NES Councillors.

Recommendations

- 8.1 The Committee will consider whether it should make any recommendations to the Council, Town, or Parish Council with a view to promoting high standards of conduct among Members.

The Written Decision

- 9.1 The Committee will announce its decision on the day and a Decision Notice will be issued within 10 working days of the Committee.

Departure from this procedure

- 10.1 The Chair of the Committee has the right to depart from this procedure, in consultation with the Monitoring Officer or Legal Advisor, at any hearing where it is considered appropriate to deal with the case fairly and effectively.

STANDARDS COMMITTEE WORKPLAN

Report title	Report author
<p><i>Tuesday 23rd January 2024 5pm</i></p> <p>CANCELLED</p>	
<p><i>Tuesday 23rd April 2024 5pm</i></p>	
<p>Review of Council Complaints</p> <p>Annual report of the Standards Committee</p>	<p>Michael Hewitt</p>
<p><i>Tuesday 16th July 2024 5pm</i></p>	
<p><i>Tuesday 15th October 2024 5pm</i></p>	
<p>Annual LGSCO report</p>	<p>David Langman</p>

To be considered -

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

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Standards Committee - Annex 3 to Annual Report 2024

Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position
2023								
07-23 FPC	13.04.23	MoP	PCllr	6	Initial assessment by MO and IP		Take no action/rejected	Complete
08-23 BANES	24.04.23	MoP	Cllr	6	Initial assessment by MO and IP	08.06.23	Take no action/rejected	Complete
09-23 PwPPC	15.06.23	MoP	PCllr	6	Initial assessment by MO and IP	14.07.23	Take no action/rejected	Complete
10-23 BANES	11.08.23	MoP	Cllr	5	Initial assessment by MO and IP	05.09.23	Take no action	Complete
11-23 CPC	11.09.23	MoP	PCllr	8	Initial assessment by MO and IP	03.10.23	Take no action	Complete
2024								
01-24 BANES (a) & (b)	08.02.24	Cllr	Cllr	7	Initial assessment by MO and IP	22.02.24	No Further Action	Complete
02-24 PPC (a) & (b)	19.02.24	MoP	PCllrs & Other	2 & 6	Initial assessment by MO and IP	10.04.24	Take No Action	Complete
03-24 PPC	22.02.24	MoP	Other	1 & 4		14.03.24	Take No Action	Complete
04-24 BANES	04.03.24	MoP	Cllr	5	Initial assessment by MO and IP			Ongoing
05-24 TCPC	14.03.24	MoP	PCllr	4 & 8	Initial assessment by MO and IP			Ongoing

KEY

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

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Bath & North East Somerset Council		
MEETING	Standards Committee	
MEETING	23rd April 2024	
TITLE:	Report on Withholding Councillors' home addresses from the Register of Interests	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – LGA Guidance on the Model Code (extract on sensitive interests)</p> <p>Appendix 2 – LGA BRIEFING</p> <p>Appendix 3 – Letter Local Government Minister Simon Hoare</p>		

1 THE ISSUE

The Committee is asked to consider whether the Monitoring Officer should take a proactive approach to withholding the home address of a Councillor from the register of a member's interest and treat this as a sensitive interest if requested to do so by a Councillor.

2 RECOMMENDATION

That the Committee resolve to support the Monitoring Officer to treat Councillors home addresses as a sensitive interest if requested to do so by a Councillor.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

4.1 By virtue of S.30 (1) Localism Act 2011 a member or co-opted member of B&NES Council must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's Monitoring Officer of any disclosable pecuniary interests (DPIs) which the person has at the time when the notification is given. That includes the home address of the member.

- 4.2 The Monitoring Officer is required to enter DPIs in a register of interests and publish that on the Council's website. However, the Monitoring officer has the discretion to withhold sensitive personal interests from publication under S.32 of the Localism Act where the Monitoring Officer considers that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
- 4.3 Case law in the First Tier Tribunal decision of Bristol CC v Information Commissioner <https://www.bailii.org/uk/cases/UKFTT/GRC/2023/878.html> resolved that Sensitive information on the register of members' interests is subject, under the Localism Act 2011, to the discretion of the Monitoring Officer, and thus 'this operates as a statutory bar' to disclosure under section 44 FOIA.

5 THE REPORT

- 5.1 The LGA Guidance issued in support of the model code (extract Appendix 1) provides for transparency and, in respect of Sensitive interests, states that:

You should provide this information to your monitoring officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your monitoring officer agrees, but you need to disclose at meetings the fact that you have an interest in the matter concerned (see guidance on declaring interests).

If the Monitoring Officer does not agree then the interest must be registered.

- 5.2 To date, the Monitoring Officer has always required that a member wishing to withhold their address from publication in the register provide some evidence of threat of violence and intimidation. However, the direction of opinion on this is turning and the Committee on Standards in Public Life (CSPL) in 2019 recommended that Councillors should not be required to register their home addresses. In addition, since 2019 there is also no longer a requirement for candidates for Council elections to have their home address published on the ballot paper. This brings such candidates into line with parliamentary MPs (Appendix 2).
- 5.3 Recently, the DLUHC Minister for Local Government wrote to all Council CEOs and Monitoring Officers encouraging Monitoring Officers to look sympathetically at accommodating requests for the withholding of home addresses from published versions of the Register of Interests where there are legitimate concerns of violence or intimidation (Appendix 3).

6 THE OPTIONS

- 6.1 Option 1 Continue with current arrangements.
- 6.2 Option 2 Withhold from publication, in the Register of Interests, a member's address at their request and treat this as a sensitive interest.
- 6.3 Option 3 Blanket removal of all Councillors' addresses from publication irrespective of their view.

7 RATIONALE

- 7.1 In light of the matters above, the Monitoring Officer intends to implement a more sensitive approach to determinations in respect of any request by a member to withhold their address as a sensitive interest where the individual member requests this. B&NES Council would not be a first mover in this respect given that a number of London councils already do so, notably Westminster, Southwark, Wandsworth & Richmond. This is Option 2.
- 7.2 It is acknowledged that this approach is not without risk and given the draconian effect of such an approach on FOI requests there is a balance to be struck between protecting councillors, that feel at personal risk for themselves or their family, against transparency in decision making. The safeguard to implementing this approach is that the members concerned are still required to declare an interest in any meeting where their DPI is relevant and not take part in the debate or vote, albeit at the expense of total transparency in decision making.
- 7.3 The final option has been rejected on the basis that some Councillors are not concerned about publication of their home address and should retain the right to automatically have this published.
- 7.4 The Council has recently signed up to the Local Government Association Debate not Hate initiative and is taking a proactive approach to protecting members in this respect.

8 OTHER OPTIONS CONSIDERED

- 8.1 Set out in part 6.

9 CONSULTATION

- 9.1 Not applicable.

10 RISK MANAGEMENT

- 10.1 A risk assessment related to the issue and recommendations has been undertaken, in part 7 above and this is in compliance with the Council's decision making risk management guidance.

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

Extract LGA Guidance on Local Government Association Model Councillor Code of Conduct Part 3 – Protecting your reputation and the reputation of the local authority

Sensitive interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the monitoring officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

What is sensitive information?

It may include your sensitive employment (such as certain scientific research or the Special Forces) which is covered by other legislation or interests that are likely to create serious risk of violence or intimidation against you or someone who lives with you. For example, disclosure of your home address where there has been a threat of violence against you or where there is a court order protecting your whereabouts.

You should provide this information to your monitoring officer and explain your concerns regarding the disclosure of the sensitive information; including why it is likely to create a serious risk that you or a person who lives with you will be subjected to violence or intimidation. You do not need to include this information in your register of interests, if your monitoring officer agrees, but you need to disclose at meetings the fact that you have an interest in the matter concerned (see guidance on declaring interests).

What happens if the monitoring officer does not agree that the information is sensitive?

It is for the monitoring officer to decide if the information is sensitive. You must notify the monitoring officer of the information which you think is sensitive and give your reasons and any supporting evidence.

If the monitoring officer agrees, this information does not need to be included in the register of interests. However, if the monitoring officer disagrees then it must be registered.

What happens if the information stops being sensitive?

You must notify the monitoring officer of any change in circumstances which would mean that the sensitive information is no longer sensitive

within 28 days of the change, for example a change in employment. The information would then be included in the authority's register of interests.

I haven't received a direct threat, but I am concerned about registering my home address.

At present, councillors are required to register their home address as part of their local authority's register of interests which are typically published on their local authority website. There have been growing concerns about the potential for threats and intimidation to councillors by virtue of disclosing their home address. Whilst some councillors believe disclosing a home address is a core component of democracy and it is important for the public to know where a councillor may live as they may be making decisions that have an impact on their property, others are very concerned about it. Section 32 of the [Localism Act 2011](#) allows Local Authorities to withhold sensitive interests from the public register where their disclosure could lead to violence or intimidation. It is recommended that councillors should not be required to register their home addresses as a disclosable pecuniary interest. The [Committee on Standards in Public Life](#)'s review of Local Government Ethical Standard recommended in January 2019 that councillors should not be required to register their home addresses as a disclosable pecuniary interest. However, at present the Government has not legislated for this.

It is important that if councillors have such concerns, they share these with the monitoring officer transparently and openly so they can be properly considered.



Chief Executives of Local Authorities in England

18 March 2024

Dear Colleague,

Withholding details of councillors' sensitive interests and home addresses

In response to recent concerns from elected members about intimidation in public life, I want to ensure that all councillors and elected mayors are aware of the sensitive provisions in Section 32 of the Localism Act 2011.¹

The sensitive interests' provisions provide for details about a registered interest to be excluded from versions of the Register of Interests available for public inspection (or published online) where a member and monitoring officer agree that the disclosure of that interest could lead to violence or intimidation of them or their family. They provide for members to disclose that they have an interest but for the details to be withheld from the public register.

On receipt of this letter, I would be grateful to you bringing the contents to the attention of all current members of your Council and your Council's Monitoring Officer. The Government encourages monitoring officers to look sympathetically at accommodating requests for the withholding of home addresses from published versions of the register of interests where there are legitimate concerns of violence or intimidation.

Previously the Prime Minister, when Minister for Local Government in 2019, wrote to all Leaders of local authorities in England on this matter. I want to refresh awareness of the sensitive interests' provisions among the current cohort of councillors in response to recently raised concerns about councillors' personal safety.

This letter will be published on gov.uk for guidance purposes. I remain grateful to all those who serve their communities as local council members.

SIMON HOARE MP
Minister for Local Government

¹ <https://www.legislation.gov.uk/ukpga/2011/20/section32> Page 51

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Bath & North East Somerset Council		
MEETING	Standards' Committee	
MEETING	23rd April 2024	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Report on Assessment of Complaints	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex 1 – Report on assessment of complaints		

1 THE ISSUE

1.1 The Committee is asked to consider Annex 1 (Report on assessment of complaints) and discuss any issues arising. The complaints since the last report are highlighted in yellow.

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 17 October 2023 is attached as Appendix 1 for the consideration of the Committee.

6 RATIONALE

To update the Standards' Committee on complaints received since 17 October 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.

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

Annex 1 23rd April 2024 - Nov 2023-Mar 2024 - Update Report

Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position
2023								
01-23 A & B BANES	11.01.23	MoP	Cllr	No response so not being investigated				
02-23 BANES	12.01.23	MoP	Cllr	5	Initial assessment by MO and IP	15.03.23	Take no action/rejected	Complete
03-23 BANES	23.02.23	MoP	Cllr	1 & 2 & 5	Initial assessment by MO 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			5	Initial assessment by MO 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	Take no action/rejected	Complete
07-23 FPC	13.04.23	MoP	PCllr	6	Initial assessment by MO and IP		Take no action/rejected	Complete
08-23 BANES	24.04.23	MoP	Cllr	6	Initial assessment by MO and IP	07.06.23	Take no action/rejected	Complete
09-23 PwPPC	15.06.23	MoP	PCllr	6	Initial assessment by MO and IP	14.07.23	Take no action/rejected	Complete
10-23 BANES	11.08.23	MoP	Cllr	5	Initial assessment by MO and IP	05.09.23	Take no action	Complete
11-23 CPC	11.09.23	MoP	PCllr	8	Initial assessment by MO and IP	03.10.23	Take no action	Complete
2024								
01-24 BANES (a) & (b)	08.02.24	Cllr	Cllr	7	Initial assessment by MO and IP	22.02.24	No Further Action	Complete
02-24 PPC	19.02.24	MoP	PCllrs & Other	2 & 6	Initial assessment by MO and IP	10.04.24	Take No Action	Complete
03-24 PPC	22.02.24	MoP	Other	1 & 4		14.03.24	Take No Action	Complete
04-24 BANES	04.03.24	MoP	Cllr	5	Initial assessment by MO and IP			Ongoing
05-24 TCPC	14.03.24	MoP	PCllr	4 & 8	Initial assessment by MO 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
<p><i>Tuesday 23rd January 2024 5pm</i></p> <p>CANCELLED</p>	
<p><i>Tuesday 23rd April 2024 5pm</i></p>	
<p>Review of Council Complaints</p> <p>Annual report of the Standards Committee</p>	<p>Michael Hewitt</p>
<p><i>Tuesday 16th July 2024 5pm</i></p>	
<p><i>Tuesday 15th October 2024 5pm</i></p>	
<p>Annual LGSCO report</p>	<p>David Langman</p>

To be considered -

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

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