

Standards Committee

Date: Tuesday 15th July 2025

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 June Player, Councillor Tim Warren CBE and Councillor George Leach

Independent Person: Tony Drew and 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 15th July 2025
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)

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

8. MINUTES OF THE MEETING OF 23RD APRIL 2024 (Pages 5 - 16)

9. ANNUAL REPORT ON COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND (LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN) COMPLAINTS (Pages 17 - 22)

10. ANNUAL REPORT (Pages 23 - 54)

11. REPORT ON THE ASSESSMENT OF COMPLAINTS (Pages 55 - 60)

12. WORKPLAN FOR THE STANDARDS COMMITTEE (Pages 61 - 62)

The Committee Administrator for this meeting is Enfys Hughes who can be contacted on 01225 394410.

BATH AND NORTH EAST SOMERSET

STANDARDS COMMITTEE

MINUTES OF THE MEETING OF TUESDAY, 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 28th 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 17th 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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Bath & North East Somerset Council

MEETING	Standards Committee	
MEETING	15 th July 2025	EXECUTIVE FORWARD PLAN REFERENCE:
TITLE:	Annual Report on Commission for Local Administration in England (Local Government & Social Care Ombudsman) complaints	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 Annual letter from the Ombudsman		
Appendix 2 Anonymised determinations made by the Ombudsman 2024-25		

1 THE ISSUE

- 1.1 To report the Ombudsman's Annual Review and determinations for 2024 – 2025 and provide an opportunity for the Standards Committee to comment on these.

2 RECOMMENDATION

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

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 None.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

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

5 THE REPORT

5.1 This report covers the year ending 31st March 2025. During this period 28 escalated cases were considered and decided by the Ombudsman. Of those, 7 detailed investigations were undertaken by the Ombudsman and all were upheld. Appendix 2 to the report details the cases in anonymised form and any recommendations made by the Ombudsman.

	Year 20-21	Year 21-22	Year 22-23	Year 23-24	Year 24-25
Investigated cases upheld with fault	2	3	6	4	7
Investigated cases dismissed with no fault	1	4	5	1	0
Other cases assessed & dismissed without fault	23	27	21	34	21
TOTAL escalated cases	26	34	32	39	28

6 RATIONALE

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

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 S.151 Officer

9 RISK MANAGEMENT

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

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

Local Government & Social Care OMBUDSMAN

21 May 2025

By email

Mr Godfrey
Chief Executive
Bath and North East Somerset Council

Dear Mr Godfrey

Annual Review letter 2024-25

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2025. The information offers valuable insight about your organisation's approach to complaints, and I know you will consider it as part of your corporate governance processes. We have listened to your feedback, and I am pleased to be able to share your annual statistics earlier in the year to better fit with local reporting cycles. I hope this proves helpful to you.

[Your annual statistics are available here.](#)

In addition, you can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

In a change to our approach, we will write to organisations in July where there is exceptional practice or where we have concerns about an organisation's complaint handling. Not all organisations will get a letter. If you do receive a letter it will be sent in advance of its publication on our website on 16 July 2025, alongside our annual Review of Local Government Complaints.

Supporting complaint and service improvement

In February we published [good practice guides](#) to support councils to adopt our [Complaint Handling Code](#). The guides were developed in consultation with councils that have been piloting the Code and are based on the real-life, front-line experience of people handling complaints day-to-day, including their experience of reporting to senior leaders and elected members. The guides were issued alongside free [training resources](#) organisations can use to make sure front-line staff understand what to do when someone raises a complaint. We will be applying the Code in our casework from April 2026 and we know a large number of councils have already adopted it into their local policies with positive results.

This year we relaunched our popular [complaint handling training](#) programme. The training is now more interactive than ever, providing delegates with an opportunity to consider a complaint from receipt to resolution. Early feedback has been extremely positive with delegates reporting an increase in confidence in handling complaints after completing the training. To find out more contact training@lgo.org.uk.

Yours sincerely,



Amerdeep Somal
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Reference	Category	Subcategory	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
22017440	Adult Care Services	Provider obo council: residential care	17/05/2024	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble,Procedure or policy change/review	Within three months of my decision, the Council will review its policies to ensure people are offered choice as part of this discharge process, or any decision to restrict choice is properly considered and recorded. The Council will also ensure that all staff are aware of any changes arising from this.
23006727	Education & Childrens Services	Education Council: Alternative provision	31/05/2024	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble,Financial redress: Loss of service,Provide training and/or guidance,Procedure or policy change/review	The Council will send a reminder to officers dealing with EHC needs assessments to remind them of the need to comply with the timescales in the code of practice. The Council will provide evidence to the Ombudsman of the work it is undertaking as part of the business change programme to track annual reviews of EHC plans to make sure the timescales set out in the code of practice are adhered to.
23014363	Education & Childrens Services	Education Council: Alternative provision	29/05/2024	Upheld	fault & inj	Apology,Financial redress: Loss of service,Financial redress: Avoidable distress/time and trouble,New appeal/review or reconsidered decision,Provide training and/or guidance	The Council will share this decision with relevant staff.
23018920	Education & Childrens Services	Education Council: Alternative provision	30/09/2024	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble	
23019676	Education & Childrens Services	Education Council: Alternative provision	06/12/2024	Upheld	fault & inj	Apology,Financial redress: Avoidable distress/time and trouble,Procedure or policy change/review,Financial redress: Loss of service	The Council will review its policies and procedures to make sure it retains sufficient oversight and control over what a school is doing on its behalf.
23019700	Adult Care Services	Council: care plan	17/04/2024	Closed after initial enquiries	Not warranted by alleged fault		

Reference	Category	Subcategory	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
24000250	Adult Care Services	Council: safeguarding	22/05/2024	Advice given	Consent - section 26A(1)(b)		
24000429	Environmental Services & Public Protection & Regulation	Refuse & recycling	18/04/2024	Referred back for local resolution	Premature Decision - advice given		
24000694	Planning & Development	Enforcement-householder	28/05/2024	Closed after initial enquiries	Not warranted by alleged fault		
24000796	Environmental Services & Public Protection & Regulation	Refuse & recycling	25/04/2024	Referred back for local resolution	Premature Decision - advice given		
24002822	Environmental Services & Public Protection & Regulation	Refuse & recycling	01/06/2024	Incomplete/Invalid	Insufficient information to proceed and PA advised		
Page 21						Apology,Financial redress: Avoidable distress/time and trouble,Provide information/advice to person affected,Procedure or policy change/review,Provide training and/or guidance	<p>The Council agreed that it would review the communications it has with those who use adult care services, or their relatives, in the event of an NHS decision to remove continuing healthcare funding. This was to ensure those affected by such decisions knew the Council would assess care needs and to provide some basic information about when it might fund social care needs.</p> <p>The Council agreed that further to the review of communications it would also brief its social work staff on its expectations. This briefing would highlight the importance of transparency and openness about its involvement in such cases, areas where we found fault with the Council during this investigation.</p>
24002922	Adult Care Services	Council: charging	25/11/2024	Upheld	fault & inj		
24003594	Highways & Transport	Traffic management	22/07/2024	Closed after initial enquiries	Not warranted by alleged fault		
24004203	Planning & Development	Enforcement-householder	02/08/2024	Closed after initial enquiries	Not warranted by alleged fault		

Reference	Category	Subcategory	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
24005219	Corporate & Other Services	Standards committees	12/07/2024	Closed after initial enquiries	Not warranted by alleged fault		
24006433	Benefits & Tax	Housing benefit	04/11/2024	Closed after initial enquiries	26(6)(a) tribunal Other		
24006464	Adult Care Services	Council: assessment	18/09/2024	Closed after initial enquiries	Not warranted by alleged fault		
24007870	Planning & Development	Householder planning application	10/10/2024	Closed after initial enquiries	26(6)(b) appeal to Minister		
24008124	Education & Childrens Services	Education Council: SEN Assessments and reviews	21/01/2025	Upheld	fault & inj	Financial redress: Avoidable distress/time and trouble, Financial redress: Loss of service	
24011514	Adult Care Services	Council: charging	24/03/2025	Closed after initial enquiries	Not warranted by alleged fault		
24012049	Benefits & Tax	Council tax	27/11/2024	Closed after initial enquiries	26(6)(a) tribunal Other		
24012269	Environmental Services & Public Protection & Regulation	Refuse & recycling	27/11/2024	Closed after initial enquiries	26(6)(c) Court remedy		
24012964	Highways & Transport	Highways & transport-other	13/12/2024	Closed after initial enquiries	Not warranted by alleged fault		
24013352	Planning & Development	Other planning application	22/11/2024	Closed after initial enquiries	Not warranted by alleged fault		
24013718	Education & Childrens Services	Education Council: Transport	15/01/2025	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
24013766	Corporate & Other Services	Land	09/12/2024	Closed after initial enquiries	26B(2) not made in 12 months		
24017522	Adult Care Services	Council: direct payments	13/03/2025	Closed after initial enquiries	Not warranted by alleged fault		
24020037	Highways & Transport	Parking penalties	26/02/2025	Closed after initial enquiries	26(6)(a) tribunal TPT/PATAS		

Bath & North East Somerset Council			
MEETING	Standards' Committee		
		EXECUTIVE FORWARD PLAN REFERENCE:	
MEETING	15th July 2025		
TITLE:	Annual Report		
WARD:	All		
AN OPEN PUBLIC ITEM			
List of attachments to this report: Appendix 1 Standards Committee Annual report 2024-2025			

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

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	

Standards Committee

Annual Report 2024-2025

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 April 2024 there have been:

- i. 17 matters raised: of which 15 initial assessments required 'no further action' to be undertaken, 1 which was assessed as a Breach of the Code of Conduct and an apology issued; and 1 withdrawn; and
- ii. there have been another 3 matters that are currently being investigated since the 1st April 2025

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 chaired by an Independent Member. I am most grateful to all my colleagues for their help and support and wish to highlight the exceptional commitment of the Independent Person[s], Tony Drew and Roger Morris who both provide such valuable service to the standards regime.

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

Dr Axel Palmer
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 2024 to 31 March 2025, together with background information regarding the standards regime established within Bath & North East Somerset Council. All references to 2024-25 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. 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 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 2024/25 the Standards Committee comprised the following Members:

2024 –Councillor Toby Simon, Councillor Michelle O'Doherty, Councillor Alan Hale, Councillor June Player and Councillor Alison Streatfeild-James

Alan Hale and Alison Streatfeild-James left during the year.

2025 - Councillor Toby Simon, Councillor Michelle O'Doherty, Councillor June Player, Councillor Tim Warren, Councillor George Leach

Independent Members Dr Axel Palmer (Chair), Sophie Sidonio (appointed March 2022). There is one vacancy for an independent member.

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 for:

- 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 2024/25

The Standards Committee's Work Programme/Action Plan for 2024/25 is attached at **Annex 2**. The Committee has not met in 2025 so far as there had been no significant matters to report back on . However the Monitoring Officer has continued to monitor 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 were due to meet on the following dates but these were cancelled:

Tuesday 23 rd January 2024 at 5pm - (Kaposvar Room) CANCELLED
Tuesday 23 rd April 2024 at 5pm – (Kaposvar Room) CANCELLED

The following dates are pre-arranged up until 2025

Date of Despatch	Date of Standards Committee
Monday 13 th January	Tuesday 21 st January 2025 at 5pm (Kaposvar Room) cancelled
Monday 14 th April	Tuesday 22 nd April 2025 at 5pm (Kaposvar Room) cancelled
Monday 7 th July	Tuesday 15 th July 2025 at 5pm (Kaposvar Room)
Monday 6 th October	Tuesday 14 th October 2025 at 5pm (Kaposvar Room)

7. Progress on the Work that the Committee has undertaken since 31st March 2025

Training will be delivered for Standards Committee Members on Holding Effective Hearings and is to be arranged and delivered by the Monitoring Officer and the Deputy Monitoring Officer within the next year.

There has been a consistent approach to how investigations are handled in accordance with the Code of Conduct which has enabled a 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	2020/21	2021/22	2022/23	2023/2024	2024/2025	Total
BaNES Councillor	1	4	4	1	3	13
Parish / Town Councillor	1	0	0	1	0	2
Member of the public	13	13	11	8	14	59
Council Officer	0	1	0	0	0	1
Parish Clerk	1	0	0	0	0	1
Total	16	18	15	10	17	76

ii. Complaints by subject member

Subject of the complaint	2020/21	2021/22	2022/23	July 2023/2024	2024/25	Total
BANES Councillor	5	13	14	4	13	49
Parish / Town Councillor	11	5	1	6	4	27
Total	16	18	15	10	17	76

iii. Complaints by type

Type of complaint	2022/23	2023/2024	2024/25	Total
1. Respect	6	1	8	15
2. Bullying Harassment, discrimination	6	0	6	12
3. Compromising Impartiality	0	0	1	1
4. Dealing with Information	0	1	0	1
5. Disrepute	5	2	6	13
6. Improper use of position	0	4	4	8
7. Improper use of resources	0	1	0	1
8. Co-operating with Code of Conduct	0	2	0	2
9. Registering/disclosing Interests	3	0	2	5
10. Gifts & Hospitality	0	0	0	0
Total	20	11	27	58

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

iv. Initial Assessments

Local Assessment Decisions	2020/21	2021/22	2022/23	2023/24	2024/25	Total
No Further Action/no breach	11	11	10	8	15	55
Informal Resolution	2	2	0	0	1	5
Referred for Investigation	0	1	0	0	0	1
Ongoing	0	1	0	2	0	3
Withdrawn/rejected	3	3	5	0	1	12
Total	16	18	15	10	17	76

v. Outcome of complaints

Outcomes	2020/21	2021/22	2022/23	2023/2024	2024/2025	Total
Other Action	1	0	0	0	0	1
Ongoing	0	0	0	2	0	2
Apology/Breach	1	0	0	0	1	2
No Action Required	0	0	7	8	15	30
Withdrawn/rejected	3	0	5	0	1	9
Breach	0	0	0	0	0	0
No Breach	11	18	3	0	0	32
Total	16	18	15	10	17	76

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>CANCELLED</p>	
<p>Review of Council Complaints</p> <p>Annual report of the Standards Committee</p> <p>Annual LGSCO Report</p>	<p>Michael Hewitt</p> <p>David Langman</p>
<p><i>Tuesday 15th July 2025 5pm</i></p>	
<p><i>Tuesday 14th October 2025 5pm</i></p>	

To be considered -

Every meeting – Report on the assessment of complaints

Workplan

ANNEX 3

CASE TRACKER ATTACHED TO THIS REPORT

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.

ANNEX 2

STANDARDS COMMITTEE WORKPLAN 2024-2025

Report title	Report author
TBC	
Committee on Standards in Public Life – a review of Local Government ethical standards and the Government response Update – local hearing on Investigation	Michael Hewitt Michael Hewitt
TBC	
Update – local hearing on investigation into complaint Auditors report Revision of arrangements for dealing with Code of Conduct complaints Annual report of the Standards Committee	Michael Hewitt

- To be considered** - Councillors Model Code of Conduct LGA training resource pack
- Every meeting** – Report on the assessment of complaints
- Workplan

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Standards Committee - Assessment of Complaints April 2024 - July 2025

Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position	IP to consult	cc	
1st April 2024											
06-24 BANES	25.04.24	Cllr	Cllr	2	Initial assessment by MO and IP	09.05.24	Take No Action	Complete			MH
07-24 BANES	30.04.24	MoP	Cllr	6 & 9	Initial assessment by MO and IP	06.09.24	Withdrawn	Complete			MH
08-24 MSNPC	15.05.24	MoP	PCllr	1, 2 & 5	Initial assessment by MO and IP	05.07.24	Take No Action	Complete			DM
09-24 BANES	31.05.24	MoP	Cllr	1, 2 & 5	Initial assessment by MO and IP	21.06.24	Take No Action	Complete			MH
10-24 BANES	06.06.24	MoP	Cllr	9	Initial assessment by MO and IP	21.06.24	Take No Action	Complete			MH
11-24 SSPC	06.06.24	MoP	PCllr	1 & 2	Initial assessment by MO and IP	15.08.24	Take No Action	Complete	TD	RM & AP	DM
12-24 BANES	27.06.24	MoP	Cllr	No grounds	Initial assessment by MO and IP		No Further Action	Complete	RM	TD & AP	
13-24 (a) & (b)	03.11.24	Mop	Cllrs	1,5,6	Initial assessment by MO and IP	20.12.24	Take No Action	Complete	TD	RM & AP	DM
14-24 B&NES	07.11.24	Mop	Cllr	No grounds	Initial assessment by MO and IP	05.12.24	Take No Action - insufficient evidence of breach.	Complete	TD	RM & AP	MH
15-24 (a) & (b)	11.12.24	Mop	Cllrs	No grounds	Initial assessment by MO and IP	20.01.25	Take No Action - dismissed as inegligible	Complete	RM	TD & AP	MH
16-24 SPC	27.12.24	Mop	PCllr	1 & 2	Initial assessment by MO and IP	14.02.25	Take No Action - insufficient evidence of breach	Complete		TD & AP	DM
17-24 B&NES	31.12.24	Mop	Cllr	No grounds	Initial assessment by MO and IP	10.01.25	Take No Action - insufficient evidence of breach.	Complete	RM	TD & AP	MH
01-25 B&NES	19.02.25	Mop	Cllr	1 & 2	Initial assessment by MO and IP	19.03.25	Take No Action	Complete	RM	TD & AP	MH
02-25 B&NES	20.02.25	Cllr	Cllr	1	Initial assessment by MO and IP	20.02.25	Take No Action	Complete	RM	TD & AP	MH
03-25 CMPC	24.02.25	MoP	PCllr	5	Initial assessment by MO and IP		Breach - Apology	Complete	TD	RM & AP	DM
04-25 a) & b)	03.03.25	Cllrs	Cllr	1	Initial assessment by MO and IP	20.03.25	Take No Action	Complete	RM	TD & AP	MH
05-25 B&NES	19.03.25	Mop	Cllr	5	Initial assessment by MO and IP	02.06.25	Take No Action	Complete	TD	RM & AP	DM

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Bath & North East Somerset Council		
MEETING	Standards Committee	
MEETING	15th July 2025	EXECUTIVE FORWARD PLAN REFERENCE:
		E
TITLE:	Report on Assessment of Complaints	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex 1 – updated Case Tracker		

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 in April 2025 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 in April 2025 is attached as Annex 1 for the consideration of the Committee.

6. RATIONALE

- 6.1 To update the Standards' Committee on complaints received since April 2025

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

Standards Committee - Assessment of Complaints April 2024 - July 2025

Complaint Number	Date Received	Complainant	Subject	Relevant provision of Code	Assessment	Date / Decision	Decision	Current Position	IP to consult	cc		
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	RM	TD & AP		
02-24 PPC	19.02.24	MoP	PCllrs & Other	2 & 6	Initial assessment by MO and IP	10.04.24	Take No Action	Complete	TD	RM & AP		
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	RM	TD & AP	DM	
05-24 BANES	14.03.24	MoP	PCllr	4 & 8	Initial assessment by MO and IP	07.05.24	Take No Action	Complete	TD	RM & AP	DM	
06-24 BANES	25.04.24	Cllr	Cllr	2	Initial assessment by MO and IP	09.05.24	Take No Action	Complete			MH	
07-24 BANES	30.04.24	MoP	Cllr	6 & 9	Initial assessment by MO and IP	06.09.24	Withdrawn	Complete			MH	
08-24 MSNPC	15.05.24	MoP	PCllr	1, 2 & 5	Initial assessment by MO and IP	05.07.24	Take No Action	Complete			DM	
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10-24 BANES	06.06.24	MoP	Cllr	9	Initial assessment by MO and IP	21.06.24	Take No Action	Complete			MH	
11-24 SSPC	06.06.24	MoP	PCllr	1 & 2	Initial assessment by MO and IP	15.08.24	Take No Action	Complete	TD	RM & AP	DM	
12-24 BANES	27.06.24	MoP	Cllr	No grounds	Initial assessment by MO and IP		No Further Action	Complete	RM	TD & AP		
13-24 (a) & (b)	03.11.24	Mop	Cllrs	1,5,6	Initial assessment by MO and IP	20.12.24	Take No Action	Complete	TD	RM & AP	DM	
14-24 B&NES	07.11.24	Mop	Cllr	No grounds	Initial assessment by MO and IP	05.12.24	Take No Action - insufficient evidence of breach.	Complete	TD	RM & AP	MH	
15-24 (a) & (b)	11.12.24	Mop	Cllrs	No grounds	Initial assessment by MO and IP	20.01.25	Take No Action - dismissed as inegligible	Complete	RM	TD & AP	MH	
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17-24 B&NES	31.12.24	Mop	Cllr	No grounds	Initial assessment by MO and IP	10.01.25	Take No Action - insufficient evidence of breach.	Complete	RM	TD & AP	MH	
2025												
01-25 B&NES	19.02.25	Mop	Cllr	1 & 2	Initial assessment by MO and IP	19.03.25	Take No Action	Complete	RM	TD & AP	MH	
02-25 B&NES	20.02.25	Cllr	Cllr	1	Initial assessment by MO and IP	20.02.25	Take No Action	Complete	RM	TD & AP	MH	
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05-25 B&NES	19.03.25	Mop	Cllr	5	Initial assessment by MO and IP	02.06.25	Take No Action	Complete	TD	RM & AP	DM	
06-25 B&NES	20.05.25	Mop	Cllr	3			Ongoing				DM	
07-25 a & B PSJ	14.06.25	Mop	Cllrs	2 & 7			Ongoing				MH	
08-25 B&NES	17.06.25	Cllrs	Cllr	1, 5, 6 & 7			Ongoing		RM	TD & AP	DM	
			KEY	8	Co-operating with Code of Conduct							
				9	Registering/disclosing interests							
				10	Gifts & Hospitality							

KEY

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

O - Officer

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STANDARDS COMMITTEE WORKPLAN

Date of meeting	Report title
Tuesday 20 th January 2025 5pm	CANCELLED
Tuesday 22 nd April 2025 5pm	CANCELLED
Tuesday 15 th July 2025 5pm	Review of Council Complaints (MH) Annual report of the Standards Committee (MH) Annual LGSCO report (DL)
Tuesday 14 th October 2025 5pm	
Tuesday 20 th January 2026 5pm	
Tuesday 28 th April 2026 5pm	Review of Council Complaints (MH) Annual report of the Standards Committee (MH)
Tuesday 14 th July 2026 5pm	
Tuesday 13 th October 2026 5pm	Annual LGSCO report (DL)

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